

# Senate Study Bill 1076

SENATE/HOUSE FILE \_\_\_\_\_  
BY (PROPOSED DEPARTMENT OF  
COMMERCE/CREDIT UNION  
DIVISION BILL)

Passed Senate, Date \_\_\_\_\_ Passed House, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

## A BILL FOR

1 An Act providing for the development of a complaint response  
2 process by the superintendent of credit unions and relating to  
3 the confidentiality of information obtained during the course  
4 of that process.  
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
6 TLSB 1227XD 83  
7 rn/nh/14

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1 1 Section 1. Section 22.7, Code 2009, is amended by adding  
1 2 the following new subsection:  
1 3 NEW SUBSECTION. 62. Information obtained by the  
1 4 superintendent of credit unions in connection with a complaint  
1 5 response process as provided in section 533.501, subsection 3.  
1 6 Sec. 2. Section 533.501, Code 2009, is amended by adding  
1 7 the following new subsection:  
1 8 NEW SUBSECTION. 3. COMPLAINT RESPONSE PROCESS. The  
1 9 superintendent shall adopt rules establishing a complaint  
1 10 response process that shall include provisions relating to but  
1 11 not limited to complaint intake, preliminary informal and  
1 12 formal investigation procedures, complaint dismissal  
1 13 procedures, and imposition of remedial sanctions through an  
1 14 administrative resolution procedure or a contested case  
1 15 hearing.  
1 16 a. Notwithstanding chapter 22, the superintendent shall  
1 17 keep confidential any social security number, residence  
1 18 address, or residence telephone number obtained in connection  
1 19 with a complaint intake, investigation, dismissal, or  
1 20 imposition of remedial sanctions, and may keep confidential  
1 21 the name of the complainant, the name of the subject of the  
1 22 complaint, and any other information obtained in connection  
1 23 with a complaint intake, investigation, dismissal, or  
1 24 imposition of remedial sanctions, if disclosure is not  
1 25 required in the performance of the duties of the  
1 26 superintendent, or in order to accomplish the provisions of  
1 27 this chapter, or otherwise required by law. At the discretion  
1 28 of the superintendent, the name of the complainant, residence  
1 29 address of the complainant, and residence telephone number of  
1 30 the complainant may be provided to the subject of the  
1 31 complaint, or to an authorized agent of such person, without  
1 32 waiving the confidentiality afforded by this subsection,  
1 33 provided that the superintendent has notified the complainant  
1 34 in advance of such disclosure. Disclosure or release of  
1 35 information by the superintendent in the course of an  
2 1 administrative or judicial proceeding shall not constitute a  
2 2 violation of this subsection.  
2 3 b. Notwithstanding chapter 22, or paragraph "a" of this  
2 4 subsection, if the superintendent determines it is necessary  
2 5 or appropriate in the public interest or for the protection of  
2 6 the public, the superintendent may share information with  
2 7 other regulatory authorities or government agencies and may  
2 8 publish information concerning a complaint if it is determined  
2 9 that there is or has been a violation of this chapter, the  
2 10 laws of this state or the United States, or a rule promulgated  
2 11 or order issued pursuant to this chapter. Such information as  
2 12 the superintendent deems appropriate may be redacted so that  
2 13 the sharing, releasing, or publishing of the information in  
2 14 accordance with this subsection does not make available  
2 15 personally identifiable information.

2 16 EXPLANATION

2 17 This bill provides for the establishment of a complaint  
2 18 response process pursuant to administrative rule by the  
2 19 superintendent of credit unions.  
2 20 The bill states that the process shall include provisions  
2 21 relating to, but not limited to, complaint intake, preliminary  
2 22 informal and formal investigation procedures, complaint  
2 23 dismissal procedures, and imposition of remedial sanctions  
2 24 through an administrative resolution procedure or a contested  
2 25 case hearing. The bill specifies information obtained in the  
2 26 course of the process which the superintendent is required to  
2 27 keep confidential, and information which the superintendent  
2 28 may choose to keep confidential, if disclosure is not  
2 29 otherwise required by law, and provides that at the discretion  
2 30 of the superintendent specified information relating to the  
2 31 identity of the complainant may be disclosed to the subject of  
2 32 the complaint, or to an authorized agent of such person  
2 33 provided that the superintendent has notified the complainant  
2 34 in advance of such disclosure. The bill specifies that  
2 35 disclosure or release of information by the superintendent in  
3 1 the course of an administrative or judicial proceeding shall  
3 2 not constitute a violation of the bill's provisions.  
3 3 The bill authorizes disclosure of information which is  
3 4 otherwise confidential if determined by the superintendent to  
3 5 be in the public interest, and authorizes the superintendent  
3 6 to share such information with other regulatory authorities or  
3 7 government agencies and to publish information concerning a  
3 8 complaint if it is determined a violation of federal or state  
3 9 law, or administrative rule, has occurred, subject to  
3 10 redaction as determined appropriate by the superintendent to  
3 11 protect personally identifiable information.  
3 12 The bill makes conforming changes to Code chapter 22  
3 13 relating to confidential records.  
3 14 LSB 1227XD 83  
3 15 rn/nh/14