

CHAPTER 48**REGULATION OF CREDIT UNIONS —
COMPLAINT RESPONSE PROCESS***H.F. 180*

AN ACT providing for the development of a complaint response process by the superintendent of credit unions and relating to the confidentiality of information obtained during the course of that process.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 22.7, Code 2009, is amended by adding the following new subsection: NEW SUBSECTION. 62. Information obtained by the superintendent of credit unions in connection with a complaint response process as provided in section 533.501, subsection 3.

Sec. 2. Section 533.501, Code 2009, is amended by adding the following new subsection: NEW SUBSECTION. 3. COMPLAINT RESPONSE PROCESS. The superintendent shall adopt rules establishing a complaint response process that shall include provisions relating to but not limited to complaint intake, preliminary informal and formal investigation procedures, complaint dismissal procedures, and imposition of remedial sanctions through an administrative resolution procedure or a contested case hearing.

a. Notwithstanding chapter 22, the superintendent shall keep confidential any social security number, residence address, or residence telephone number obtained in connection with a complaint intake, investigation, dismissal, or imposition of remedial sanctions, and may keep confidential the name of the complainant, the name of the subject of the complaint, and any other information obtained in connection with a complaint intake, investigation, dismissal, or imposition of remedial sanctions, if disclosure is not required in the performance of the duties of the superintendent, or in order to accomplish the provisions of this chapter, or otherwise required by law. At the discretion of the superintendent, the name of the complainant, residence address of the complainant, and residence telephone number of the complainant may be provided to the subject of the complaint, or to an authorized agent of such person, without waiving the confidentiality afforded by this subsection, provided that the superintendent has notified the complainant in advance of such disclosure. Disclosure or release of information by the superintendent in the course of an administrative or judicial proceeding shall not constitute a violation of this subsection.

b. Notwithstanding chapter 22, or paragraph “a” of this subsection, if the superintendent determines it is necessary or appropriate in the public interest or for the protection of the public, the superintendent may share information with other regulatory authorities or government agencies and may publish information concerning a complaint if it is determined that there is or has been a violation of this chapter, the laws of this state or the United States, or a rule promulgated or order issued pursuant to this chapter. Such information as the superintendent deems appropriate may be redacted so that the sharing, releasing, or publishing of the information in accordance with this subsection does not make available personally identifiable information.

Approved April 8, 2009