

1 AN ACT concerning regulation.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Illinois Banking Act is amended by changing
5 Section 48.3 as follows:

6 (205 ILCS 5/48.3) (from Ch. 17, par. 360.2)

7 Sec. 48.3. Disclosure of reports of examinations and
8 confidential supervisory information; limitations.

9 (a) Any report of examination, visitation, or
10 investigation prepared by the Secretary ~~Commissioner~~ under
11 this Act, the Electronic Fund Transfer Act, the Corporate
12 Fiduciary Act, the Illinois Bank Holding Company Act of 1957,
13 and the Foreign Banking Office Act, any report of examination,
14 visitation, or investigation prepared by the state regulatory
15 authority of another state that examines a branch of an
16 Illinois State bank in that state, any document or record
17 prepared or obtained in connection with or relating to any
18 examination, visitation, or investigation, and any record
19 prepared or obtained by the Secretary ~~Commissioner~~ to the
20 extent that the record summarizes or contains information
21 derived from any report, document, or record described in this
22 subsection shall be deemed "confidential supervisory
23 information". Confidential supervisory information shall not

1 include any information or record routinely prepared by a bank
2 or other financial institution and maintained in the ordinary
3 course of business or any information or record that is
4 required to be made publicly available pursuant to State or
5 federal law or rule. Confidential supervisory information
6 shall be the property of the Secretary ~~Commissioner~~ and shall
7 only be disclosed under the circumstances and for the purposes
8 set forth in this Section.

9 The Secretary ~~Commissioner~~ may disclose confidential
10 supervisory information only under the following
11 circumstances:

12 (1) The Secretary ~~Commissioner~~ may furnish
13 confidential supervisory information to the Board of
14 Governors of the Federal Reserve System, the federal
15 reserve bank of the federal reserve district in which the
16 State bank is located or in which the parent or other
17 affiliate of the State bank is located, any official or
18 examiner thereof duly accredited for the purpose, or any
19 other state regulator, federal regulator, or in the case of
20 a foreign bank possessing a certificate of authority
21 pursuant to the Foreign Banking Office Act or a license
22 pursuant to the Foreign Bank Representative Office Act, the
23 bank regulator in the country where the foreign bank is
24 chartered, that the Secretary ~~Commissioner~~ determines to
25 have an appropriate regulatory interest. Nothing contained
26 in this Act shall be construed to limit the obligation of

1 any member State bank to comply with the requirements
2 relative to examinations and reports of the Federal Reserve
3 Act and of the Board of Governors of the Federal Reserve
4 System or the federal reserve bank of the federal reserve
5 district in which the bank is located, nor to limit in any
6 way the powers of the Secretary ~~Commissioner~~ with reference
7 to examinations and reports.

8 (2) The Secretary ~~Commissioner~~ may furnish
9 confidential supervisory information to the United States,
10 any agency thereof that has insured a bank's deposits in
11 whole or in part, or any official or examiner thereof duly
12 accredited for the purpose. Nothing contained in this Act
13 shall be construed to limit the obligation relative to
14 examinations and reports of any State bank, deposits in
15 which are to any extent insured by the United States, any
16 agency thereof, nor to limit in any way the powers of the
17 Secretary ~~Commissioner~~ with reference to examination and
18 reports of such bank.

19 (2.5) The Secretary may furnish confidential
20 supervisory information to a Federal Home Loan Bank in
21 connection with any bank that is a member of the Federal
22 Home Loan Bank or in connection with any application by the
23 bank before the Federal Home Loan Bank. The confidential
24 supervisory information shall remain the property of the
25 Secretary and may not be further disclosed without the
26 Secretary's permission.

1 (3) The Secretary ~~Commissioner~~ may furnish
2 confidential supervisory information to the appropriate
3 law enforcement authorities when the Secretary
4 ~~Commissioner~~ reasonably believes a bank, which the
5 Secretary ~~Commissioner~~ has caused to be examined, has been
6 a victim of a crime.

7 (4) The Secretary ~~Commissioner~~ may furnish
8 confidential supervisory information relating to a bank or
9 other financial institution, which the Secretary
10 ~~Commissioner~~ has caused to be examined, to be sent to the
11 administrator of the Uniform Disposition of Unclaimed
12 Property Act.

13 (5) The Secretary ~~Commissioner~~ may furnish
14 confidential supervisory information relating to a bank or
15 other financial institution, which the Secretary
16 ~~Commissioner~~ has caused to be examined, relating to its
17 performance of obligations under the Illinois Income Tax
18 Act and the Illinois Estate and Generation-Skipping
19 Transfer Tax Act to the Illinois Department of Revenue.

20 (6) The Secretary ~~Commissioner~~ may furnish
21 confidential supervisory information relating to a bank or
22 other financial institution, which the Secretary
23 ~~Commissioner~~ has caused to be examined, under the federal
24 Currency and Foreign Transactions Reporting Act, Title 31,
25 United States Code, Section 1051 et seq.

26 (6.5) The Secretary ~~Commissioner~~ may furnish

1 confidential supervisory information to any other agency
2 or entity that the Secretary ~~Commissioner~~ determines to
3 have a legitimate regulatory interest.

4 (7) The Secretary ~~Commissioner~~ may furnish
5 confidential supervisory information under any other
6 statute that by its terms or by regulations promulgated
7 thereunder requires the disclosure of financial records
8 other than by subpoena, summons, warrant, or court order.

9 (8) At the request of the affected bank or other
10 financial institution, the Secretary ~~Commissioner~~ may
11 furnish confidential supervisory information relating to a
12 bank or other financial institution, which the Secretary
13 ~~Commissioner~~ has caused to be examined, in connection with
14 the obtaining of insurance coverage or the pursuit of an
15 insurance claim for or on behalf of the bank or other
16 financial institution; provided that, when possible, the
17 Secretary ~~Commissioner~~ shall disclose only relevant
18 information while maintaining the confidentiality of
19 financial records not relevant to such insurance coverage
20 or claim and, when appropriate, may delete identifying data
21 relating to any person or individual.

22 (9) The Secretary ~~Commissioner~~ may furnish a copy of a
23 report of any examination performed by the Secretary
24 ~~Commissioner~~ of the condition and affairs of any electronic
25 data processing entity to the banks serviced by the
26 electronic data processing entity.

1 (10) In addition to the foregoing circumstances, the
2 Secretary ~~Commissioner~~ may, but is not required to, furnish
3 confidential supervisory information under the same
4 circumstances authorized for the bank or financial
5 institution pursuant to subsection (b) of this Section,
6 except that the Secretary ~~Commissioner~~ shall provide
7 confidential supervisory information under circumstances
8 described in paragraph (3) of subsection (b) of this
9 Section only upon the request of the bank or other
10 financial institution.

11 (b) A bank or other financial institution or its officers,
12 agents, and employees may disclose confidential supervisory
13 information only under the following circumstances:

14 (1) to the board of directors of the bank or other
15 financial institution, as well as the president,
16 vice-president, cashier, and other officers of the bank or
17 other financial institution to whom the board of directors
18 may delegate duties with respect to compliance with
19 recommendations for action, and to the board of directors
20 of a bank holding company that owns at least 80% of the
21 outstanding stock of the bank or other financial
22 institution;

23 (2) to attorneys for the bank or other financial
24 institution and to a certified public accountant engaged by
25 the State bank or financial institution to perform an
26 independent audit provided that the attorney or certified

1 public accountant shall not permit the confidential
2 supervisory information to be further disseminated;

3 (3) to any person who seeks to acquire a controlling
4 interest in, or who seeks to merge with, the bank or
5 financial institution, provided that all attorneys,
6 certified public accountants, officers, agents, or
7 employees of that person shall agree to be bound to respect
8 the confidentiality of the confidential supervisory
9 information and to not further disseminate the information
10 therein contained;

11 (3.5) to a Federal Home Loan Bank of which it is a
12 member;

13 (4) (blank); or

14 (5) to the bank's insurance company in relation to an
15 insurance claim or the effort by the bank to procure
16 insurance coverage, provided that, when possible, the bank
17 shall disclose only information that is relevant to the
18 insurance claim or that is necessary to procure the
19 insurance coverage, while maintaining the confidentiality
20 of financial information pertaining to customers. When
21 appropriate, the bank may delete identifying data relating
22 to any person.

23 The disclosure of confidential supervisory information by
24 a bank or other financial institution pursuant to this
25 subsection (b) and the disclosure of information to the
26 Secretary ~~Commissioner~~ or other regulatory agency in

1 connection with any examination, visitation, or investigation
2 shall not constitute a waiver of any legal privilege otherwise
3 available to the bank or other financial institution with
4 respect to the information.

5 (c) (1) Notwithstanding any other provision of this Act or
6 any other law, confidential supervisory information shall be
7 the property of the Secretary ~~Commissioner~~ and shall be
8 privileged from disclosure to any person except as provided in
9 this Section. No person in possession of confidential
10 supervisory information may disclose that information for any
11 reason or under any circumstances not specified in this Section
12 without the prior authorization of the Secretary ~~Commissioner~~.
13 Any person upon whom a demand for production of confidential
14 supervisory information is made, whether by subpoena, order, or
15 other judicial or administrative process, must withhold
16 production of the confidential supervisory information and
17 must notify the Secretary ~~Commissioner~~ of the demand, at which
18 time the Secretary ~~Commissioner~~ is authorized to intervene for
19 the purpose of enforcing the limitations of this Section or
20 seeking the withdrawal or termination of the attempt to compel
21 production of the confidential supervisory information.

22 (2) Any request for discovery or disclosure of confidential
23 supervisory information, whether by subpoena, order, or other
24 judicial or administrative process, shall be made to the
25 Secretary ~~Commissioner~~, and the Secretary ~~Commissioner~~ shall
26 determine within 15 days whether to disclose the information

1 pursuant to procedures and standards that the Secretary
2 ~~Commissioner~~ shall establish by rule. If the Secretary
3 ~~Commissioner~~ determines that such information will not be
4 disclosed, the Secretary's ~~Commissioner's~~ decision shall be
5 subject to judicial review under the provisions of the
6 Administrative Review Law, and venue shall be in either
7 Sangamon County or Cook County.

8 (3) Any court order that compels disclosure of confidential
9 supervisory information may be immediately appealed by the
10 Secretary ~~Commissioner~~, and the order shall be automatically
11 stayed pending the outcome of the appeal.

12 (d) If any officer, agent, attorney, or employee of a bank
13 or financial institution knowingly and willfully furnishes
14 confidential supervisory information in violation of this
15 Section, the Secretary ~~Commissioner~~ may impose a civil monetary
16 penalty up to \$1,000 for the violation against the officer,
17 agent, attorney, or employee.

18 (Source: P.A. 90-301, eff. 8-1-97; 91-201, eff. 1-1-00.)

19 Section 10. The Savings Bank Act is amended by changing
20 Section 9012 as follows:

21 (205 ILCS 205/9012) (from Ch. 17, par. 7309-12)

22 Sec. 9012. Disclosure of reports of examinations and
23 confidential supervisory information; limitations.

24 (a) Any report of examination, visitation, or

1 investigation prepared by the Secretary ~~Commissioner~~ under
2 this Act, any report of examination, visitation, or
3 investigation prepared by the state regulatory authority of
4 another state that examines a branch of an Illinois State
5 savings bank in that state, any document or record prepared or
6 obtained in connection with or relating to any examination,
7 visitation, or investigation, and any record prepared or
8 obtained by the Secretary ~~Commissioner~~ to the extent that the
9 record summarizes or contains information derived from any
10 report, document, or record described in this subsection shall
11 be deemed confidential supervisory information. "Confidential
12 supervisory information" shall not include any information or
13 record routinely prepared by a savings bank and maintained in
14 the ordinary course of business or any information or record
15 that is required to be made publicly available pursuant to
16 State or federal law or rule. Confidential supervisory
17 information shall be the property of the Secretary ~~Commissioner~~
18 and shall only be disclosed under the circumstances and for the
19 purposes set forth in this Section.

20 The Secretary ~~Commissioner~~ may disclose confidential
21 supervisory information only under the following
22 circumstances:

- 23 (1) The Secretary ~~Commissioner~~ may furnish
24 confidential supervisory information to federal and state
25 depository institution regulators, or any official or
26 examiner thereof duly accredited for the purpose. Nothing

1 contained in this Act shall be construed to limit the
2 obligation of any savings bank to comply with the
3 requirements relative to examinations and reports nor to
4 limit in any way the powers of the Secretary ~~Commissioner~~
5 relative to examinations and reports.

6 (2) The Secretary ~~Commissioner~~ may furnish
7 confidential supervisory information to the United States
8 or any agency thereof that to any extent has insured a
9 savings bank's deposits, or any official or examiner
10 thereof duly accredited for the purpose. Nothing contained
11 in this Act shall be construed to limit the obligation
12 relative to examinations and reports of any savings bank in
13 which deposits are to any extent insured by the United
14 States or any agency thereof nor to limit in any way the
15 powers of the Secretary ~~Commissioner~~ with reference to
16 examination and reports of the savings bank.

17 (2.5) The Secretary may furnish confidential
18 supervisory information to a Federal Home Loan Bank in
19 connection with any savings bank that is a member of the
20 Federal Home Loan Bank or in connection with any
21 application by the savings bank before the Federal Home
22 Loan Bank. The confidential supervisory information shall
23 remain the property of the Secretary and may not be further
24 disclosed without the Secretary's permission.

25 (3) The Secretary ~~Commissioner~~ may furnish
26 confidential supervisory information to the appropriate

1 law enforcement authorities when the Secretary
2 ~~Commissioner~~ reasonably believes a savings bank, which the
3 Secretary ~~Commissioner~~ has caused to be examined, has been
4 a victim of a crime.

5 (4) The Secretary ~~Commissioner~~ may furnish
6 confidential supervisory information related to a savings
7 bank, which the Secretary ~~Commissioner~~ has caused to be
8 examined, to the administrator of the Uniform Disposition
9 of Unclaimed Property Act.

10 (5) The Secretary ~~Commissioner~~ may furnish
11 confidential supervisory information relating to a savings
12 bank, which the Secretary ~~Commissioner~~ has caused to be
13 examined, relating to its performance of obligations under
14 the Illinois Income Tax Act and the Illinois Estate and
15 Generation-Skipping Transfer Tax Act to the Illinois
16 Department of Revenue.

17 (6) The Secretary ~~Commissioner~~ may furnish
18 confidential supervisory information relating to a savings
19 bank, which the Secretary ~~Commissioner~~ has caused to be
20 examined, under the federal Currency and Foreign
21 Transactions Reporting Act, 31 United States Code, Section
22 1051 et seq.

23 (7) The Secretary ~~Commissioner~~ may furnish
24 confidential supervisory information to any other agency
25 or entity that the Secretary ~~Commissioner~~ determines to
26 have a legitimate regulatory interest.

1 (8) The Secretary ~~Commissioner~~ may furnish
2 confidential supervisory information as otherwise
3 permitted or required by this Act and may furnish
4 confidential supervisory information under any other
5 statute that by its terms or by regulations promulgated
6 thereunder requires the disclosure of financial records
7 other than by subpoena, summons, warrant, or court order.

8 (9) At the request of the affected savings bank, the
9 Secretary ~~Commissioner~~ may furnish confidential
10 supervisory information relating to the savings bank,
11 which the Secretary ~~Commissioner~~ has caused to be examined,
12 in connection with the obtaining of insurance coverage or
13 the pursuit of an insurance claim for or on behalf of the
14 savings bank; provided that, when possible, the Secretary
15 ~~Commissioner~~ shall disclose only relevant information
16 while maintaining the confidentiality of financial records
17 not relevant to such insurance coverage or claim and, when
18 appropriate, may delete identifying data relating to any
19 person.

20 (10) The Secretary ~~Commissioner~~ may furnish a copy of a
21 report of any examination performed by the Secretary
22 ~~Commissioner~~ of the condition and affairs of any electronic
23 data processing entity to the savings banks serviced by the
24 electronic data processing entity.

25 (11) In addition to the foregoing circumstances, the
26 Secretary ~~Commissioner~~ may, but is not required to, furnish

1 confidential supervisory information under the same
2 circumstances authorized for the savings bank pursuant to
3 subsection (b) of this Section, except that the Secretary
4 ~~Commissioner~~ shall provide confidential supervisory
5 information under circumstances described in paragraph (3)
6 of subsection (b) of this Section only upon the request of
7 the savings bank.

8 (b) A savings bank or its officers, agents, and employees
9 may disclose confidential supervisory information only under
10 the following circumstances:

11 (1) to the board of directors of the savings bank, as
12 well as the president, vice-president, cashier, and other
13 officers of the savings bank to whom the board of directors
14 may delegate duties with respect to compliance with
15 recommendations for action, and to the board of directors
16 of a savings bank holding company that owns at least 80% of
17 the outstanding stock of the savings bank or other
18 financial institution.

19 (2) to attorneys for the savings bank and to a
20 certified public accountant engaged by the savings bank to
21 perform an independent audit; provided that the attorney or
22 certified public accountant shall not permit the
23 confidential supervisory information to be further
24 disseminated.

25 (3) to any person who seeks to acquire a controlling
26 interest in, or who seeks to merge with, the savings bank;

1 provided that the person shall agree to be bound to respect
2 the confidentiality of the confidential supervisory
3 information and to not further disseminate the information
4 other than to attorneys, certified public accountants,
5 officers, agents, or employees of that person who likewise
6 shall agree to be bound to respect the confidentiality of
7 the confidential supervisory information and to not
8 further disseminate the information.

9 (4) to the savings bank's insurance company, if the
10 supervisory information contains information that is
11 otherwise unavailable and is strictly necessary to
12 obtaining insurance coverage or pursuing an insurance
13 claim for or on behalf of the savings bank; provided that,
14 when possible, the savings bank shall disclose only
15 information that is relevant to obtaining insurance
16 coverage or pursuing an insurance claim, while maintaining
17 the confidentiality of financial information pertaining to
18 customers; and provided further that, when appropriate,
19 the savings bank may delete identifying data relating to
20 any person.

21 (5) to a Federal Home Loan Bank of which it is a
22 member.

23 The disclosure of confidential supervisory information by
24 a savings bank pursuant to this subsection (b) and the
25 disclosure of information to the Secretary ~~Commissioner~~ or
26 other regulatory agency in connection with any examination,

1 visitation, or investigation shall not constitute a waiver of
2 any legal privilege otherwise available to the savings bank
3 with respect to the information.

4 (c) (1) Notwithstanding any other provision of this Act or
5 any other law, confidential supervisory information shall be
6 the property of the Secretary ~~Commissioner~~ and shall be
7 privileged from disclosure to any person except as provided in
8 this Section. No person in possession of confidential
9 supervisory information may disclose that information for any
10 reason or under any circumstances not specified in this Section
11 without the prior authorization of the Secretary ~~Commissioner~~.
12 Any person upon whom a demand for production of confidential
13 supervisory information is made, whether by subpoena, order, or
14 other judicial or administrative process, must withhold
15 production of the confidential supervisory information and
16 must notify the Secretary ~~Commissioner~~ of the demand, at which
17 time the Secretary ~~Commissioner~~ is authorized to intervene for
18 the purpose of enforcing the limitations of this Section or
19 seeking the withdrawal or termination of the attempt to compel
20 production of the confidential supervisory information.

21 (2) Any request for discovery or disclosure of confidential
22 supervisory information, whether by subpoena, order, or other
23 judicial or administrative process, shall be made to the
24 Secretary ~~Commissioner~~, and the Secretary ~~Commissioner~~ shall
25 determine within 15 days whether to disclose the information
26 pursuant to procedures and standards that the Secretary

1 ~~Commissioner~~ shall establish by rule. If the Secretary
2 ~~Commissioner~~ determines that such information will not be
3 disclosed, the Secretary's ~~Commissioner's~~ decision shall be
4 subject to judicial review under the provisions of the
5 Administrative Review Law, and venue shall be in either
6 Sangamon County or Cook County.

7 (3) Any court order that compels disclosure of confidential
8 supervisory information may be immediately appealed by the
9 Secretary ~~Commissioner~~, and the order shall be automatically
10 stayed pending the outcome of the appeal.

11 (d) If any officer, agent, attorney, or employee of a
12 savings bank knowingly and willfully furnishes confidential
13 supervisory information in violation of this Section, the
14 Secretary ~~Commissioner~~ may impose a civil monetary penalty up
15 to \$1,000 for the violation against the officer, agent,
16 attorney, or employee.

17 (e) Subject to the limits of this Section, the Secretary
18 ~~Commissioner~~ also may promulgate regulations to set procedures
19 and standards for disclosure of the following items:

20 (1) All fixed orders and opinions made in cases of
21 appeals of the Secretary's ~~Commissioner's~~ actions.

22 (2) Statements of policy and interpretations adopted
23 by the Secretary's ~~Commissioner's~~ office, but not
24 otherwise made public.

25 (3) Nonconfidential portions of application files,
26 including applications for new charters. The Secretary

1 ~~Commissioner~~ shall specify by rule as to what part of the
2 files are confidential.

3 (4) Quarterly reports of income, deposits, and
4 financial condition.

5 (Source: P.A. 93-271, eff. 7-22-03.)

6 Section 15. The Illinois Credit Union Act is amended by
7 changing Section 9.1 as follows:

8 (205 ILCS 305/9.1)

9 Sec. 9.1. Disclosures of reports of examinations and
10 confidential supervisory information; limitations.

11 (1) Any report of examination, visitation, or
12 investigation prepared by the Secretary under this Act or by
13 the state regulatory authority charged with enforcing the
14 Electronic Fund Transfer Act or the Corporate Fiduciary Act or
15 by the state regulatory authority of another state that
16 examines an office of an Illinois credit union in that state,
17 any document or record prepared or obtained in connection with
18 or relating to any examination, visitation, or investigation,
19 and any record prepared or obtained by the Secretary to the
20 extent that the record summarizes or contains information
21 derived from any report, document, or record described in this
22 subsection shall be deemed "confidential supervisory
23 information". Confidential supervisory information shall not
24 include any information or record routinely prepared by a

1 credit union and maintained in the ordinary course of business
2 or any information or record that is required to be made
3 publicly available pursuant to State or federal law or rule.

4 (2) Confidential supervisory information is privileged
5 from discovery and shall only be disclosed under the
6 circumstances and for the purposes set forth in this Section.

7 (3) Relevant confidential supervisory information may be
8 disclosed under a statute that by its terms or by rules
9 promulgated thereunder requires the disclosure of confidential
10 supervisory information other than by subpoena, summons,
11 warrant, or court order; to the appropriate law enforcement
12 authorities when the Secretary or the credit union reasonably
13 believes the credit union, which the Secretary has caused to be
14 examined, has been a victim of a crime; to other agencies or
15 entities having a legitimate regulatory interest, including,
16 but not limited to, a Federal Home Loan Bank; to the credit
17 union's board, officers, retained professionals, and insurers;
18 to persons seeking to merge with or purchase all or part of the
19 assets of the credit union; and where disclosure is otherwise
20 required for the benefit of the credit union. Disclosure of
21 confidential supervisory information to these persons does not
22 constitute a waiver of the legal privilege otherwise available
23 with respect to the information.

24 (4) A person to whom confidential supervisory information
25 is disclosed shall not further disseminate confidential
26 supervisory information.

1 (5) (a) Any person upon whom a demand for production of
2 confidential supervisory information is made, whether by
3 subpoena, order, or other judicial or administrative process,
4 must withhold production of the confidential supervisory
5 information and must notify the Secretary of the demand, at
6 which time the Secretary is authorized to intervene for the
7 purpose of enforcing the limitations of this Section or seeking
8 the withdrawal or termination of the attempt to compel
9 production of the confidential supervisory information.

10 (b) Any request for discovery or disclosure of confidential
11 supervisory information, whether by subpoena, order, or other
12 judicial or administrative process, shall be made to the
13 Secretary, and the Secretary shall determine within 15 days
14 whether to disclose the information pursuant to procedures and
15 standards that the Secretary shall establish by rule. If the
16 Secretary determines that such information will not be
17 disclosed, the Secretary's decision shall be subject to
18 judicial review under the provisions of the Administrative
19 Review Law, and venue shall be in either Sangamon County or
20 Cook County.

21 (c) Any court order that compels disclosure of confidential
22 supervisory information may be immediately appealed by the
23 Secretary and the order shall be automatically stayed pending
24 the outcome of the appeal.

25 (Source: P.A. 97-133, eff. 1-1-12.)

26 Section 99. Effective date. This Act takes effect upon

1 becoming law.