

1 AN ACT concerning financial institutions.

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

4 Section 5. The Illinois Savings and Loan Act of 1985 is  
5 amended by changing Sections 1-10.10, 1-10.16, 1-10.19, 1-11,  
6 2-1, 3-8, 4-2, 7-6, 7-7, 7-9, 7-11, and 7-23 as follows:

7 (205 ILCS 105/1-10.10) (from Ch. 17, par. 3301-10.10)

8 Sec. 1-10.10. "Insurance corporation": The Federal  
9 ~~Savings-and-Loan-Insurance-Corporation~~, the Federal Deposit  
10 Insurance Corporation or such other instrumentality of or  
11 corporation chartered by and backed by the full faith and  
12 credit of the United States.

13 (Source: P.A. 86-137.)

14 (205 ILCS 105/1-10.16) (from Ch. 17, par. 3301-10.16)

15 Sec. 1-10.16. "Profits": gross income less the aggregate  
16 of operating and real estate expenses, losses actually  
17 sustained and not charged to reserves under the provision of  
18 this Act, interest paid or accrued on borrowings and  
19 non-recurring charges as determined by application of  
20 generally accepted accounting principles or regulatory  
21 accounting principles permitted, recognized or authorized by  
22 the Office of Thrift Supervision ~~Federal-Home-Loan-Bank-Board~~  
23 for a federal association and subject to the rules and  
24 regulations of the Commissioner.

25 (Source: P.A. 84-543.)

26 (205 ILCS 105/1-10.19) (from Ch. 17, par. 3301-10.19)

27 Sec. 1-10.19. "Total assets": the total value of all  
28 loan contracts without deduction for the withdrawal value of  
29 any capital accounts of the association held as collateral

1 for loans, and the total value of all other assets of the  
2 association, as determined by the application of generally  
3 accepted accounting principles or regulatory accounting  
4 principles permitted, recognized or authorized by the Office  
5 of Thrift Supervision ~~Federal-Home--Loan--Bank--Board~~ for a  
6 federal association and subject to the rules and regulations  
7 of the Commissioner.

8 (Source: P.A. 84-543.)

9 (205 ILCS 105/1-11) (from Ch. 17, par. 3301-11)

10 Sec. 1-11. Insurance of withdrawable capital. An  
11 association operating under this Act shall obtain and  
12 maintain insurance of the association's withdrawable capital  
13 by an insurance corporation as defined in this Act ~~in an~~  
14 ~~amount at least equal to that provided by the Federal Savings~~  
15 ~~and Loan Insurance Corporation~~, except that such insurance of  
16 accounts is not required in cases where the association is  
17 employer-sponsored, does not occupy a ground floor location,  
18 does not seek business from the general public by advertising  
19 or otherwise and primarily serves the employees of the  
20 employer which sponsors the association or the employees of a  
21 wholly-owned subsidiary of the employer. In the event that  
22 the insurance of accounts is not required by this Section,  
23 the Commissioner may adjust the bond requirements for  
24 officers, directors and employees of such association, but in  
25 no case shall the adjusted bond be required to be in an  
26 amount greater than twice that which would otherwise be  
27 required.

28 (Source: P.A. 84-543.)

29 (205 ILCS 105/2-1) (from Ch. 17, par. 3302-1)

30 Sec. 2-1. Applicants and initial capital. Any 5 or more  
31 adult individuals, residents of this State, may apply for a  
32 permit to organize an association under this Act. The

1 minimum initial capital which an association must have shall  
2 be determined by the Commissioner but in no case shall be  
3 less than that which would be required in order to obtain  
4 insurance of accounts backed by the full faith and credit of  
5 the United States government ~~by-the-Federal-Savings-and--Loan~~  
6 ~~Insurance-Corporation.~~

7 (Source: P.A. 84-543.)

8 (205 ILCS 105/3-8) (from Ch. 17, par. 3303-8)

9 Sec. 3-8. Access to books and records; communication  
10 with members.

11 (a) Every member or holder of capital shall have the  
12 right to inspect the books and records of the association  
13 that pertain to his account. Otherwise, the right of  
14 inspection and examination of the books and records shall be  
15 limited as provided in this Act, and no other person shall  
16 have access to the books and records or shall be entitled to  
17 a list of the members.

18 (b) For the purpose of this Section, the term "financial  
19 records" means any original, any copy, or any summary of (i)  
20 a document granting signature authority over a deposit or  
21 account; (ii) a statement, ledger card, or other record on  
22 any deposit or account that shows each transaction in or with  
23 respect to that account; (iii) a check, draft, or money order  
24 drawn on an association or issued and payable by an  
25 association; or (iv) any other item containing information  
26 pertaining to any relationship established in the ordinary  
27 course of an association's business between an association  
28 and its customer, including financial statements or other  
29 financial information provided by the member or holder of  
30 capital.

31 (c) This Section does not prohibit:

32 (1) The preparation, examination, handling, or  
33 maintenance of any financial records by any officer,

1 employee, or agent of an association having custody of  
2 those records or the examination of those records by a  
3 certified public accountant engaged by the association to  
4 perform an independent audit.

5 (2) The examination of any financial records by, or  
6 the furnishing of financial records by an association to,  
7 any officer, employee, or agent of the Commissioner of  
8 Banks and Real Estate or federal depository institution  
9 regulator, ~~Federal Savings and Loan Insurance Corporation~~  
10 ~~and its successors~~, ~~Federal Deposit Insurance~~  
11 ~~Corporation~~, ~~Resolution Trust Corporation~~ and its  
12 ~~successors~~, ~~Federal Home Loan Bank Board~~ and its  
13 ~~successors~~, ~~Office of Thrift Supervision~~, ~~Federal Housing~~  
14 ~~Finance Board~~, ~~Board of Governors of the Federal Reserve~~  
15 ~~System~~, ~~any Federal Reserve Bank~~, ~~or the Office of the~~  
16 ~~Comptroller of the Currency~~ for use solely in the  
17 exercise of his duties as an officer, employee, or agent.

18 (3) The publication of data furnished from  
19 financial records relating to members or holders of  
20 capital where the data cannot be identified to any  
21 particular member, holder of capital, or account.

22 (4) The making of reports or returns required under  
23 Chapter 61 of the Internal Revenue Code of 1986.

24 (5) Furnishing information concerning the dishonor  
25 of any negotiable instrument permitted to be disclosed  
26 under the Uniform Commercial Code.

27 (6) The exchange in the regular course of business  
28 of (i) credit information between an association and  
29 other associations or financial institutions or  
30 commercial enterprises, directly or through a consumer  
31 reporting agency or (ii) financial records or information  
32 derived from financial records between an association and  
33 other associations or financial institutions or  
34 commercial enterprises for the purpose of conducting due

1 diligence pursuant to a purchase or sale involving the  
2 association or assets or liabilities of the association.

3 (7) The furnishing of information to the  
4 appropriate law enforcement authorities where the  
5 association reasonably believes it has been the victim of  
6 a crime.

7 (8) The furnishing of information pursuant to the  
8 Uniform Disposition of Unclaimed Property Act.

9 (9) The furnishing of information pursuant to the  
10 Illinois Income Tax Act and the Illinois Estate and  
11 Generation-Skipping Transfer Tax Act.

12 (10) The furnishing of information pursuant to the  
13 federal "Currency and Foreign Transactions Reporting  
14 Act", (Title 31, United States Code, Section 1051 et  
15 seq.).

16 (11) The furnishing of information pursuant to any  
17 other statute that by its terms or by regulations  
18 promulgated thereunder requires the disclosure of  
19 financial records other than by subpoena, summons,  
20 warrant, or court order.

21 (12) The exchange of information between an  
22 association and an affiliate of the association; as used  
23 in this item, "affiliate" includes any company,  
24 partnership, or organization that controls, is controlled  
25 by, or is under common control with an association.

26 (13) The furnishing of information in accordance  
27 with the federal Personal Responsibility and Work  
28 Opportunity Reconciliation Act of 1996. Any association  
29 governed by this Act shall enter into an agreement for  
30 data exchanges with a State agency provided the State  
31 agency pays to the association a reasonable fee not to  
32 exceed its actual cost incurred. An association  
33 providing information in accordance with this item shall  
34 not be liable to any account holder or other person for

1 any disclosure of information to a State agency, for  
2 encumbering or surrendering any assets held by the  
3 association in response to a lien or order to withhold  
4 and deliver issued by a State agency, or for any other  
5 action taken pursuant to this item, including individual  
6 or mechanical errors, provided the action does not  
7 constitute gross negligence or willful misconduct. An  
8 association shall have no obligation to hold, encumber,  
9 or surrender assets until it has been served with a  
10 subpoena, summons, warrant, court or administrative  
11 order, lien, or levy.

12 (14) The furnishing of information to law  
13 enforcement authorities, the Illinois Department on Aging  
14 and its regional administrative and provider agencies,  
15 the Department of Human Services Office of Inspector  
16 General, or public guardians, if the association suspects  
17 that a customer who is an elderly or disabled person has  
18 been or may become the victim of financial exploitation.  
19 For the purposes of this item (14), the term: (i)  
20 "elderly person" means a person who is 60 or more years  
21 of age, (ii) "disabled person" means a person who has or  
22 reasonably appears to the association to have a physical  
23 or mental disability that impairs his or her ability to  
24 seek or obtain protection from or prevent financial  
25 exploitation, and (iii) "financial exploitation" means  
26 tortious or illegal use of the assets or resources of an  
27 elderly or disabled person, and includes, without  
28 limitation, misappropriation of the elderly or disabled  
29 person's assets or resources by undue influence, breach  
30 of fiduciary relationship, intimidation, fraud,  
31 deception, extortion, or the use of assets or resources  
32 in any manner contrary to law. An association or person  
33 furnishing information pursuant to this item (14) shall  
34 be entitled to the same rights and protections as a

1 person furnishing information under the Elder Abuse and  
2 Neglect Act and the Illinois Domestic Violence Act of  
3 1986.

4 (15) The disclosure of financial records or  
5 information as necessary to effect, administer, or  
6 enforce a transaction requested or authorized by the  
7 member or holder of capital, or in connection with:

8 (A) servicing or processing a financial  
9 product or service requested or authorized by the  
10 member or holder of capital;

11 (B) maintaining or servicing an account of a  
12 member or holder of capital with the association; or

13 (C) a proposed or actual securitization or  
14 secondary market sale (including sales of servicing  
15 rights) related to a transaction of a member or  
16 holder of capital.

17 Nothing in this item (15), however, authorizes the  
18 sale of the financial records or information of a member  
19 or holder of capital without the consent of the member or  
20 holder of capital.

21 (16) The disclosure of financial records or  
22 information as necessary to protect against or prevent  
23 actual or potential fraud, unauthorized transactions,  
24 claims, or other liability.

25 (17) (a) The disclosure of financial records or  
26 information related to a private label credit program  
27 between a financial institution and a private label party  
28 in connection with that private label credit program.  
29 Such information is limited to outstanding balance,  
30 available credit, payment and performance and account  
31 history, product references, purchase information, and  
32 information related to the identity of the customer.

33 (b) (1) For purposes of this paragraph (17) of  
34 subsection (c) of Section 3-8, a "private label credit

1 program" means a credit program involving a financial  
2 institution and a private label party that is used by a  
3 customer of the financial institution and the private  
4 label party primarily for payment for goods or services  
5 sold, manufactured, or distributed by a private label  
6 party.

7 (2) For purposes of this paragraph (17) of  
8 subsection (c) of Section 3-8, a "private label party"  
9 means, with respect to a private label credit program,  
10 any of the following: a retailer, a merchant, a  
11 manufacturer, a trade group, or any such person's  
12 affiliate, subsidiary, member, agent, or service  
13 provider.

14 (d) An association may not disclose to any person,  
15 except to the member or holder of capital or his duly  
16 authorized agent, any financial records relating to that  
17 member or holder of capital of that association unless:

18 (1) The member or holder of capital has authorized  
19 disclosure to the person; or

20 (2) The financial records are disclosed in response  
21 to a lawful subpoena, summons, warrant, or court order  
22 that meets the requirements of subsection (e) of this  
23 Section.

24 (e) An association shall disclose financial records  
25 under subsection (d) of this Section pursuant to a lawful  
26 subpoena, summons, warrant, or court order only after the  
27 association mails a copy of the subpoena, summons, warrant,  
28 or court order to the person establishing the relationship  
29 with the association, if living, and, otherwise, his personal  
30 representative, if known, at his last known address by first  
31 class mail, postage prepaid, unless the association is  
32 specifically prohibited from notifying that person by order  
33 of court.

34 (f) (1) Any officer or employee of an association who



1 knowingly and willfully furnishes financial records in  
2 violation of this Section is guilty of a business offense  
3 and, upon conviction, shall be fined not more than \$1,000.

4 (2) Any person who knowingly and willfully induces or  
5 attempts to induce any officer or employee of an association  
6 to disclose financial records in violation of this Section is  
7 guilty of a business offense and, upon conviction, shall be  
8 fined not more than \$1,000.

9 (g) However, if any member desires to communicate with  
10 the other members of the association with reference to any  
11 question pending or to be presented at a meeting of the  
12 members, the association shall give him upon request a  
13 statement of the approximate number of members entitled to  
14 vote at the meeting and an estimate of the cost of preparing  
15 and mailing the communication. The requesting member then  
16 shall submit the communication to the Commissioner who, if he  
17 finds it to be appropriate and truthful, shall direct that it  
18 be prepared and mailed to the members upon the requesting  
19 member's payment or adequate provision for payment of the  
20 expenses of preparation and mailing.

21 (h) An association shall be reimbursed for costs that  
22 are necessary and that have been directly incurred in  
23 searching for, reproducing, or transporting books, papers,  
24 records, or other data of a customer required to be  
25 reproduced pursuant to a lawful subpoena, warrant, or court  
26 order.

27 (Source: P.A. 91-929, eff. 12-15-00; 92-483, eff. 8-23-01;  
28 92-543, eff. 6-12-02.)

29 (205 ILCS 105/4-2) (from Ch. 17, par. 3304-2)

30 Sec. 4-2. Withdrawable capital. Withdrawable capital  
31 accounts shall be:

32 (a) Withdrawable and subject to enforced retirement as  
33 provided in this Article. Nothing in this Act shall prevent

1 the withdrawal of funds from an association by non-negotiable  
2 order;

3 (b) Entitled to dividends as provided in this Article;

4 (c) Nonassessable for either debts or losses of the  
5 association; and

6 (d) Issued on such plan or plans of payment therefor or  
7 thereon and such series or classes as the by-laws and  
8 Commissioner's regulations may provide.

9 There shall be no penalty, such as loss of interest  
10 thereon, on accounts transferred at interest or dividend  
11 payment date from passbook types to certificate of deposit  
12 within the same facility and not otherwise inconsistent with  
13 regulations of the Federal Deposit Insurance Corporation and  
14 the Office of Thrift Supervision Savings-and--Loan--Insurance  
15 Corporation-or-the-Federal-Home-Loan-Bank-Board.

16 (Source: P.A. 84-543.)

17 (205 ILCS 105/7-6) (from Ch. 17, par. 3307-6)

18 Sec. 7-6. Annual audit. At least once in each year, but  
19 in no case more than 12 months after the last audit conducted  
20 pursuant to this Section, it shall be mandatory for each  
21 association to cause its books and accounts to be audited by  
22 a licensed public accountant not connected with such  
23 association. The Commissioner may prescribe the scope of such  
24 audit within the generally acceptable auditing principles and  
25 standards. The report of such audit shall be given to a  
26 committee composed of not less than 3 members of the board of  
27 directors, none of whom shall be officers, employees or  
28 agents of such association, and such committee shall, at the  
29 meeting of the board of directors following receipt of the  
30 report, present in detail the nature, extent and result of  
31 the report. A written summary of such committee's  
32 presentation, including a detailed listing of all criticisms  
33 made by the accountant conducting the audit and any responses

1 thereto made by any member of the board of directors or any  
2 officer of the association, shall be sent by registered mail  
3 to all members of the board of directors not present at the  
4 meeting at which the committee made its presentation. A copy  
5 of the audit report, including a balance sheet of the  
6 association on the date of audit and a statement of income  
7 and expenses of the association during the year ending with  
8 the date of audit and, if and when such is used, a copy of  
9 any written summary prepared for absent members of the board  
10 of directors, shall be filed with the Commissioner by the  
11 committee receiving the report within 90 days of the audit  
12 date; except that the Commissioner may, for good cause shown,  
13 extend the filing date for up to 60 additional days. The  
14 report filed with the Commissioner shall be certified by the  
15 licensed public accountant conducting the audit. If any  
16 association required to make an audit shall fail to cause an  
17 audit to be made, the Commissioner shall cause the same to be  
18 made by a licensed public accountant at the association's  
19 expense. In lieu of the audit required by this Section, the  
20 Commissioner may accept any audit or portion thereof made  
21 exclusively for the Federal Deposit Insurance Corporation and  
22 the Office of Thrift Supervision Home-Loan-Bank, the Federal  
23 Home-Loan-Bank-Board or the Federal Savings and Loan  
24 Insurance Corporation.

25 (Source: P.A. 84-543.)

26 (205 ILCS 105/7-7) (from Ch. 17, par. 3307-7)

27 Sec. 7-7. Reports to Commissioner and members; penalty.

28 (a) Every association operating under this Act shall  
29 file with the Commissioner within 90 days following the close  
30 of each fiscal year of such association a statement showing  
31 its financial condition at the close of the fiscal year and  
32 its operations for the year then ended. For good cause shown  
33 in writing directed to the Commissioner within the 90 day

1 period, the Commissioner may authorize up to 60 additional  
2 days for filing of the statement of financial condition. Each  
3 such statement shall be on forms prescribed by the  
4 Commissioner and in conformity with generally accepted  
5 accounting principles or regulatory accounting principles  
6 permitted, recognized or authorized by the Office of Thrift  
7 Supervision Federal--Home--Loan--Bank--Board for a federal  
8 association and subject to the rules and regulations of the  
9 Commissioner and in accord with the provisions of this Act.  
10 Each such statement shall contain such information and be in  
11 such form as prescribed by the Commissioner and shall be  
12 verified by the secretary and certified by a licensed public  
13 accountant appointed by the board of directors or by 2  
14 officers of the association, if a licensed public accountant  
15 has been appointed to audit the books and records of the  
16 association as provided in the preceding Section of this Act.  
17 Every association including its holding company and  
18 subsidiaries shall also file such other reports as the  
19 Commissioner may require from time to time.

20 Any association which, after notice from the Commissioner  
21 sent by certified or registered mail, wilfully fails to  
22 submit within the time prescribed the annual financial report  
23 required by this Section is subject to a civil penalty of not  
24 more than \$500 for each such failure. Any association which,  
25 after notice from the Commissioner sent by certified or  
26 registered mail, wilfully fails to submit within the time  
27 prescribed any other report required by this Section is  
28 subject to a civil penalty of not more than \$100 for each  
29 such failure (which penalties shall be cumulative to any  
30 other remedies). For the purposes of this Section, the date  
31 on which any report required by this Section is postmarked is  
32 the date of filing of any such report. The knowing or  
33 intentional filing of any such report which is false in any  
34 material respect constitutes a felony, and any person

1 convicted thereof shall be punished by a fine of not more  
2 than \$10,000, or imprisonment in the penitentiary for one to  
3 5 years, or both.

4 (b) An association shall file with the Commissioner a  
5 report of change of ownership of permanent reserve shares  
6 when such change of ownership results in any person as  
7 defined by this Act holding 10% or more, through any one  
8 transaction or related series of transactions, of the  
9 outstanding permanent reserves shares of the association.  
10 Such report shall include owners who hold as beneficiaries or  
11 through nominees as well as in their own names. The report  
12 shall be made within 5 business days after knowledge of such  
13 change has been obtained by the officer authorized or  
14 required to make reports to the Commissioner. The  
15 Commissioner also may require any such person owning 10% or  
16 more of permanent reserve shares to report the beneficiary or  
17 beneficiaries for whom he is holding title.

18 Whenever there is a change in the managing officer of an  
19 association or a change amounting to a majority of the  
20 directors of an association elected at a regular or special  
21 meeting of the members, such change shall likewise be  
22 reported within 5 business days to the Commissioner.

23 The willful failure by any person required to report or  
24 disclose change of ownership or control as defined in this  
25 Section constitutes a Class 4 felony.

26 (c) Within 60 days after the date of filing the  
27 Statement of Financial Condition with the Commissioner, the  
28 association shall mail to each member or make available at  
29 each of its offices the annual statement of condition or a  
30 condensed form thereof approved by the Commissioner, or shall  
31 publish the same at least once, and shall also furnish upon  
32 the written or personal request of any member a copy of the  
33 complete annual statement of condition. The annual statement  
34 of condition, or any condensed form thereof, made available

1 to members by publication, mailing, or at the association's  
2 offices shall include a statement setting forth the  
3 association's assets, liabilities, regulatory capital and  
4 deposits. In addition, the statement shall include a  
5 statement of the association's goals and intentions in regard  
6 to investment of the association's funds in order to  
7 reasonably inform the member as to the security of his  
8 interest. Notification of the availability of the complete  
9 annual statement shall be prominently and conspicuously  
10 posted in areas of public access at each of the association's  
11 branches or offices.

12 (d) Any change of control or ownership of 25% or more of  
13 the permanent reserve shares or stock of (a) any association  
14 operating under this Act, or (b) of the shares or stock of a  
15 subsidiary of the parent or a subsidiary of any association  
16 operating under this Act, must be submitted to the  
17 Commissioner for review and approval on forms, conditions and  
18 terms to be specified by the Commissioner. The Commissioner  
19 may accept in satisfaction of this requirement, submissions  
20 required under federal statutes and regulations for changes  
21 of control. Any doubt as to whether a change of ownership or  
22 other change in the outstanding voting stock of any  
23 association is sufficient to result in a change of ownership  
24 or control, shall be resolved in favor of reporting the facts  
25 to the Commissioner. Compliance with this provision shall  
26 not relieve an association, its parent or affiliate from  
27 complying with other applicable State or federal statutes or  
28 regulations. The Commissioner may disapprove any proposed  
29 acquisition if:

30 (1) The proposed acquisition of control would  
31 result in a monopoly or would be in furtherance of any  
32 combination or conspiracy to monopolize or to attempt to  
33 monopolize the savings and loan business in any part of  
34 Illinois;

1           (2) The effect of the proposed acquisition of  
2 control in any section of the State may be substantially  
3 to lessen competition or to tend to create a monopoly or  
4 the proposed acquisition of control would in any other  
5 manner be in restraint of trade, and the anticompetitive  
6 effects of the proposed acquisition of control are not  
7 clearly outweighed in the public interest by the probable  
8 effect of the transaction in meeting the convenience and  
9 needs of the community to be served;

10           (3) The financial condition or history of any  
11 acquiring person is such as might jeopardize the  
12 financial stability of the institution or prejudice the  
13 interests of the depositors of the institution;

14           (4) The competence, experience, or integrity of any  
15 acquiring person or any of the proposed management  
16 personnel indicates that it would not be in the interest  
17 of the depositors of the institution or in the interest  
18 of the public to permit such person to control the  
19 institution; or

20           (5) Any acquiring person neglects, fails or refuses  
21 to furnish the Commissioner all the information required  
22 by the Commissioner.

23 (Source: P.A. 89-320, eff. 1-1-96; 89-603, eff. 8-2-96.)

24 (205 ILCS 105/7-9) (from Ch. 17, par. 3307-9)

25 Sec. 7-9. Disclosure of reports of examinations and  
26 confidential supervisory information; limitations.

27 (a) Any report of examination, visitation, or  
28 investigation prepared by the Commissioner under this Act,  
29 any report of examination, visitation, or investigation  
30 prepared by the state regulatory authority of another state  
31 that examines a branch of an Illinois State association in  
32 that state, any document or record prepared or obtained in  
33 connection with or relating to any examination, visitation,

1 or investigation, and any record prepared or obtained by the  
2 Commissioner to the extent that the record summarizes or  
3 contains information derived from any report, document, or  
4 record described in this subsection shall be deemed  
5 confidential supervisory information. "Confidential  
6 supervisory information" shall not include any information or  
7 record routinely prepared by an association and maintained in  
8 the ordinary course of business or any information or record  
9 that is required to be made publicly available pursuant to  
10 State or federal law or rule. Confidential supervisory  
11 information shall be the property of the Commissioner and  
12 shall only be disclosed under the circumstances and for the  
13 purposes set forth in this Section.

14 The Commissioner may disclose confidential supervisory  
15 information only under the following circumstances:

16 (1) The Commissioner may furnish confidential  
17 supervisory information to federal and state depository  
18 institution regulators, or any official or examiner  
19 thereof duly accredited for the purpose. Nothing  
20 contained in this Act shall be construed to limit the  
21 obligation of any association to comply with the  
22 requirements relative to examinations and reports nor to  
23 limit in any way the powers of the Commissioner relative  
24 to examinations and reports.

25 (2) The Commissioner may furnish confidential  
26 supervisory information to the United States or any  
27 agency thereof that to any extent has insured an  
28 association's deposits, or any official or examiner  
29 thereof duly accredited for the purpose. Nothing  
30 contained in this Act shall be construed to limit the  
31 obligation relative to examinations and reports of any  
32 association in which deposits are to any extent insured  
33 by the United States or any agency thereof nor to limit  
34 in any way the powers of the Commissioner with reference



1 to examination and reports of the association.

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

7 (4) The Commissioner may furnish confidential  
8 supervisory information related to an association, which  
9 the Commissioner has caused to be examined, to the  
10 administrator of the Uniform Disposition of Unclaimed  
11 Property Act.

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

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

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

27 (8) The Commissioner may furnish confidential  
28 supervisory information as otherwise permitted or  
29 required by this Act and may furnish confidential  
30 supervisory information under any other statute that by  
31 its terms or by regulations promulgated thereunder  
32 requires the disclosure of financial records other than  
33 by subpoena, summons, warrant, or court order.

34 (9) At the request of the affected association, the

1 Commissioner may furnish confidential supervisory  
2 information relating to the association, which the  
3 Commissioner has caused to be examined, in connection  
4 with the obtaining of insurance coverage or the pursuit  
5 of an insurance claim for or on behalf of the  
6 association; provided that, when possible, the  
7 Commissioner shall disclose only relevant information  
8 while maintaining the confidentiality of financial  
9 records not relevant to such insurance coverage or claim  
10 and, when appropriate, may delete identifying data  
11 relating to any person.

12 (10) The Commissioner may furnish a copy of a  
13 report of any examination performed by the Commissioner  
14 of the condition and affairs of any electronic data  
15 processing entity to the associations serviced by the  
16 electronic data processing entity.

17 (11) In addition to the foregoing circumstances,  
18 the Commissioner may, but is not required to, furnish  
19 confidential supervisory information under the same  
20 circumstances authorized for the association pursuant to  
21 subsection (b) of this Section, except that the  
22 Commissioner shall provide confidential supervisory  
23 information under circumstances described in paragraph  
24 (3) of subsection (b) of this Section only upon the  
25 request of the association.

26 (b) An association or its officers, agents, and  
27 employees may disclose confidential supervisory information  
28 only under the following circumstances:

29 (1) to the board of directors of the association,  
30 as well as the president, vice-president, cashier, and  
31 other officers of the association to whom the board of  
32 directors may delegate duties with respect to compliance  
33 with recommendations for action, and to the board of  
34 directors of an association holding company that owns at

1 least 80% of the outstanding stock of the association or  
2 other financial institution.

3 (2) to attorneys for the association and to a  
4 certified public accountant engaged by the association to  
5 perform an independent audit; provided that the attorney  
6 or certified public accountant shall not permit the  
7 confidential supervisory information to be further  
8 disseminated.

9 (3) to any person who seeks to acquire a controlling  
10 interest in, or who seeks to merge with, the association;  
11 provided that the person shall agree to be bound to  
12 respect the confidentiality of the confidential  
13 supervisory information and to not further disseminate  
14 the information other than to attorneys, certified public  
15 accountants, officers, agents, or employees of that  
16 person who likewise shall agree to be bound to respect  
17 the confidentiality of the confidential supervisory  
18 information and to not further disseminate the  
19 information.

20 (4) to the association's insurance company, if the  
21 supervisory information contains information that is  
22 otherwise unavailable and is strictly necessary to  
23 obtaining insurance coverage or pursuing an insurance  
24 claim for or on behalf of the association; provided that,  
25 when possible, the association shall disclose only  
26 information that is relevant to obtaining insurance  
27 coverage or pursuing an insurance claim, while  
28 maintaining the confidentiality of financial information  
29 pertaining to customers; and provided further that, when  
30 appropriate, the association may delete identifying data  
31 relating to any person.

32 The disclosure of confidential supervisory information by  
33 an association pursuant to this subsection (b) and the  
34 disclosure of information to the Commissioner or other

1 regulatory agency in connection with any examination,  
2 visitation, or investigation shall not constitute a waiver of  
3 any legal privilege otherwise available to the association  
4 with respect to the information.

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

22 (2) Any request for discovery or disclosure of  
23 confidential supervisory information, whether by  
24 subpoena, order, or other judicial or administrative  
25 process, shall be made to the Commissioner, and the  
26 Commissioner shall determine within 15 days whether to  
27 disclose the information pursuant to procedures and  
28 standards that the Commissioner shall establish by rule.  
29 If the Commissioner determines that such information will  
30 not be disclosed, the Commissioner's decision shall be  
31 subject to judicial review under the provisions of the  
32 Administrative Review Law, and venue shall be in either  
33 Sangamon County or Cook County.

34 (3) Any court order that compels disclosure of

1 confidential supervisory information may be immediately  
2 appealed by the Commissioner, and the order shall be  
3 automatically stayed pending the outcome of the appeal.

4 (d) If any officer, agent, attorney, or employee of an  
5 association knowingly and willfully furnishes confidential  
6 supervisory information in violation of this Section, the  
7 Commissioner may impose a civil monetary penalty up to \$1,000  
8 for the violation against the officer, agent, attorney, or  
9 employee. Information--to--Federal---Authorities.---(a)--The  
10 Commissioner--may--give--copies--of--reports--of--his--examinations  
11 of--an--association--and--copies--of--the--association's--reports--to  
12 him--and--any--other--information--which--he--has--concerning--the  
13 association--to:--the--Federal--Home--Loan--Bank--(or--its--successor  
14 instrumentality)--of--which--the--association--is--a--member;--the  
15 insurance--corporation--which--has--insured--the--association's  
16 deposits;--other--regulatory--agencies--of--this--State;--regulatory  
17 agencies--of--financial--institutions--in--other--states;--and--law  
18 enforcement--agencies--of--this--State,--other--states--or--of--the  
19 United--States.

20 (b)--No--such--action--by--the--Commissioner--shall--relieve--the  
21 association--from--compliance--with--any--requirements--of--such  
22 Federal--institution--concerning--examinations--or--reports--or  
23 limit--the--Commissioner's--powers--to--examine--or--to--require  
24 reports--from--the--association.

25 (c)--No--other--party--shall--be--entitled--to--any--reports--of  
26 examination,--reports--to--the--Commissioner--or--any--other  
27 information--concerning--the--association--derived--from--such  
28 reports.

29 (Source: P.A. 86-137.)

30 (205 ILCS 105/7-11) (from Ch. 17, par. 3307-11)

31 Sec. 7-11. Commissioner's authority to take custody and  
32 appoint a conservator. The Commissioner in his discretion may  
33 take custody of, and appoint a conservator for, the property,

1 liabilities, books, records, business and assets of every  
2 kind and character of any association, trust or association  
3 in liquidation, for any of the purposes hereinafter  
4 enumerated, if it appears from reports made to the  
5 Commissioner, or from examination made by or on behalf of the  
6 Commissioner:

7 (a) That the directors, officers, trustees or  
8 liquidators have neglected, failed or refused to take any  
9 action which the Commissioner may deem necessary for the  
10 protection of the association or trust or have impeded or  
11 obstructed an examination; or

12 (b) That the withdrawable capital of the  
13 association is impaired to the extent that the realizable  
14 value of its assets is insufficient to pay in full its  
15 creditors and holders of its withdrawable capital; or  
16 that its permanent reserve capital is impaired; or

17 (c) That the association is unable to continue  
18 operation; or

19 (d) That the business of the association, trust or  
20 association in liquidation is being conducted in a  
21 fraudulent, illegal or unsafe manner; or

22 (e) That the officers, employees, trustees or  
23 liquidators have continued to assume duties or perform  
24 acts without giving bond as required by the provisions of  
25 this Act.

26 Unless the Commissioner finds that an emergency exists  
27 which may result in loss to members or creditors and requires  
28 that he take custody immediately, he first shall give written  
29 notice to the directors, trustees or liquidators specifying  
30 the conditions criticized and state a reasonable time within  
31 which correction may be made. If however, an association  
32 whose accounts are insured by the ~~Federal-Savings-and-Loan~~  
33 insurance corporation is impaired within the meaning of  
34 paragraph (b) above, or any other condition exists which

1 would give the Commissioner authority to take custody of an  
2 insured institution, the action of the Commissioner can be  
3 withheld provided that the Commissioner determines from  
4 reports made to him by the association, and such other  
5 examinations as may be deemed necessary, that the association  
6 has sufficient liquid assets and has adopted and implemented  
7 an operating plan satisfactory to the Commissioner. In such  
8 case the Commissioner may defer a custody action pending a  
9 satisfactory resolution of the impairment as suggested by  
10 either the association or the Federal--Savings--and--Loan  
11 insurance corporation.

12 If any condition exists that would give the Commissioner  
13 authority to take custody of an association, the action of  
14 the Commissioner may be withheld pending a satisfactory  
15 resolution of the condition as suggested by the insurance  
16 corporation provided the association has sufficient liquidity  
17 and has adopted and implemented an operating plan the  
18 Commissioner considers prudent.

19 No action or inaction of the Commissioner taken pursuant  
20 to this Article shall cause the Commissioner to be personally  
21 liable for such action or inaction unless the Commissioner's  
22 action or inaction is found to be in violation of a criminal  
23 statute. The Commissioner shall promulgate rules and  
24 regulations to govern the determination of a need for a  
25 conservator and the selection, appointment and conduct of a  
26 conservatorship, including allocation of payment and costs.  
27 (Source: P.A. 91-97, eff. 7-9-99.)

28 (205 ILCS 105/7-23) (from Ch. 17, par. 3307-23)

29 Sec. 7-23. Proceedings on objections to Commissioner's  
30 action. Any person aggrieved by any decision, order, or  
31 action of the Commissioner, except one under paragraph (b) of  
32 Section 1-9, Section 2-3, or paragraph (j) of Section 3-4, or  
33 Section 7-9 of this Act, or under Section 1006(b), or Section

1     3005, or Section 9012 of the Savings Bank Act, or involving a  
2     change of location of an office or the establishment of an  
3     additional office under the Savings Bank Act, may receive a  
4     hearing as provided in Sections 7-24 through 7-27 of this  
5     Act.

6     (Source: P.A. 89-508, eff. 7-3-96.)

7             Section 10. The Savings Bank Act is amended by changing  
8     Sections 4013 and 9012 as follows:

9             (205 ILCS 205/4013) (from Ch. 17, par. 7304-13)

10            Sec. 4013. Access to books and records; communication  
11     with members and shareholders.

12            (a) Every member or shareholder shall have the right to  
13     inspect books and records of the savings bank that pertain to  
14     his accounts. Otherwise, the right of inspection and  
15     examination of the books and records shall be limited as  
16     provided in this Act, and no other person shall have access  
17     to the books and records nor shall be entitled to a list of  
18     the members or shareholders.

19            (b) For the purpose of this Section, the term "financial  
20     records" means any original, any copy, or any summary of (1)  
21     a document granting signature authority over a deposit or  
22     account; (2) a statement, ledger card, or other record on any  
23     deposit or account that shows each transaction in or with  
24     respect to that account; (3) a check, draft, or money order  
25     drawn on a savings bank or issued and payable by a savings  
26     bank; or (4) any other item containing information pertaining  
27     to any relationship established in the ordinary course of a  
28     savings bank's business between a savings bank and its  
29     customer, including financial statements or other financial  
30     information provided by the member or shareholder.

31            (c) This Section does not prohibit:

32            (1) The preparation examination, handling, or



1 maintenance of any financial records by any officer,  
2 employee, or agent of a savings bank having custody of  
3 records or examination of records by a certified public  
4 accountant engaged by the savings bank to perform an  
5 independent audit.

6 (2) The examination of any financial records by, or  
7 the furnishing of financial records by a savings bank to,  
8 any officer, employee, or agent of the Commissioner of  
9 Banks and Real Estate or the federal depository  
10 institution regulator ~~Federal---Deposit---Insurance~~  
11 ~~Corporation~~ for use solely in the exercise of his duties  
12 as an officer, employee, or agent.

13 (3) The publication of data furnished from  
14 financial records relating to members or holders of  
15 capital where the data cannot be identified to any  
16 particular member, shareholder, or account.

17 (4) The making of reports or returns required under  
18 Chapter 61 of the Internal Revenue Code of 1986.

19 (5) Furnishing information concerning the dishonor  
20 of any negotiable instrument permitted to be disclosed  
21 under the Uniform Commercial Code.

22 (6) The exchange in the regular course of business  
23 of (i) credit information between a savings bank and  
24 other savings banks or financial institutions or  
25 commercial enterprises, directly or through a consumer  
26 reporting agency or (ii) financial records or information  
27 derived from financial records between a savings bank and  
28 other savings banks or financial institutions or  
29 commercial enterprises for the purpose of conducting due  
30 diligence pursuant to a purchase or sale involving the  
31 savings bank or assets or liabilities of the savings  
32 bank.

33 (7) The furnishing of information to the  
34 appropriate law enforcement authorities where the savings

1 bank reasonably believes it has been the victim of a  
2 crime.

3 (8) The furnishing of information pursuant to the  
4 Uniform Disposition of Unclaimed Property Act.

5 (9) The furnishing of information pursuant to the  
6 Illinois Income Tax Act and the Illinois Estate and  
7 Generation-Skipping Transfer Tax Act.

8 (10) The furnishing of information pursuant to the  
9 federal "Currency and Foreign Transactions Reporting  
10 Act", (Title 31, United States Code, Section 1051 et  
11 seq.).

12 (11) The furnishing of information pursuant to any  
13 other statute which by its terms or by regulations  
14 promulgated thereunder requires the disclosure of  
15 financial records other than by subpoena, summons,  
16 warrant, or court order.

17 (12) The furnishing of information in accordance  
18 with the federal Personal Responsibility and Work  
19 Opportunity Reconciliation Act of 1996. Any savings bank  
20 governed by this Act shall enter into an agreement for  
21 data exchanges with a State agency provided the State  
22 agency pays to the savings bank a reasonable fee not to  
23 exceed its actual cost incurred. A savings bank  
24 providing information in accordance with this item shall  
25 not be liable to any account holder or other person for  
26 any disclosure of information to a State agency, for  
27 encumbering or surrendering any assets held by the  
28 savings bank in response to a lien or order to withhold  
29 and deliver issued by a State agency, or for any other  
30 action taken pursuant to this item, including individual  
31 or mechanical errors, provided the action does not  
32 constitute gross negligence or willful misconduct. A  
33 savings bank shall have no obligation to hold, encumber,  
34 or surrender assets until it has been served with a

1 subpoena, summons, warrant, court or administrative  
2 order, lien, or levy.

3 (13) The furnishing of information to law  
4 enforcement authorities, the Illinois Department on Aging  
5 and its regional administrative and provider agencies,  
6 the Department of Human Services Office of Inspector  
7 General, or public guardians, if the savings bank  
8 suspects that a customer who is an elderly or disabled  
9 person has been or may become the victim of financial  
10 exploitation. For the purposes of this item (13), the  
11 term: (i) "elderly person" means a person who is 60 or  
12 more years of age, (ii) "disabled person" means a person  
13 who has or reasonably appears to the savings bank to have  
14 a physical or mental disability that impairs his or her  
15 ability to seek or obtain protection from or prevent  
16 financial exploitation, and (iii) "financial  
17 exploitation" means tortious or illegal use of the assets  
18 or resources of an elderly or disabled person, and  
19 includes, without limitation, misappropriation of the  
20 elderly or disabled person's assets or resources by undue  
21 influence, breach of fiduciary relationship,  
22 intimidation, fraud, deception, extortion, or the use of  
23 assets or resources in any manner contrary to law. A  
24 savings bank or person furnishing information pursuant to  
25 this item (13) shall be entitled to the same rights and  
26 protections as a person furnishing information under the  
27 Elder Abuse and Neglect Act and the Illinois Domestic  
28 Violence Act of 1986.

29 (14) The disclosure of financial records or  
30 information as necessary to effect, administer, or  
31 enforce a transaction requested or authorized by the  
32 member or holder of capital, or in connection with:

33 (A) servicing or processing a financial  
34 product or service requested or authorized by the

1 member or holder of capital;

2 (B) maintaining or servicing an account of a  
3 member or holder of capital with the savings bank;  
4 or

5 (C) a proposed or actual securitization or  
6 secondary market sale (including sales of servicing  
7 rights) related to a transaction of a member or  
8 holder of capital.

9 Nothing in this item (14), however, authorizes the  
10 sale of the financial records or information of a member  
11 or holder of capital without the consent of the member or  
12 holder of capital.

13 (15) The exchange in the regular course of business  
14 of information between a savings bank and any commonly  
15 owned affiliate of the savings bank, subject to the  
16 provisions of the Financial Institutions Insurance Sales  
17 Law.

18 (16) The disclosure of financial records or  
19 information as necessary to protect against or prevent  
20 actual or potential fraud, unauthorized transactions,  
21 claims, or other liability.

22 (17) (a) The disclosure of financial records or  
23 information related to a private label credit program  
24 between a financial institution and a private label party  
25 in connection with that private label credit program.  
26 Such information is limited to outstanding balance,  
27 available credit, payment and performance and account  
28 history, product references, purchase information, and  
29 information related to the identity of the customer.

30 (b) (1) For purposes of this paragraph (17) of  
31 subsection (c) of Section 4013, a "private label credit  
32 program" means a credit program involving a financial  
33 institution and a private label party that is used by a  
34 customer of the financial institution and the private

1 label party primarily for payment for goods or services  
2 sold, manufactured, or distributed by a private label  
3 party.

4 (2) For purposes of this paragraph (17) of  
5 subsection (c) of Section 4013, a "private label party"  
6 means, with respect to a private label credit program,  
7 any of the following: a retailer, a merchant, a  
8 manufacturer, a trade group, or any such person's  
9 affiliate, subsidiary, member, agent, or service  
10 provider.

11 (d) A savings bank may not disclose to any person,  
12 except to the member or holder of capital or his duly  
13 authorized agent, any financial records relating to that  
14 member or shareholder of the savings bank unless:

15 (1) the member or shareholder has authorized  
16 disclosure to the person; or

17 (2) the financial records are disclosed in response  
18 to a lawful subpoena, summons, warrant, or court order  
19 that meets the requirements of subsection (e) of this  
20 Section.

21 (e) A savings bank shall disclose financial records  
22 under subsection (d) of this Section pursuant to a lawful  
23 subpoena, summons, warrant, or court order only after the  
24 savings bank mails a copy of the subpoena, summons, warrant,  
25 or court order to the person establishing the relationship  
26 with the savings bank, if living, and otherwise, his personal  
27 representative, if known, at his last known address by first  
28 class mail, postage prepaid, unless the savings bank is  
29 specifically prohibited from notifying the person by order of  
30 court.

31 (f) Any officer or employee of a savings bank who  
32 knowingly and willfully furnishes financial records in  
33 violation of this Section is guilty of a business offense  
34 and, upon conviction, shall be fined not more than \$1,000.

1           (g) Any person who knowingly and willfully induces or  
2 attempts to induce any officer or employee of a savings bank  
3 to disclose financial records in violation of this Section is  
4 guilty of a business offense and, upon conviction, shall be  
5 fined not more than \$1,000.

6           (h) If any member or shareholder desires to communicate  
7 with the other members or shareholders of the savings bank  
8 with reference to any question pending or to be presented at  
9 an annual or special meeting, the savings bank shall give  
10 that person, upon request, a statement of the approximate  
11 number of members or shareholders entitled to vote at the  
12 meeting and an estimate of the cost of preparing and mailing  
13 the communication. The requesting member shall submit the  
14 communication to the Commissioner who, upon finding it to be  
15 appropriate and truthful, shall direct that it be prepared  
16 and mailed to the members upon the requesting member's or  
17 shareholder's payment or adequate provision for payment of  
18 the expenses of preparation and mailing.

19           (i) A savings bank shall be reimbursed for costs that  
20 are necessary and that have been directly incurred in  
21 searching for, reproducing, or transporting books, papers,  
22 records, or other data of a customer required to be  
23 reproduced pursuant to a lawful subpoena, warrant, or court  
24 order.

25           (j) Notwithstanding the provisions of this Section, a  
26 savings bank may sell or otherwise make use of lists of  
27 customers' names and addresses. All other information  
28 regarding a customer's account are subject to the disclosure  
29 provisions of this Section. At the request of any customer,  
30 that customer's name and address shall be deleted from any  
31 list that is to be sold or used in any other manner beyond  
32 identification of the customer's accounts.

33           (Source: P.A. 91-929, eff. 12-15-00; 92-483, eff. 8-23-01;  
34 92-543, eff. 6-12-02.)

1           (205 ILCS 205/9012) (from Ch. 17, par. 7309-12)  
2           Sec. 9012. Disclosure of reports of examinations and  
3 confidential supervisory information; limitations.

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

24           The Commissioner may disclose confidential supervisory  
25 information only under the following circumstances:

26           (1) The Commissioner may furnish confidential  
27 supervisory information to federal and state depository  
28 institution regulators, or any official or examiner  
29 thereof duly accredited for the purpose. Nothing  
30 contained in this Act shall be construed to limit the  
31 obligation of any savings bank to comply with the  
32 requirements relative to examinations and reports nor to  
33 limit in any way the powers of the Commissioner relative  
34 to examinations and reports.

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

12           (3) The Commissioner may furnish confidential  
13 supervisory information to the appropriate law  
14 enforcement authorities when the Commissioner reasonably  
15 believes a savings bank, which the Commissioner has  
16 caused to be examined, has been a victim of a crime.

17           (4) The Commissioner may furnish confidential  
18 supervisory information related to a savings bank, which  
19 the Commissioner has caused to be examined, to the  
20 administrator of the Uniform Disposition of Unclaimed  
21 Property Act.

22           (5) The Commissioner may furnish confidential  
23 supervisory information relating to a savings bank, which  
24 the Commissioner has caused to be examined, relating to  
25 its performance of obligations under the Illinois Income  
26 Tax Act and the Illinois Estate and Generation-Skipping  
27 Transfer Tax Act to the Illinois Department of Revenue.

28           (6) The Commissioner may furnish confidential  
29 supervisory information relating to a savings bank, which  
30 the Commissioner has caused to be examined, under the  
31 federal Currency and Foreign Transactions Reporting Act,  
32 31 United States Code, Section 1051 et seq.

33           (7) The Commissioner may furnish confidential  
34 supervisory information to any other agency or entity



1 that the Commissioner determines to have a legitimate  
2 regulatory interest.

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

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

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

27 (11) In addition to the foregoing circumstances,  
28 the Commissioner may, but is not required to, furnish  
29 confidential supervisory information under the same  
30 circumstances authorized for the savings bank pursuant to  
31 subsection (b) of this Section, except that the  
32 Commissioner shall provide confidential supervisory  
33 information under circumstances described in paragraph  
34 (3) of subsection (b) of this Section only upon the

1       request of the savings bank.

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

5             (1) to the board of directors of the savings bank,  
6             as well as the president, vice-president, cashier, and  
7             other officers of the savings bank to whom the board of  
8             directors may delegate duties with respect to compliance  
9             with recommendations for action, and to the board of  
10            directors of a savings bank holding company that owns at  
11            least 80% of the outstanding stock of the savings bank or  
12            other financial institution.

13            (2) to attorneys for the savings bank and to a  
14            certified public accountant engaged by the savings bank  
15            to perform an independent audit; provided that the  
16            attorney or certified public accountant shall not permit  
17            the confidential supervisory information to be further  
18            disseminated.

19            (3) to any person who seeks to acquire a  
20            controlling interest in, or who seeks to merge with, the  
21            savings bank; provided that the person shall agree to be  
22            bound to respect the confidentiality of the confidential  
23            supervisory information and to not further disseminate  
24            the information other than to attorneys, certified public  
25            accountants, officers, agents, or employees of that  
26            person who likewise shall agree to be bound to respect  
27            the confidentiality of the confidential supervisory  
28            information and to not further disseminate the  
29            information.

30            (4) to the savings bank's insurance company, if the  
31            supervisory information contains information that is  
32            otherwise unavailable and is strictly necessary to  
33            obtaining insurance coverage or pursuing an insurance  
34            claim for or on behalf of the savings bank; provided

1 that, when possible, the savings bank shall disclose only  
2 information that is relevant to obtaining insurance  
3 coverage or pursuing an insurance claim, while  
4 maintaining the confidentiality of financial information  
5 pertaining to customers; and provided further that, when  
6 appropriate, the savings bank may delete identifying data  
7 relating to any person.

8 The disclosure of confidential supervisory information by  
9 a savings bank pursuant to this subsection (b) and the  
10 disclosure of information to the Commissioner or other  
11 regulatory agency in connection with any examination,  
12 visitation, or investigation shall not constitute a waiver of  
13 any legal privilege otherwise available to the savings bank  
14 with respect to the information.

15 (c) (1) Notwithstanding any other provision of this Act  
16 or any other law, confidential supervisory information shall  
17 be the property of the Commissioner and shall be privileged  
18 from disclosure to any person except as provided in this  
19 Section. No person in possession of confidential supervisory  
20 information may disclose that information for any reason or  
21 under any circumstances not specified in this Section without  
22 the prior authorization of the Commissioner. Any person upon  
23 whom a demand for production of confidential supervisory  
24 information is made, whether by subpoena, order, or other  
25 judicial or administrative process, must withhold production  
26 of the confidential supervisory information and must notify  
27 the Commissioner of the demand, at which time the  
28 Commissioner is authorized to intervene for the purpose of  
29 enforcing the limitations of this Section or seeking the  
30 withdrawal or termination of the attempt to compel production  
31 of the confidential supervisory information.

32 (2) Any request for discovery or disclosure of  
33 confidential supervisory information, whether by  
34 subpoena, order, or other judicial or administrative

1 process, shall be made to the Commissioner, and the  
 2 Commissioner shall determine within 15 days whether to  
 3 disclose the information pursuant to procedures and  
 4 standards that the Commissioner shall establish by rule.  
 5 If the Commissioner determines that such information will  
 6 not be disclosed, the Commissioner's decision shall be  
 7 subject to judicial review under the provisions of the  
 8 Administrative Review Law, and venue shall be in either  
 9 Sangamon County or Cook County.

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

14 (d) If any officer, agent, attorney, or employee of a  
 15 savings bank knowingly and willfully furnishes confidential  
 16 supervisory information in violation of this Section, the  
 17 Commissioner may impose a civil monetary penalty up to \$1,000  
 18 for the violation against the officer, agent, attorney, or  
 19 employee. Disclosure--of--examination--reports---and---other  
 20 records.

21 (a)--Except---as---provided---in---subsection---(b)---the  
 22 Commissioner may disclose information gathered by examination  
 23 of--and--through--reports--from--a--savings--bank--only--to--the--board  
 24 of--directors--of--the--savings--bank,--other--federal--and--state  
 25 financial---services---regulators,---law---enforcement---or  
 26 prosecutorial--agencies,--and--the--savings--bank's--independent  
 27 licensed--public--accountants.

28 (e) (b) Subject to the limits of this Section, the  
 29 Commissioner also may promulgate regulations to set  
 30 procedures and standards for allow disclosure of other--than  
 31 as--provided--in--subsection--(a),--but--only--for the following  
 32 items:

33 (1) All fixed orders and opinions made in cases of  
 34 appeals of the Commissioner's actions.

1           (2) Statements of policy and interpretations  
2           adopted by the Commissioner's office, but not otherwise  
3           made public.

4           (3) Nonconfidential portions of application files,  
5           including applications for new charters. The  
6           Commissioner shall specify by rule as to what part of the  
7           files are confidential.

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

10         (Source: P.A. 86-1213.)

11           Section 99. Effective date. This Act takes effect upon  
12           becoming law.