

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

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

(d) If any officer, agent, attorney, or employee of an
association knowingly and willfully furnishes confidential
supervisory information in violation of this Section, the
Commissioner may impose a civil monetary penalty up to \$1,000
for the violation against the officer, agent, attorney, or
employee. Information--to--Federal---Authorities.---(a)--The

Commissioner--may--give--copies--of--reports--of--his--examinations
of--an--association--and--copies--of--the--association's--reports--to
him--and--any--other--information--which--he--has--concerning--the
association--to--the--Federal--Home--Loan--Bank--(or--its--successor
instrumentality)--of--which--the--association--is--a--member--the
insurance--corporation--which--has--insured--the--association's
deposits--other--regulatory--agencies--of--this--State--regulatory
agencies--of--financial--institutions--in--other--states--and--law
enforcement--agencies--of--this--State,--other--states--or--of--the
United--States.

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

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

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

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

Sec. 7-11. Commissioner's authority to take custody and
appoint a conservator. The Commissioner in his discretion may
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.