

# Transmittal




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In order to protect private and confidential information, the Office of Thrift Supervision (OTS) has formally established ground rules for requesters seeking nonpublic information from OTS. The rules are spelled out in the attached final regulation. OTS frequently receives such requests from litigants in private lawsuits.

The regulation codifies what has been OTS practice of balancing the public interest in maintaining the confidentiality of nonpublic information against the requesters' need for such information. The agency anticipates that it will continue to deny requests for most of this information. Requesters who do obtain nonpublic OTS information may not disclose it without the agency's authorization.

The regulation covers both written disclosure in the form of documents held by OTS, and verbal disclosure in the form of testimony by current and former OTS employees. In addition, the regulation explicitly authorizes thrifts to disclose examination reports to their parent holding companies and holding companies to disclose examination reports to their subsidiary thrifts.

The rule details an orderly mechanism for expeditious processing of public requests for documents that normally would not be released, even if

requested under the Freedom of Information Act (FOIA). The regulation, in fact, does not apply to FOIA requests, which are covered by other regulations.

Among the confidential documents covered by the rule are reports on OTS examinations of savings institutions, information on their business operations and finances, data on their holding companies and information on their customers. Such information is confidential. Nevertheless, OTS receives numerous requests from the public each year for such information.

OTS will evaluate individual requests based on four criteria; (1) how well the requester demonstrates that the information sought is highly relevant to the purpose for which it is sought; (2) that it is not available from other sources; (3) that the requester's need for the information clearly outweighs the public interest in maintaining confidentiality; and (4) the burden OTS would incur in assembling and producing such information. The rule includes provisions for charging requesters for costs incurred by the agency.

The final rule was published in the May 30, 1995, edition of the *Federal Register*, Vol. 60, No. 103, pp. 28027-28033, and is effective July 1, 1995.

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Attachment