

# RESCINDED

## Right to Financial Privacy Act Program

This document and any attachments are superseded by Comptroller's Handbook - Consumer Compliance - Other Consumer Protection Laws and Regulations.

### EXAMINATION OBJECTIVES

To determine that the financial institution has established procedures to ensure that it is in compliance with the RTFPA.

To determine that the financial institution is in compliance with the provisions of the RTFPA.

### EXAMINATION PROCEDURES

1. Review the Matters Requiring Board Attention and Corrective Actions from the three or four previous ROEs to ensure that the board and management have taken appropriate corrective action where necessary and persistent problems have not recurred.

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2. Determine if the financial institution has received any requests covered by the Act for consumers' financial records since March 10, 1979. If no requests have been made the examiner should determine if the institution is aware of its responsibilities under the Act. If requests have been made the examiner should complete the remaining procedures.

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3. Determine if the financial institution has established procedures and internal controls for fulfilling requests by government authorities for a consumer financial records which are adequate to ensure that all requests are handled in compliance with the Act.

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4. Determine if the financial institution provides customers' financial records to government authorities only after receiving the proper written certification required by the Act.
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<b>Exam Date:</b>	
<b>Prepared By:</b>	
<b>Reviewed By:</b>	
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5. Determine if the internal procedures of the financial institution require that the institution refrain from requiring a customer's authorization for disclosure of financial records as a condition of doing business.

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6. Determine if the financial institution keeps appropriate records of those instances in which a customer's financial records are disclosed to the government authority, upon authorization by the customer including a copy of the request and the identity of the government authority. Determine if the institution provides customers a copy of the records upon request (unless a court order has been obtained blocking access).

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7. Determine if the financial institution maintains appropriate records of all disclosures of a customer's records made to a government authority in connection with a government loan, guaranty or insurance program. Determine if the institution allows customers to examine these records upon request.

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## **EXAMINER'S SUMMARY, RECOMMENDATIONS, AND COMMENTS**

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