

May 24, 2000

Robert H. Dickman, Esquire
Robert H. Dickman & Associates, P.C.
Suite 1204, Two Penn Center Plaza
1500 J.F. Kennedy Blvd.
Philadelphia, PA 19102-1721

Re: Confidentiality of Member's Records, Your Letter dated April 6, 2000.

Dear Mr. Dickman:

You have asked whether a Pennsylvania credit union may turn over a member's records to a law enforcement agency, absent a search warrant. As explained below, the answer is yes if it is permissible under state or federal law.

The Federal Credit Union Bylaws (FCU Bylaws) state that a federal credit union (FCU) must hold in confidence all transactions and personal information of its members, except when permitted by state or federal law. Article XVI, Section 2.

You have enclosed a case that holds, under Pennsylvania law, a financial institution may turn over the name and address of a customer to the police. Therefore, a credit union located in Pennsylvania is permitted to turn over the name and address of a member to a law enforcement official conducting an investigation.

In addition, on May 8, 2000, the National Credit Union Administration Board issued privacy regulations that, effective November 13, 2000, apply to all federally-insured credit unions and are controlling on the issue of the confidentiality of a member's nonpublic personal information. 12 C.F.R. Part 716. The rule allows a credit union to release nonpublic personal information "[t]o comply with a properly authorized civil, criminal or regulatory investigation, or subpoena or summons by federal, state or local authorities." 12 C.F.R. §716.15(a)(7)(ii).

Sincerely,

Sheila A. Albin
Associate General Counsel

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