Office of Thrift Supervision, Treasury

§ 503.2 Exemptions of records containing investigatory material compiled for law enforcement purposes.

(a) Scope. The Office has established a system of records, entitled the “Confidential Individual Information System.” The purpose of this system is to assist the Office in the accomplishment of its statutory and regulatory responsibilities in connection with supervision of savings associations. This system will be exempt from certain provisions of the Privacy Act of 1974 for the reasons set forth in paragraph (c) of this section.

(b) Exemptions Under 5 U.S.C. 552a(k)(2). (1) Pursuant to 5 U.S.C. 552a(k)(2), the head of an agency may issue rules to exempt any system of records within the agency from certain provisions of the Privacy Act of 1974 if the system contains investigatory material compiled for law enforcement purposes.

(ii) Provisions of the Privacy Act of 1974 from which exemptions will be made under 5 U.S.C. 552a(k)(2) are as follows:

(i) 5 U.S.C. 552a(c)(3);

(ii) 5 U.S.C. 552a(d)(1), (d)(2), (d)(3), and (d)(4); and

(iii) 5 U.S.C. 552a(e)(1);

(iv) 5 U.S.C. 552a(e)(4)(G), (e)(4)(H), and (e)(4)(I); and

(v) 5 U.S.C. 552a(f).

(c) Reasons for exemptions under 5 U.S.C. 552a(k)(2). (1) 5 U.S.C. 552a(c)(3) requires that an agency make accountings of disclosures of records available
to individuals named in the records at
their request. These accounting must
state the date, nature, and purpose of
each disclosure of a record and the
name and address of the recipient. The
application of this provision would
make known to subjects of an inves-
tigation that an investigation is taking
place and that they are the subjects of
it. Release of such information could
result in the alteration or destruction
of documentary evidence, improper in-
fluencing of witnesses, and reluctance
of witnesses to offer information, and
could otherwise impede or compromise
an investigation.

(2) 5 U.S.C. 552a(d)(1), (d)(2), (d)(3),
and (d)(4), (e)(4)(G) and (e)(4)(H), and
(f), relate to an individual’s right to be
notified of the existence of, and the
right to examine, records pertaining to
such individual. Notifying an indi-
vidual at the individual’s request of the
existence of records and allowing the
individual to examine an investigative
file pertaining to such individual, or
granting access to an investigative file,
could:

(i) Interfere with investigations and
enforcement proceedings;
(ii) Constitute an unwarranted inva-
sion of the personal privacy of others;
(iii) Disclose the identity of confiden-
tial sources and reveal confidential in-
formation supplied by those sources;
(iv) Disclose investigative techniques
and procedures.

(3) 5 U.S.C. 552a(e)(4)(I) requires the
publication of the categories of sources
of records in each system. Application
of this provision could disclose inves-
tigative techniques and procedures and
cause sources to refrain from giving
such information because of fear of re-
prisal, or fear of breach of promises of
anonymity and confidentiality, thus
compromising the agency’s ability to
conduct investigations and to identify,
detect, and apprehend violators.

(4) 5 U.S.C. 552a(e)(1) requires each
agency to maintain in its records only
information about an individual that is
relevant and necessary to accomplish a
purpose of the agency required by stat-
ute or Executive Order. Limiting the
system as described would impede en-
forcement activities because:

(i) It is not always possible to deter-
mine the relevance or necessity of spe-
cific information in the early stages of
an investigation; and
(ii) In any investigation the Office
may obtain information concerning
violations of laws other than those
within the scope of its jurisdiction. In
the interest of effective law enforce-
ment, the Office should retain this in-
formation to aid in establishing pat-
terns of criminal activity, and to pro-
vide leads for those law enforcement
agencies charged with enforcing crim-
nal or civil laws.

(d) Documents exempted. Exemptions
will be applied only when appropriate
under 5 U.S.C. 552a(k).

[55 FR 31371, Aug. 2, 1990]

PART 505—FREEDOM OF
INFORMATION ACT

§ 505.1 Basis and scope.

(a) This part is issued by the Office of
Thrift Supervision ("OTS") as a sup-
plement to the Freedom of Information
Act regulations of the Department of
the Treasury, 31 CFR part 1, subpart A,
which apply to the OTS as a compo-
ment part of the Department of the
Treasury.

(b) This part is issued by the OTS
pursuant to the requirement of section
552 of title 5 of the United States Code,
which requires every federal agency to
publish in the FEDERAL REGISTER the
established places at which, the em-
ployees from whom, and the methods
whereby, the public may obtain infor-
mation, make submittals on requests,
or obtain decisions, and the forms
available or the places at which forms
and instructions as to the scope and
contents of all papers, reports, or ex-
aminations may be found. Information
about the Public Reading Room is set
forth in §505.2 of this part. Procedures
for requests for records are set forth in