§ 911.4 Requests for unpublished information by document or testimony.

(a) Form of requests. A request for unpublished information must be submitted to the Finance Board in writing and include a detailed description of the basis for the request. At a minimum, the request must demonstrate that:

(1) The requested information is highly relevant to the purpose for which it is sought;
(2) The requested information is not available from any other source;
(3) The need for the information clearly outweighs the need to maintain its confidentiality; and
(4) The need for the information clearly outweighs the burden on the Finance Board to produce it.

(b) Requests for documents. If the request is for unpublished information by document, the request must include the elements in paragraph (a) of this section and also must adequately describe the record or records sought by type and date.

(c) Requests for testimony. (1) If the request is for unpublished information by testimony, the request must include the elements in paragraph (a) of this section and also must set forth the intended use of the testimony, a summary of the scope of the testimony requested, and a showing that no document or the testimony of other non-Finance Board persons, including retained experts, could be provided and used in lieu of the testimony.

(2) Upon submitting a request to the Finance Board for unpublished information by testimony, the requester must notify all other parties to the matter at issue of the request.

(3) After receipt of a request for unpublished information by testimony but before the requested testimony occurs, a party to the matter at issue who did not join in the request and who wishes to question the witness beyond the scope of the testimony sought by the request, must timely submit its own request for unpublished information pursuant to this part.

(d) Requests in connection with legal proceedings. If the request for unpublished information arises out of a legal proceeding, the Finance Board generally will require that the legal proceeding already be filed before it will consider the request. In addition to the elements in paragraph (a) of this section, requests in connection with legal proceedings must include the caption and docket number of the case; the forum; the name, address, phone number, and electronic mail address, if available, of counsel to all other parties to the legal proceeding; the requester’s interest in the case; a summary of the issues in litigation; and the reasons for the request, including the relevance of the unpublished information and how the requested information will contribute substantially to the resolution of one or more specifically identified issues in the legal proceeding.

(e) Expedited requests. If a requester seeks a response in less than 60 days, the request must explain why the request was not submitted earlier and why the Finance Board should expedite the request.

(f) Where to submit requests. Send requests for unpublished information to the Office of General Counsel, Federal Housing Finance Board, 1777 F Street, NW., Washington, DC 20006.

(g) Additional information—(1) From the requester. The Office of General Counsel may consult with the requester to refine and limit the scope of the request to make compliance less burdensome or to obtain information necessary to make an informed determination on the request. A requester’s failure to cooperate in good faith with the Office of General Counsel may serve as the basis for a determination not to grant the request.
§ 911.6 Persons and entities with access to unpublished information.  

(a) Notice to Finance Board. Any person, including a current or former Finance Board employee or agent, or any entity, including a supervised entity, Bank member, or government agency that receives a request for, or is served with a subpoena, order, or other legal process to disclose unpublished information by document or testimony, must immediately notify the Office of General Counsel.  

(b) Response of person or entity served with request. Unless the Finance Board has authorized in writing disclosure of the requested information:  

(1) A current or former Finance Board employee or agent or a supervised entity that must respond to a subpoena, order, or other legal process to disclose the requested information, citing this part as authority.  

(2) A non-Finance Board person or entity may not disclose unpublished information unless:  

(i) The requester has sought the information from the Finance Board under this part; and  

(ii) After the Finance Board or the Department of Justice has had the opportunity to appear and oppose disclosure, a Federal court has ordered the person or entity to disclose the information.