



Summons, Subpoenas, Administrative Requests: Developing Procedures for Processing Government Demands for Customer Information

March 2, 2010, 12:30 - 2:30 p.m. (MT)



Financial institutions routinely process demands for customer information from third parties. Mishandling a claim can subject the bank to liability, either to the claimant, the customer or to contempt of court proceedings. Interagency Advisories distributed in 1998 and 2004, have directed U.S. financial institutions to develop processes for handling requests of sensitive information and private law suits regarding suspicious activities. This program focuses on developing written policies and procedures for dealing with third party demands for customer information. Program materials contain sample procedures.

Why Attend?

A bank should be consistent in handing demands regardless of the source. It should develop records that clearly indicate when the demand was received and to whom it was delivered for processing along with specific procedures for providing notice to customers when appropriate. (It should also have specific safeguards if notification is not appropriate.) After the fact, the bank should be able to demonstrate what documents were delivered to the requesting party or official.

This program helps attendees develop a demonstrable, consistent process. It does not focus on the law of any state. It uses the IRS summons process, one that applies to all U.S. financial institutions, as an example. Using IRS summons allows you to build your process around a common third party demand. You can adapt that process to meet the requirements used by your state courts and other common requests.

Highlights

- How to centralize demand processing
- Searching for customer relationships
- Handling variations in names and identifying numbers
- Handling "informal" government requests for information
- Requesting additional information or clarification from the demanding party
- Federal Right to Financial Privacy Act
- IRS Summons
- National Security Letters
- Grand jury subpoenas
- Requests for SARs and related information
- Informal law enforcement requests for information

Speaker

Ken Golliber is a principal with Pegasus Educational Services, LLC. He is an experienced banker with a unique ability to reduce complex legal concepts to plain English. Prior to becoming a full-time trainer, Ken was a community banker and General Counsel for a regional consulting firm for financial institutions. He has served on Compliance Schools sponsored by the OTS and the FDIC, and he has presented banking schools and seminars in over 25 states.

Audience

Operations officers and auditors - specifically, those responsible for handling third party claims for customer information including processing and providing notices to customers. The program does not address the laws of a particular state or deal with requests for customer funds.

CE Applied: 2.5 hours CRCM with the *Institute of Certified Bankers*

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