

INTERPRETIVE LETTER 89-8 (JUNE 28, 1989)

State bank is not authorized to produce examination report pursuant to a "Request to Produce" issued to it in litigation.

In your letter dated *, you informed this Office that a "Request to Produce" certain bank records and bank examination information had been served upon [Bank #1] by [Bank #2]. You indicated your intent to object to the requests for examination reports and communications with state and federal regulators.

It is the position of this Office that Section 48.3(b) of the Illinois Banking Act (Ill. Rev. Stat. 1987, ch. 17, par. 360.2) does not authorize a state-chartered bank to disclose or produce a report of examination unless the disclosure or production is "in response to a lawful subpoena, summons, warrant or court order...." The Request to Produce which was served on [Bank #1] by [Bank #2] is not a subpoena, summons, warrant or court order. [Bank #1] should not disclose or produce any reports of examination since the Request to Produce does not constitute authority for such disclosure or production under Section 48.3 of the Illinois Banking Act.

Additionally, you may wish to review Section 48.1 of the Illinois Banking Act (Ill. Rev. Stat. 1987, ch. 17, par. 360) to determine whether other information specified in the Request to Produce involves confidential customer information. [Bank #1] is prohibited from disclosing confidential customer information unless specifically authorized by any pertinent exception(s) found in Section 48.1.