

## CHAPTER 80-1-11

### PUBLIC DISCLOSURE OF INFORMATION

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#### **80-1-11-.01 Public Access to Records.**

The following records of the Department of Banking and Finance shall be subject to inspection by members of the public:

(a) Reports of Publishers (Form 8040/36);

(b) Sections of accepted Applications for Charter, received applications for Branch Office, Relocation, Merger, Acquisition of Voting Control of Large Financial Institutions, and Holding Company formation deemed to be non-confidential by the department; provided, however, such non-confidential information will come within Section 80-1-11-.02 ninety (90) days after disposition has been made of the application; and

(c) The terms of or a copy of any bond filed with the Department by (1) mortgage licensees or registrants; and (2) money services businesses.

Authority Ga. L. 1974, pp. 733, 736-738; O.C.G.A. § 7-1-61.

#### **80-1-11-.02 Confidential Records.**

(1) Consistent with Code Sections 7-1-70 and 7-1-1009, the following records of the Department of Banking and Finance are declared to be in the nature of examination reports obtained by or for the confidential use of the Department in ascertaining the true condition of the bank or other regulated entity and, therefore, shall not be available for inspection except as specifically authorized by the Commissioner:

(a) Reports of Examination;

(b) Reports of Investigation of Applications to the Department;

(c) Reports of Independent Audits;

(d) All correspondence, other records and documents not expressly made available by Rule 80-1-11-.01.

(2) Any examination reports, reports of investigation or other information obtained from another supervisory or regulatory agency or from law enforcement shall be treated as the property of the provider and will not be available for inspection. Requests for such information should be made to the provider directly.

Authority Ga. L. 1974, pp. 733, 736-738; O.C.G.A. § 7-1-61; O.C.G.A. § 7-1-70.

### **80-1-11-.03 Protection of Privacy.**

To the extent necessary to prevent an invasion of personal privacy, the Commissioner may delete identifying details from documents described in this chapter. In each case of such deletion, the justification therefor will be clearly explained in writing.

Authority Ga. L. 1974, pp. 733, 736-738.

### **80-1-11-.04 Request for Records.**

(1) Requests for copies of records must be in writing and must state the name of the person for whom the records are being sought and the purpose for which the records are to be used.

(2) Requests for copies of records believed to be for fraudulent, anticompetitive, or other illegitimate purposes shall be denied.

(3) The bank whose records are requested shall be notified of the request and disposition of same.

Authority Ga. L. 1974, p. 733.

### **80-1-11-.05 Annual Disclosure Statements by Banks.**

(a) Financial institutions who elect to make their annual disclosure statement available in accordance with this Rule shall be relieved from publishing an abstract summary of condition pursuant to Code Section 7-1-68.

(b) Requirement of availability - Each bank shall make its annual disclosure statement available to requesters beginning not later than March 31 following its issuance or, if the bank or its holding company mails an annual report to its shareholders, beginning not later than five days after the mailing of such reports, whichever occurs first. A bank shall continually make a disclosure statement available until the disclosure statement for the succeeding year becomes available.

(c) Contents - The disclosure statement may, at the option of the bank, consist of the bank's entire Call Report for the relevant dates and periods. At a minimum, the statement must contain information comparable to that provided in the following Call Report schedules: Balance Sheet; Past Due and Nonaccrual Loans and Leases; Income Statement; Changes in Equity Capital; Charge-Offs and Recoveries and Changes in Allowance for Loan and Lease Losses.

(d) Notice - A notice, which the bank shall at all times display, shall be posted in the lobby of its main office and each branch office, informing its customers and general public that the annual disclosure statement may be obtained from the bank. The notice shall include at a minimum an address and telephone number to which the request should be directed. The first copy of the annual disclosure statement shall be provided to a requester free of charge.

(e) Delivery - Each bank shall, after receiving a request for an annual disclosure statement, promptly mail or otherwise furnish a statement to the requester.

Authority Ga. L. 1974, p. 733; O.C.G.A. § 7-1-61; O.C.G.A. § 7-1-68.