

## §911.2

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### §911.2 Purpose and scope.

(a) *Purpose.* The purposes of this part are to:

(1) Maintain the confidentiality and control the dissemination of unpublished information;

(2) Conserve the time of employees for official duties and ensure that Finance Board resources are used in the most efficient manner;

(3) Maintain the Finance Board's impartiality among private litigants; and

(4) Establish an orderly mechanism for the Finance Board to process expeditiously and respond appropriately to requests for unpublished information.

(b) *Scope.* (1) This part applies to a request for and use and disclosure of unpublished information, including a request for unpublished information by document or testimony arising out of a legal proceeding in which neither the Finance Board nor the United States is a party. It does not apply to a request for unpublished information in a legal proceeding in which the Finance Board or the United States is a party or a request for information or records the Finance Board must disclose under the Freedom of Information Act, Privacy Act, or the Finance Board's implementing regulations.

(2) This part does not, and may not be relied upon to create any substantive or procedural right or benefit enforceable against the Finance Board.

### §911.3 Prohibition on unauthorized use and disclosure of unpublished information.

(a) *In general.* Possession or control by any person, supervised entity, Bank member, government agency, or other entity of unpublished information does not constitute a waiver by the Finance Board of any privilege or its right to control, supervise, or impose limitations on, the subsequent use and disclosure of the information.

(b) *Current and former employees and agents.* Except as authorized by this part or otherwise by the Finance Board, no current or former Finance

Board employee or agent may disclose or permit the disclosure in any manner of any unpublished information to anyone other than a Finance Board employee or agent for use in the performance of official duties.

(c) *Other persons or entities possessing unpublished information.* (1) Except as authorized in writing by the Finance Board, no person, supervised entity, Bank member, government agency, or other entity in possession or control of unpublished information may disclose or permit the use or disclosure of such information in any manner or for any purpose.

(2) All unpublished information made available under this part remains the property of the Finance Board and may not be used or disclosed for any purpose other than that authorized under this part without the prior written permission of the Finance Board.

(3) Reports of examination, supervisory correspondence, and other unpublished information lawfully in the possession of a supervised entity, Bank member, or government agency remains the property of the Finance Board and may not be used or disclosed for any purpose other than that authorized under this part without the prior written permission of the Finance Board.

(4) Any person or entity that discloses or uses unpublished information except as expressly authorized under this part may be subject to the penalties provided in 18 U.S.C. 641 and other applicable laws. A current Finance Board, Bank, or Office of Finance employee also may be subject to administrative or disciplinary proceedings.

(d) *Exception for supervised entities and Bank members.* When necessary or appropriate for business purposes, a supervised entity, Bank member, or any director, officer, employee, or agent thereof, may disclose unpublished information, including information contained in, or related to, supervisory correspondence or reports of examination, to a person or entity officially connected with the supervised entity or Bank member as officer, director, employee, attorney, agent, auditor, or independent auditor. A supervised entity, Bank member, or a director, officer,