

Chapter CU 64

PUBLIC INSPECTION AND COPYING OF RECORDS OF THE
OFFICE OF THE COMMISSIONER OF CREDIT UNIONS

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CU 64.01 Purpose and intent. (1) It is the purpose and intent of this rule to permit public inspection and the copying of the "public records" of the office of the commissioner of credit unions other than those excluded in s. CU 64.02 or those expressly privileged or denied elsewhere in the statutes.

(2) Public records includes all books, papers, maps, photographs, films, recordings, property and things, or other documentary materials or any copy thereof regardless of physical form or characteristics made or received by the office of the commissioner of credit unions, its officers or employes, in connection with the transaction of public business and retained by the agency or its successor as evidence of its activities and function.

History: Cr. Register, May, 1977, No. 257, eff. 6-1-77.

CU 64.02 Exclusions. The following records are not available to the public if the legal custodian determines that the public interest in non-disclosure outweighs the benefits of open access.

(1) Routine or special examination reports or financial condition reports of the individual credit union(s) regulated; the examiner worksheets in support of such examination(s) and any correspondence to or from the credit union(s) relating to that particular examination(s), or correspondence and/or reports from the Wisconsin credit union savings insurance corporation relating to such examinations.

(2) Examiner guides and/or manuals of procedures for conducting of such examinations by staff examiner(s).

(3) Data processing report analyses of statistics and the financial ratios of such examinations.

(4) Information of a personal nature where public disclosure would constitute a clearly unwarranted invasion of personal privacy, unless the public interest by clear evidence requires disclosure in a particular instance.

(5) Communications between the agency and its legal counsel concerning the legal rights and duties of the agency if publication would adversely affect the agency's position in an adversary or bargaining situation.

(6) Records obtained under a clear pledge of confidentiality, if the pledge was made in order to obtain the information contained in them

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and was necessary to obtain the information contained in them. The foregoing would include copies of legal opinions from the attorneys of the Wisconsin credit union league and the Wisconsin credit union savings insurance corporation, and any reports obtained from these organizations under a clear pledge of confidentiality.

(7) Records of the agency's deliberations after a quasi-judicial hearing.

History: Cr. Register, May, 1977, No. 257, eff. 6-1-77.

CU 64.03 Availability of information. (1) The agency shall respond in writing within 5 working days to indicate whether the request would be denied or granted. Any person who is denied access to records shall be entitled to a written explanation from the agency stating the reasons for the denial.

(2) If granted, the actual information is to be produced within 20 working days, unless extreme circumstances prevent producing the information within that time period.

(3) If agency working schedules permit, if granted, the information is to be released the same day.

(4) Requests of the agency for the desired information may be made only during the usual working hours.

History: Cr. Register, May, 1977, No. 257, eff. 6-1-77.

CU 64.04 Identification of legal custodian to handle requests for public records. The decision maker shall be the deputy commissioner; or the chief examiner; or the review examiner. The applicant has the privilege of appealing the decisions to the commissioner in writing, within 5 working days. Any person who is denied access to records shall upon written request be entitled to a written explanation from the commissioner stating the reasons for the denial.

History: Cr. Register, May, 1977, No. 257, eff. 6-1-77.

CU 64.05 Cost of records. Unless copied by the person requesting the material, the per page cost of providing photocopies of the requested records shall be at the cost per page of providing examination reports to the Wisconsin credit union savings insurance corporation as required by s. 186.35 (8), Stats. The agency records may not be removed from its offices.

History: Cr. Register, May, 1977, No. 257, eff. 6-1-77.