

**FEDERAL DEPOSIT INSURANCE CORPORATION
OFFICE OF INSPECTOR GENERAL
Policies and Procedures Manual**

PART	IV	Investigations Policies and Procedures
SECTION	OIG-420	Legal Guidelines
CHAPTER	420.2	Right to Financial Privacy Act

Paragraph 6.c. (2) of FDIC Circular 1150.2 requires FDIC employees, contractors, and subcontractors to provide authorized OIG representatives immediate and unrestricted access to any records or material available to any part of the FDIC. Included in this requirement is access to records subject to the Right to Financial Privacy Act (RFPA). However, the RFPA also contains certain restrictions and procedural requirements regarding the subsequent transfer of RFPA records to individuals or entities outside the OIG.

(1) Section 3412(f) of 12 USC provides that financial records obtained by an agency in the exercise of the agency's regulatory or supervisory functions may be transferred to DOJ upon the certification by a supervisory level official that there is reason to believe the records may be relevant to a violation of Federal criminal law. This section does not limit the type of supervisory official who must certify; therefore, the certifying official may be within OIG, i.e. SAC level, or above.

(2) Section 3413(h) of 12 USC provides a mechanism for a supervisory agency to provide records to DOJ where those records relate to certain crimes by financial institution insiders. Essentially, the restrictions concerning transfer of records imposed by RFPA do not apply in such instances where the records are going to be used solely for the prosecution of the insiders. As a result, this section does not require a certification by a supervisory level official. Depending on the facts of the case, this provision may permit transference of records, and would be appropriate for the OIG to transfer the records.

(3)

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(b)(2)