

286.8-275 Reporting of violations of subtitle -- Duties of commissioner -- No waiver of privilege or claim of confidentiality.

- (1) Any person having knowledge or believing that a violation of this subtitle or any other illegal act or practice is being or has been committed may provide the commissioner a report of information pertinent to his or her knowledge or belief and any additional relevant information the commissioner may request.
- (2) Documents, materials, or other information in the possession or control of the commissioner that is provided according to this section shall be confidential by law, privileged, and shall not be subject to the Kentucky Open Records Act, KRS 61.872 to 61.884. These documents, materials, or other information shall not be subject to subpoena, and shall not be subject to discovery or admissible as evidence in any civil action unless, after written notice to the commissioner and a hearing, a court of competent jurisdiction determines the commissioner would not be unduly prejudiced.
- (3) Neither the commissioner nor any person who received documents, materials, or other information while acting under the authority of the commissioner shall be permitted or required to testify in any civil action concerning any confidential documents, materials, or other information subject to subsection (2) of this section.
- (4) In order to assist in the performance of the commissioner's duties, the commissioner may:
 - (a) Use the documents, materials, or other information in the furtherance of any regulatory or legal action brought as part of the commissioner's official duties;
 - (b) Share the documents, materials, or other information, including confidential and privileged documents, materials, or other information subject to subsections (2) and (3) of this section, with other state, federal, and international law enforcement authorities or the Conference of State Bank Supervisors or its affiliate if the recipient agrees to maintain the confidentiality and privileged status of the documents, materials, and other information; and
 - (c) Enter into agreements governing the sharing and use of information including the furtherance of any regulatory or legal action brought as part of the recipient's official duties.
- (5) No waiver of any applicable privilege or claim of confidentiality in the documents, materials, or information shall occur as a result of disclosure to the commissioner under this section or as a result of sharing as authorized in subsection (4) of this section.

Effective: July 15, 2010

History: Amended 2010 Ky. Acts ch. 24, sec. 792, effective July 15, 2010. -- Amended 2008 Ky. Acts ch. 175, sec. 34, effective April 24, 2008. -- Created 2006 Ky. Acts ch. 218, sec. 9, effective July 12, 2006.

Legislative Research Commission Note (7/12/2006). This section was created in 2006 Ky. Acts ch. 218 as a new section of KRS Chapter 294. In that same session, 2006 Ky. Acts ch. 247, sec. 38, required that all sections of KRS Chapters 287, 288, 290, 291, 294, 366, 366A, and 368 be renumbered as sections of a single KRS chapter entitled the "Kentucky Financial Services Code." Therefore, the Statute Reviser, acting under KRS 7.136(1), has codified

this section as a new section of KRS Chapter 286.