



Credit Union National Association

cuna.org

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VIA E-MAIL – regcomments@ncua.gov

June 24, 2008

Ms. Mary Rupp
Secretary of the Board
National Credit Union Administration
1775 Duke Street
Alexandria, Virginia 22314-3428

RE: CUNA Comments on Proposed Rule – FOIA/Privacy Act

Dear Ms. Rupp:

The Credit Union National Association (CUNA) appreciates the opportunity to comment on the proposed rule that will make a number of changes in how the public may access agency information under the Freedom of Information Act (FOIA), as well as changes to the rules regarding the Privacy Act, which safeguards certain personal information of individuals that is collected by federal agencies. CUNA represents approximately 90 percent of our nation's 8,300 state and federal credit unions, which serve more than 90 million members.

For the FOIA rules, the NCUA Board proposes changes to facilitate submissions of FOIA requests, how requests must be addressed, and the information that must be included in the request. This implements provisions of the Openness Promotes Effectiveness in our National Government Act of 1997, which clarifies that the processing time of FOIA requests begins no later than ten days after first received by any agency-designated FOIA information center. The proposal also identifies NCUA's information centers and outlines additional circumstances in which records may be released, which include when the requester provides the subject person's consent to the release of his or her records and when the requester provides proof of the subject person's death.

For the Privacy Act rules, the proposal includes a number of technical changes in a number of areas, including with regard to the provisions as how an individual may amend or correct the information about him or her that is held by the



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agency. These changes include clarification that requests must be submitted in writing to specified staff and the nature of the request must be on the envelope and letter. Telephone requests will also no longer be permitted. There will be additional proposed changes with regard to requests for medical records that will require these records be sent to the physician if disclosing it to the individual to whom it pertains would have an adverse affect on that individual.

We generally have no objection to the proposed rule as it would impact NCUA and its processes for responding to requests under both FOIA and the Privacy Act, with little direct impact on credit unions. However, we do question the need to eliminate telephone requests under the Privacy Act rules. We believe NCUA should facilitate electronic requests for information whenever possible, whether requests are made by telephone, email, or other electronic means. The federal Electronic Signatures in Global and National Commerce Act, enacted in 2000, establishes the validity and enforceability of electronic signatures and records. NCUA should facilitate this goal by continuing to allow Privacy Act requests to be made electronically, whether by telephone or other means, similar to requests made under FOIA in which NCUA allows such requests to be made by email.

Thank you for the opportunity to comment on these proposed rule regarding FOIA and the Privacy Act. If Board members or agency staff have questions about our comments, please contact Senior Vice President and Deputy General Counsel Mary Dunn or me at (202) 638-5777.

Sincerely,

A handwritten signature in black ink, appearing to read "Jeffrey Bloch", written over a light blue rectangular background.

Jeffrey Bloch
Senior Assistant General Counsel