

CERTIFICATION OF REMOVAL AND RETURN OR DESTRUCTION OF FDIC PROPERTY

Whereas the law firm of _____ (the “Firm”) has provided legal services to the FDIC in FDIC Legal Matter # _____.

Whereas the FDIC, its e-discovery vendors, and/or its other contractors have supplied or granted the firm access to various media formats of pre-receivership information of a financial institution and other information obtained from the FDIC that contains personally identifiable private or business-confidential information (“FDIC Property”).

Whereas the [FDIC Outside Counsel Deskbook](#), incorporated by reference into the Legal Services Agreement, and the FDIC engagement letter with the Firm, requires the return or destruction of the FDIC Property upon the conclusion of the legal matter or upon the earlier request of the FDIC Legal Division, subject to certain limitations in Sections 9.2 and 9.3 of the Deskbook.

The Firm hereby certifies that:

(A) the FDIC Property or access thereto has been properly safeguarded at all times and has not been electronically or physically breached, leaked or removed from the Firm’s possession and control;

(B) no access has been granted to subcontractors or third parties, or that if any such access was granted, it was approved by the FDIC Oversight Attorney at the time and has now been revoked with all copies of the FDIC Property destroyed or returned to the Firm.

(C) all physical and electronic copies of the FDIC Property in the identified legal matter have been removed from the Firm’s servers, individual work stations, hard drives, cloud storage, other back-up media, file or desk drawers, mail boxes or any other source in the Firm;

(D) any access keys or security tokens used to access the FDIC Property have been returned to the FDIC Legal Division and any passwords used to access the FDIC Property have been destroyed;

The Firm hereby certifies that the FDIC Property has been (check the appropriate box(es) below):

DESTROYED

NO FDIC
PROPERTY
RECEIVED

RETURNED TO THE FDIC
LEGAL DIVISION

This certification pertains exclusively to the FDIC Property, a description of which is included further below under General Description of FDIC Property Being Returned or Destroyed. As stated in Section 9.2 of the Outside Counsel Deskbook, this certification does not allow or require the Firm to destroy or return FDIC Property extracted and used in a FDIC legal matter. That FDIC Property, along with the Firm’s work product that used or referenced the FDIC Property, becomes part of the case record for the legal matter. Such documents remaining in the case record are subject to all client confidentiality rules, and the Firm acknowledges that its obligations to the FDIC as a client or former client remain in place. These obligations include, among other things, all applicable ABA and/or state bar rules and requirements concerning the safeguarding of the Firm’s client files. The Firm also acknowledges its ongoing, post-representational responsibilities to the FDIC as specified in the Outside Counsel Deskbook. The case record cannot be destroyed without following the Record Maintenance Procedures for Concluded or Terminated Matters set out in Section 9.3 of the Deskbook.

NAME OF LAW FIRM

DATE

BY: _____
AUTHORIZED SIGNATURE

TITLE

GENERAL DESCRIPTION OF FDIC PROPERTY BEING RETURNED OR DESTROYED

1) _____

2) _____

3) _____

4) _____

5) _____

6) _____

7) _____

8) _____

9) _____

10) _____