
From: Joyce Dillard <dillardjoyce@yahoo.com>
Sent: Monday, March 25, 2013 3:56 PM
To: Comments
Subject: Comments to FDIC RIN 3064-AD99 Records of Failed Insured Depository Institutions due 3.25.2013

You state:

Records means any reasonably accessible document, book, paper, map, photograph, microfiche, microfilm, computer or electronically-created record generated or maintained by an insured depository institution in the course of and necessary to its transaction of business.

Comment:

You have omitted "Social Media" in this definition and "Cell Phones."

Limiting the definition to the "transaction of business" omits the entwining legal actions-both civil and criminal-that may occur to fraud or other actions. With the financial crash, you have left the Public outside of these definitions. You are not addressing the Public Trust issues and the need for records to execute legal actions or legislative actions.

You ignore any historical perspective on the Financial Crash these past few years.

You state:

*Paragraph (d) of the proposed rule incorporates these timeframes: after the end of the **six-year period beginning on the date of its appointment as receiver**, the FDIC may destroy any records of a failed insured depository institution that the FDIC in its discretion determines to be unnecessary to maintain, unless directed not to by a court of competent jurisdiction or governmental agency or prohibited by law.*

*The FDIC may destroy any records that are at least **10 years old as of the date of appointment**. In addition, the proposed rule provides that the FDIC will not destroy records subject to a legal hold imposed by the FDIC. By including legal holds, the proposed rule implements the policy of the FDIC to preserve information (both ESI and paper) that the FDIC may be required to produce to opposing parties in litigation or when otherwise subject to a legal requirement to produce information.*

Comment:

The timeframe is way short. Six years or ten years is just too little time. Consider the Public. Would one have time to discover, request and receive an answer in that small a time frame? NO.

This appears to be a method to rid records before anyone can analyze them. If records are destroyed, then lawsuits have little to proceed on any facts. Criminal actions have, so far, been avoided. This would justify the slowness of the judicial authorities and consequently, there would never be any criminal action.

You state:

Currently, the FDIC is housing on its recordkeeping systems 775 terabytes of data from failed insured depository institutions for which the FDIC has been appointed as receiver since 2007—the equivalent of 59.675 billion pages.

If the term “records” were to be interpreted to encompass all documentary material that the FDIC as receiver obtains from a failed insured depository institution, regardless of its significance or evidentiary value, then the capture, processing, and maintenance of ever-increasing amounts of such material would pose significant unnecessary burdens and inefficiencies both now and in the future.

Comment:

Space should not be a main consideration. “Burden” is not the issue. Justice is the issue.

You state:

The qualification in the definition that “records” be “reasonably accessible” reflects the text of Federal Rule of Civil Procedure 26(b)(2)(B), which provides that a party from whom discovery is sought need not provide ESI from sources that the party identifies as not reasonably accessible because of undue cost or burden.

Comment:

This condescending approach on issues that has affected almost all lives in the United States is not appreciated. Do not hide that the government does not what the facts revealed.

Recordkeeping can require permanent storage, of which you have not addressed.

Joyce Dillard
P.O. Box 31377
Los Angeles, CA 90031