

205.776 Disclosure of information about data match system to depositors -- Penalty -- Liability of financial institution -- Fee.

- (1) A financial institution furnishing a report or providing asset information of an individual owing past-due support to the Cabinet for Health and Family Services under either subsection (1) or subsection (2) of KRS 205.774 shall not disclose to a depositor or an account holder that the name of that person has been received from or furnished to the Cabinet for Health and Family Services. An institution may disclose to its depositors or account holder that under the financial institution match system the Cabinet for Health and Family Services has the authority to request certain identifying information on certain depositors or account holders.
- (2) If a financial institution willfully violates the provisions of this section by releasing asset information of an individual owing child support to the Cabinet for Health and Family Services, the institution shall pay to the Cabinet for Health and Family Services the lesser of one thousand dollars (\$1,000) or the amount on deposit or in the account of the person to whom the disclosure was made.
- (3) A financial institution shall incur no obligation or liability to a depositor or account holder or any other person arising from the furnishing of a report or information to the Cabinet for Health and Family Services under KRS 205.774, or from the failure to disclose to a depositor or account holder that the name of the person was included in a list furnished by the financial institution to the Cabinet for Health and Family Services, or in a report furnished by the financial institution to the Cabinet for Health and Family Services.
- (4) Regardless of whether the action was specifically authorized or described in KRS 205.715 to 205.800 or an agreement, a financial institution shall not be liable for providing or disclosing of any information; for encumbering, holding, refusing to release, surrendering, or transferring any account balance or asset; or any other action taken by a financial institution pursuant to KRS 205.715 to 205.800 or agreement as required by KRS 205.774.
- (5) A financial institution shall not give notice to an account holder or customer of the financial institution that the financial institution has provided information or taken any action pursuant to KRS 205.715 to 205.800 or the agreement and shall not be liable for failure to provide that notice; provided however, that a financial institution may disclose to its depositors or account holders that, under the data match system, the cabinet has the authority to request certain identifying information on certain depositors or account holders. The cabinet shall notify, not less than annually, affected depositors or account holders who have not otherwise received notification.
- (6) A financial institution may charge an account levied on by the Cabinet for Health and Family Services a fee of not more than twenty dollars (\$20) which may be deducted from the account prior to remitting any funds to the Cabinet for Health and Family Services.

Effective: June 20, 2005

History: Amended 2005 Ky. Acts ch. 99, sec. 270, effective June 20, 2005. -- Created 1998 Ky. Acts ch. 255, sec. 47, effective July 15, 1998.