

Title 46 - DEPARTMENT OF BANKING AND FINANCE

Chapter 9. Computer Services

001 Section 21-1777 says in part that agents of credit unions "shall give the Department of Banking free access to all books, papers, securities and other sources of information...." Any entity performing bookkeeping functions for a credit union operating under 21-1760 through 21-17,126 through electronic data processing shall be deemed a computer servicer. Except for a credit union whose membership comprises employees of a company that furnishes computer services to the credit union, a computer servicer shall be further deemed an agent of the credit union, thereby subject to the provision of 21-1777.

002 As an agent of the credit union, a computer servicer shall provide to the Department of Banking a letter of assurance. This letter of assurance shall stipulate full compliance with Section 21-1777 of the Nebraska statutes.

003 Except for a credit union whose membership comprises employees of a company that furnishes computer services to the credit union, no credit union operating under 21-1760 through 21-17,126 of the Nebraska statutes may cause to be performed, whether on or off premises, the above mentioned bookkeeping functions by any computer servicer until a contract or agreement has been executed. Said contract or agreement shall be made available to the Department of Banking and shall also become a permanent part of the books and records of the credit union. Said contract or agreement shall contain a termination clause and a description of services offered, both of which shall conform to the standards that the Department of Banking from time to time may prescribe.

004 No credit union whose membership comprises employees of a company that furnishes computer services to the credit union operating under Sections 21-1760 through 21-17,126 R.R.S., 1943, as amended may cause to be performed, whether on or off premises, the above mentioned bookkeeping functions by any computer servicer until the Board of Directors of the credit union has executed a computer service certificate that contains the following provisions:

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004.01 a description of the services furnished to the credit union by the company computer servicer which shall conform to the standards that the Department of Banking from time to time may prescribe;

004.02 reasonable assurance the company computer servicer will comply with Section 21-1777 R.R.S., 1943, as amended;

004.03 reasonable assurance that company computer servicers will not be terminated without sufficient notice in order to enable the credit union to secure other computer services;

004.04 assurance the Board of Directors of the credit union will assist in securing for the Department of Banking free access to all books, papers, securities and other sources of information.