

DEPARTMENT OF BUSINESS OVERSIGHT*Ensuring a Fair and Secure Financial Services Marketplace for all Californians***Jan Lynn Owen****Commissioner of Business Oversight****Guidelines for Information Sharing Pilot**

The Commissioner of Business Oversight proposes an Information Sharing Pilot (Pilot) for the purpose of information sharing between the Department of Business Oversight (Department) and all Federally Recognized Tribes and other California Indian Tribes (Tribes). This Pilot is designed to ensure effective government-to-government communication and consultation between the Department and the Tribes, consistent with the mission of the Department. The Pilot is also designed to provide the Tribes with the opportunity for meaningful input into the development of Department legislation, regulations, rules, and policies that may affect California's tribal communities.

The Department will distribute public documents and notices to representatives of Tribes similar to the Department's distribution of public documents and notices to other interested parties. The Department may seek information from Tribal representatives, including data and studies that impact or may impact Tribes or Tribal lands, which the Department may utilize for the purpose of fulfilling its statutory mission.

With respect to any Tribal businesses, including, but not limited to, tribal lending businesses and businesses engaged in online lending, which coincide with businesses subject to regulation by the Department, the Department may request:

1. Information that the business operated by the Tribe is owned and operated by the Tribe and formed under the Tribe's duly enacted laws.
2. Information that the Tribe has established an independent authority to regulate its business operations.
3. Identification of a Tribal agent, who will serve as a primary contact with the Department on matters of mutual interest.

Any information shared by a Tribe is information which is shared voluntarily and not because the Department has any regulatory jurisdiction over the Tribe. The Department will establish and maintain such safeguards as are necessary and appropriate to protect the confidentiality of the information. In the event that the Department receives any legally enforceable demand or request for information that the Department received from a Tribe, the Department shall promptly notify the Tribe in writing and provide a copy of the demand or request, and shall, before complying with such demand or request, (a) consult with the Tribe to allow for a reasonable opportunity to respond to the demand or request and (b) allow the Tribe to assert all reasonable and appropriate legal defenses, exemptions, or privilege.

Neither the State of California nor the Tribes intend to grant a waiver of its respective sovereign immunity from suit or a legal cause of action pursuant to their respective participation in this Pilot.

The Pilot will commence in September of 2014 and will expire in six (6) months. The Pilot may be extended if so agreed by the Tribe and the Department.

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