

Department of the Treasury

## Regulatory Bulletin

## RB 37-25



Handbook: Examination

Subject: Fair Credit Reporting Act

Section: 1300

## Fair Credit Reporting Act Affiliate Marketing Regulation

**Summary:** This Regulatory Bulletin transmits revised Examination Handbook Section 1300, Fair Credit Reporting Act (FCRA). It contains guidance and procedures for examining for compliance with the notice and opt-out rules that become applicable when creditors use consumer information received from affiliates for marketing. This revised handbook section replaces the existing Examination Handbook Section 1300.

**For Further Information Contact:** Your Office of Thrift Supervision (OTS) Regional Office or the Compliance Division of OTS, Washington, DC. You may access this bulletin and the Examination Handbook at our web site: [www.ots.treas.gov](http://www.ots.treas.gov).

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### SUMMARY OF CHANGES

The federal financial regulatory agencies issued a final affiliate marketing rule on November 7, 2007, to implement Section 214 of the Fair and Accurate Credit Transactions Act of 2003 (FACT Act), which amended Section 624 of the Fair Credit Reporting Act (FCRA).<sup>1</sup> Compliance with the affiliate marketing rule is mandatory as of October 1, 2008.

The FACT Act created new responsibilities for financial institutions that obtain or use consumer information, for example, to grant credit or open deposit accounts, provide consumer information to consumer reporting agencies, third parties, or affiliates, or to market credit or insurance products. OTS, along with the federal financial institution regulatory agencies, is revising the interagency FCRA examination procedures into the following modules that group similar requirements together:

- Module 1 Obtaining Consumer Reports.
- Module 2 Obtaining Information and Sharing Among Affiliates.
- Module 3 Disclosures to Consumers and Miscellaneous Requirements.
- Module 4 Financial Institutions as Furnishers of Information.
- Module 5 Consumer Alerts and Identity Theft Protections

This revision to Section 1300 of the Examination Handbook will be followed by revisions to other modules as the FACT Act regulations and interagency examination procedures are finalized.

<sup>1</sup> The rule was published in the Federal Register (72 FR 62910). The OTS rule is at 12 CFR 571.20 et seq.













































































































# Consumer Affairs Laws and Regulations

## Section 1300

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47 CFR Parts 64  
and 68

Rules and Regulations Implementing the Telephone Consumer Protection  
Act of 1991

Examination Handbook

Section 1100

[Compliance Oversight Examination Program](#)

**Rescinded**































































