



RESCINDED

1700 G Street, N.W., Washington, DC 20552 • (202) 906-5666

This rescission applies to the transmitting document only and not the attached interagency guidance. Refer to (NR 2009-65) for the status of the attached interagency guidance.

June 10, 2009

MEMORANDUM FOR: CHIEF EXECUTIVE OFFICERS

FROM: Timothy T. Ward, Deputy Director
Examinations, Supervision, and Consumer Protection

SUBJECT: Identity Theft Red Flags and Address Discrepancies - Frequently Asked Questions and Answers (FAQs)

The Office of Thrift Supervision (OTS), along with other federal financial institution regulators¹ and the FTC, have issued the attached FAQs to help financial institutions meet their responsibilities under the Identity Theft Red Flags and Address Discrepancies Rules and Guidelines (“Red Flags Rules/Guidelines”), which implement sections 114 and 315 of the Fair and Accurate Credit Transactions Act of 2003 (FACT Act).²

The FAQs contain interpretive guidance that does not revise or change the Red Flags Rules/Guidelines. The FAQs clarify:

- The scope of the Red Flags Rules/Guidelines, including the types of institutions and accounts that are covered;
- The duties of card issuers with respect to address changes; and
- The duties of users of consumer reports with respect to address discrepancies.

“Reasonable Policies and Procedures for Furnishers of Information”

In addition to the interagency FAQs, we are providing the following guidance to OTS supervised institutions to explain how consumer report users can comply with the requirement to develop reasonable policies and procedures for furnishing confirmed addresses to nationwide consumer reporting agencies (NCRAs). Specifically, the Red Flag Rules/Guidelines require furnishers to develop and implement reasonable policies and procedures for furnishing confirmed addresses to NCRAs. We have become aware that some financial institutions are not able to use an

¹ The other federal financial institution regulators are the Federal Deposit Insurance Corporation, Federal Reserve Board, Office of the Comptroller of the Currency, and the National Credit Union Administration.

² For OTS supervised institutions, the applicable rules are published at 12 C.F.R. part 571.

automated process to provide confirmed addresses when these institutions do not regularly furnish information to NCRAs, such as in employment situations or for deposit accounts. In these circumstances, “reasonable” policies and procedures for furnishing confirmed addresses might include:

- furnishing confirmed addresses through a non-automated process; or
- notifying individuals who are the subject of an address discrepancy notice and either:
 - informing them how they may file a dispute with an NCRA to ensure that the correct address appears on consumer reports;³ or
 - offering to process the matter for such consumers as if it were a direct dispute.

Please direct comments or questions to Ekita Mitchell at 202-906-6451 or Kathleen McNulty at 202-906-6322.

[Attachment](#)

³ To initiate a direct dispute, a consumer must provide a direct dispute notice to the entity that furnished inaccurate information to consumer reporting agencies. The furnisher then conducts an investigation and is required to promptly notify the relevant consumer reporting agencies of any correction that is necessary. See § 623(a)(8) of the Fair Credit Reporting Act.