

**Comptroller of the Currency, Treasury**

**§ 41.83**

**§ 41.32 Sharing medical information with affiliates.**

(a) *Scope.* This section applies to national banks, Federal branches and agencies of foreign banks, and their respective operating subsidiaries.

(b) *In general.* The exclusions from the term “consumer report” in section 603(d)(2) of the Act that allow the sharing of information with affiliates do not apply if a person described in paragraph (a) of this section communicates to an affiliate—

- (1) Medical information;
- (2) An individualized list or description based on the payment transactions of the consumer for medical products or services; or
- (3) An aggregate list of identified consumers based on payment transactions for medical products or services.

(c) *Exceptions.* A person described in paragraph (a) may rely on the exclusions from the term “consumer report” in section 603(d)(2) of the Act to communicate the information in paragraph (b) to an affiliate—

- (1) In connection with the business of insurance or annuities (including the activities described in section 18B of the model Privacy of Consumer Financial and Health Information Regulation issued by the National Association of Insurance Commissioners, as in effect on January 1, 2003);
- (2) For any purpose permitted without authorization under the regulations promulgated by the Department of Health and Human Services pursuant to the Health Insurance Portability and Accountability Act of 1996 (HIPAA);
- (3) For any purpose referred to in section 1179 of HIPAA;
- (4) For any purpose described in section 502(e) of the Gramm-Leach-Bliley Act;
- (5) In connection with a determination of the consumer’s eligibility, or continued eligibility, for credit consistent with § 41.30; or

(6) As otherwise permitted by order of the OCC.

**Subparts E–H [Reserved]**

**Subpart I—Duties of Users of Consumer Reports Regarding Identity Theft**

**§ 41.80–82 [Reserved]**

**§ 41.83 Disposal of consumer information.**

(a) *Definitions as used in this section.*  
(1) *Bank* means national banks, Federal branches and agencies of foreign banks, and their respective operating subsidiaries.

(b) *In general.* Each bank must properly dispose of any consumer information that it maintains or otherwise possesses in accordance with the Interagency Guidelines Establishing Information Security Standards, as set forth in appendix B to 12 CFR part 30, to the extent that the bank is covered by the scope of the Guidelines.

(c) *Rule of construction.* Nothing in this section shall be construed to:

- (1) Require a bank to maintain or destroy any record pertaining to a consumer that is not imposed under any other law; or
- (2) Alter or affect any requirement imposed under any other provision of law to maintain or destroy such a record.

**PARTS 42–199 [RESERVED]**