

§ 571.1

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APPENDIX J TO PART 571—INTERAGENCY GUIDELINES ON IDENTITY THEFT DETECTION, PREVENTION, AND MITIGATION

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EFFECTIVE DATE NOTE: At 74 FR 31520, July 1, 2009, the authority citation of part 571 was revised, effective July 1, 2010. For the convenience of the user, the revised text is set forth as follows:

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SOURCE: 69 FR 77621, Dec. 28, 2004, unless otherwise noted.

Subpart A—General Provisions

§ 571.1 Purpose and scope.

(a) *Purpose.* The purpose of this part is to establish standards regarding consumer report information. In addition, the purpose of this part is to specify the extent to which you may obtain, use, or share certain information. This

part also contains a number of measures you must take to combat consumer fraud and related crimes, including identity theft.

(b) *Scope.* (1)–(2) [Reserved]

(3) The scope of Subpart C of this part is stated in § 571.20(a) of this part.

(4) The scope of Subpart D of this part is stated in §§ 571.30(a), 571.31(a), and 571.32(a) of this part.

(5)–(8) [Reserved]

(9)(i) The scope of § 571.82 of Subpart I of this part is stated in § 571.82(a) of this part.

(ii) The scope of § 571.83 of Subpart I of this part is stated in § 571.83(a) of this part.

(10)(i) The scope of § 571.90 of Subpart J of this part is stated in § 571.90(a) of this part.

(ii) The scope of § 571.91 of Subpart J of this part is stated in § 571.91(a) of this part.

[69 FR 77621, Dec. 28, 2004, as amended at 70 FR 70689, Nov. 22, 2005; 72 FR 62972, Nov. 7, 2007; 72 FR 63764, Nov. 9, 2007]

EFFECTIVE DATE NOTE: At 74 FR 31520, July 1, 2009, § 571.1 was amended by adding a new paragraph (b)(5), effective July 1, 2010. For the convenience of the user, the added text is set forth as follows:

§ 571.1 Purpose and scope.

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(b) * * *

(5) The scope of subpart E of this part is stated in § 571.40 of this part.

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§ 571.2 Examples.

The examples in this part are not exclusive. Compliance with an example, to the extent applicable, constitutes compliance with this part. Examples in a paragraph illustrate only the issue described in the paragraph and do not illustrate any other issue that may arise in this part.

[70 FR 70689, Nov. 22, 2005]

§ 571.3 Definitions.

For purposes of this part, unless explicitly stated otherwise:

(a) *Act* means the Fair Credit Reporting Act (15 U.S.C. 1681 *et seq.*).

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(b) *Affiliate* means any company that is related by common ownership or common corporate control with another company.

(c) [Reserved]

(d) *Company* means any corporation, limited liability company, business trust, general or limited partnership, association, or similar organization.

(e) *Consumer* means an individual.

(f)–(h) [Reserved]

(i) *Common ownership or common corporate control* means a relationship between two companies under which:

(1) One company has, with respect to the other company:

(i) Ownership, control, or power to vote 25 percent or more of the outstanding shares of any class of voting security of a company, directly or indirectly, or acting through one or more other persons;

(ii) Control in any manner over the election of a majority of the directors, trustees, or general partners (or individuals exercising similar functions) of a company; or

(iii) The power to exercise, directly or indirectly, a controlling influence over the management or policies of a company, as the OTS determines; or

(2) Any other person has, with respect to both companies, a relationship described in paragraphs (i)(1)(i) through (i)(1)(iii) of this section.

(j) [Reserved]

(k) *Medical information* means:

(1) Information or data, whether oral or recorded, in any form or medium, created by or derived from a health care provider or the consumer, that relates to—

(i) The past, present, or future physical, mental, or behavioral health or condition of an individual;

(ii) The provision of health care to an individual; or

(iii) The payment for the provision of health care to an individual.

(2) The term does not include:

(i) The age or gender of a consumer;

(ii) Demographic information about the consumer, including a consumer's residence address or e-mail address;

(iii) Any other information about a consumer that does not relate to the physical, mental, or behavioral health or condition of a consumer, including

the existence or value of any insurance policy; or

(iv) Information that does not identify a specific consumer.

(1) *Person* means any individual, partnership, corporation, trust, estate cooperative, association, government or governmental subdivision or agency, or other entity.

[69 FR 77621, Dec. 28, 2004, as amended at 70 FR 70689, Nov. 22, 2005; 72 FR 63764, Nov. 9, 2007]

Subpart B [Reserved]

Subpart C—Affiliate Marketing

SOURCE: 72 FR 62972, Nov. 7, 2007, unless otherwise noted.

§ 571.20 Coverage and definitions.

(a) *Coverage*. Subpart C of this part applies to savings associations whose deposits are insured by the Federal Deposit Insurance Corporation or, in accordance with § 559.3(h)(1) of this chapter, federal savings association operating subsidiaries that are not functionally regulated within the meaning of section 5(c)(5) of the Bank Holding Company Act of 1956, as amended (12 U.S.C. 1844(c)(5)).

(b) *Definitions*. For purposes of this subpart:

(1) *Clear and conspicuous*. The term “clear and conspicuous” means reasonably understandable and designed to call attention to the nature and significance of the information presented.

(2) *Concise*. (i) *In general*. The term “concise” means a reasonably brief expression or statement.

(ii) *Combination with other required disclosures*. A notice required by this subpart may be concise even if it is combined with other disclosures required or authorized by federal or state law.

(3) *Eligibility information*. The term “eligibility information” means any information the communication of which would be a consumer report if the exclusions from the definition of “consumer report” in section 603(d)(2)(A) of the Act did not apply. Eligibility information does not include aggregate or blind data that does