

Comptroller of the Currency, Treasury

§ 41.90

PARTS 38–40 [RESERVED]

PART 41—FAIR CREDIT REPORTING

Subparts A–H [Reserved]

Subpart I—Proper Disposal of Records Containing Consumer Information

Sec.

41.80–41.82 [Reserved]

41.83 Proper disposal of records containing consumer information.

Subpart J—Identity Theft Red Flags

41.90 Duties regarding the detection, prevention, and mitigation of identity theft.

41.91 Duties of card issuers regarding changes of address.

41.92 Examples.

APPENDIXES A–I TO PART 41 [RESERVED]

APPENDIX J TO PART 41—INTERAGENCY GUIDELINES ON IDENTITY THEFT DETECTION, PREVENTION, AND MITIGATION

AUTHORITY: 12 U.S.C. 1 *et seq.*, 24(Seventh), 93a, 1462a, 1463, 1464, 1818, 1828, 1831p–1, 1881–1884, and 5412(b)(2)(B); 15 U.S.C. 1681m, 1681s, 1681t, and 1681w.

SOURCE: 69 FR 77616, Dec. 28, 2004, unless otherwise noted.

Subparts A–H [Reserved]

Subpart I—Proper Disposal of Records Containing Consumer Information

§§ 41.80–41.82 [Reserved]

§ 41.83 Proper disposal of records containing consumer information.

(a) *Definitions as used in this section.*

(1) *Consumer* means an individual.

(2) *Federal savings association* means a Federal savings association or an operating subsidiary of a Federal savings association.

(3) *National bank* means a national bank, an operating subsidiary of a national bank, or a Federal branch or agency of a foreign bank.

(b) *In general.* Each national bank or Federal savings association 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 or savings

association is covered by the scope of the Guidelines.

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

(1) Require a national bank or Federal savings association 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.

[79 FR 28400, May 16, 2014]

Subpart J—Identity Theft Red Flags

SOURCE: 72 FR 63753, Nov. 9, 2007, unless otherwise noted.

§ 41.90 Duties regarding the detection, prevention, and mitigation of identity theft.

(a) *Scope.* This section applies to a financial institution or creditor that is a national bank; a Federal savings association; a Federal branch or agency of a foreign bank; or an operating subsidiary of any of these institutions that is not a functionally regulated subsidiary 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 section and appendix J, the following definitions apply:

(1) *Account* means a continuing relationship established by a person with a financial institution or creditor to obtain a product or service for personal, family, household or business purposes. Account includes:

(i) An extension of credit, such as the purchase of property or services involving a deferred payment; and

(ii) A deposit account.

(2) The term *board of directors* includes:

(i) In the case of a branch or agency of a foreign bank, the managing official in charge of the branch or agency; and

(ii) In the case of any other creditor that does not have a board of directors, a designated employee at the level of senior management.

(3) *Covered account* means: