

REGULATORY ALERT

**NATIONAL CREDIT UNION ADMINISTRATION
1775 DUKE STREET, ALEXANDRIA, VA 22314**

DATE: June 2009 LETTER NO.: 09-RA-06

TO: Federally Insured Credit Unions

**SUBJ: Identity Theft Red Flags and Address Discrepancies
Guidance**

**ENCL: Frequently Asked Questions: Identity Theft Red Flags
and Address Discrepancies**

Dear Board of Directors:

The Federal Financial Institutions Examination Council (FFIEC) Agencies¹ and the Federal Trade Commission (FTC) (collectively Agencies) have developed guidance to assist financial institutions, creditors, users of consumer reports, and card issuers in complying with the final rulemaking on Identity Theft Red Flags and Address Discrepancies implementing section 114 of the Fair and Accurate Credit Transactions Act of 2003 (FACT Act), 15 U.S.C. § 1681m, and section 315 of the FACT Act, 15 U.S.C. § 1681c, that amended the Fair Credit Reporting Act (FCRA).² The purpose of this letter is to provide credit unions a copy of the Agencies' guidance entitled *Frequently Asked Questions: Identity Theft Red Flags and Address Discrepancies*.

Subsequent to the issuance of the Red Flags Rules and Address Discrepancy Rules (including Appendices and Supplements), the Agencies received additional inquiries and requests for clarification. The Agencies developed the attached frequently asked questions (FAQs) to assist financial institutions, creditors, users of consumer reports, and card issuers in complying with the final rules.

The FAQs elaborate on the supplemental information where additional clarification is necessary and also explain the Agencies' view of how select

¹ The FFIEC Agencies are: Board of Governors of the Federal Reserve System, Federal Deposit Insurance Corporation, National Credit Union Administration, Office of the Comptroller of the Currency, and Office of Thrift Supervision. The council also includes the State Liaison Committee.

² For federal credit unions: 12 C.F.R. part 717 (NCUA Rules & Regulations); for state chartered credit unions: 16 C.F.R. part 681 (FTC).

provisions of the rulemaking apply to situations that were not specifically addressed in the final rules or supplemental information. The Agencies may supplement or revise the FAQs as necessary or appropriate in light of further questions and experience. The FTC will be issuing additional FAQs to answer questions specific to entities under FTC jurisdiction.

The guidance is divided into four major sections:

- General FAQs;
- Identity Theft Red Flags (Red Flags Rules and Guidelines);
- Duties of Card Issuers Regarding Changes of Address (Card Issuers' Rules); and
- Duties of Users Regarding Address Discrepancies (Address Discrepancy Rules).

If you have questions concerning the Identity Theft Red Flags Rules or Address Discrepancy Rules and/or the enclosed FAQs, contact your NCUA Regional Office or State Supervisory Authority.

Sincerely,

/s/

Michael E. Fryzel
Chairman

Enclosure