

RESCINDED



Comptroller of the Currency
Administrator of National Banks
US Department of the Treasury

OCC 2003-37 has been replaced by OCC 2005-13

OCC 2003-37

Subject: Interagency Guidance on Response Programs for Unauthorized Access to Customer Information and Customer Notice
Date: August 27, 2003

To: Chief Executive Officers of All National Banks, Federal Branches and Agencies, Service Providers, Department and Division Heads, and All Examining Personnel

Description: Proposed Guidance and Notice of Information Collection

The Comptroller of the Currency, the Board of Governors of the Federal Reserve System, Federal Deposit Insurance Corporation, and the Office of Thrift Supervision (the Agencies) are requesting comment on the attached proposed Interagency Guidance on Response Programs for Unauthorized Access to Customer Information and Customer Notice. The proposed Guidance and notice of information collection was published in the *Federal Register* on August 12, 2003.

The proposed Guidance interprets section 501(b) of the Gramm-Leach-Bliley Act, which relates to financial institutions' safeguards to protect nonpublic personal information, and provisions of the Interagency Guidelines Establishing Standards for Safeguarding Customer Information issued and published in the *Federal Register* on February 1, 2001. The proposed Guidance describes the Agencies' expectations that a financial institution develop a response program to protect against and address reasonably foreseeable risks associated with internal and external threats to the security of customer information maintained by the financial institution or its service provider. The proposed Guidance describes the components of a response program, which includes procedures for notifying customers about incidents of unauthorized access to customer information that could result in substantial harm or inconvenience to the customer. The proposed Guidance provides that a financial institution is expected to expeditiously implement its response program to address incidents of unauthorized access to or use of customer information.

In addition, the Agencies invite comment on a proposed notice of information collection, as required by the Paperwork Reduction Act of 1995 (44 USC 35). The information collections contained in the proposed Guidance would require financial institutions to: (1) develop notices to customers; (2) determine which customers should receive the notices and send the notices to customers; and (3) ensure their contracts with their service providers satisfy the proposed Guidance.

For questions concerning this proposed Guidance and information collection, contact Aida Plaza Carter, Director, Bank Information Technology Operations Division, (202) 874-4740; Clifford A. Wilke, Director, Bank Technology Division, (202) 874-5920; Amy Friend, Assistant Chief Counsel, (202) 874-5200; or Deborah Katz, Senior Counsel, Legislative and Regulatory Activities Division, (202) 874-5090.

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- [68 FR 47954](#)