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3	Consumer Reports Address Discrepancies & Records Disposal Procedures		
4	INTRODUCTION AND PURPOSE		
5	DEFINITIONS		
6	EXCEPTIONS		
7	PENALTIES		
8	RECORD RETENTION REQUIREMENTS		
9	717.82 Duties of Users of Consumer Reports Regarding Address Discrepancies	Yes/No	Comments
10	1. Determine whether a user of consumer reports has policies and procedures to recognize notices of address discrepancy that it receives from a nationwide consumer reporting agency (NCRA) in connection with consumer reports.		
11	2. Determine whether a user that receives notices of address discrepancy has policies and procedures to form a reasonable belief that the consumer report relates to the consumer whose report was requested. (717.82(c)) See examples of reasonable policies and procedures “to form a reasonable belief” in 717.82(c)(2).		
12	3. Determine whether a user that receives notices of address discrepancy has policies and procedures to furnish to the NCRA an address for the consumer that the user has reasonably confirmed is accurate, if the user: a. can form a reasonable belief that the report relates to the consumer; b. establishes a continuing relationship with the consumer; and c. regularly furnishes information to the NCRA. (717.82(d)(1)) See examples of reasonable confirmation methods in 717.82(d)(2).		
13	4. Determine whether the user’s policies and procedures require it to furnish the confirmed address as part of the information it regularly furnishes to an NCRA during the reporting period when it establishes a relationship with the consumer. (717.82(d)(3))		

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14	<p>5. If procedural weaknesses or other risks requiring further information are noted, obtain a sample of consumer reports requested by the user from an NCRA that included notices of address discrepancy and determine:</p> <p>a. how the user established a reasonable belief that the consumer reports related to the consumers whose reports were requested: and</p> <p>b. if a consumer relationship was established:</p> <p>i. whether the credit union furnished a consumer's address that it reasonably confirmed to the NCRA from which it received the notice of address discrepancy; and</p> <p>ii. whether it furnished the address in the reporting period during which it established the relationship.</p>		

Cell: A4

Comment: In December 2003, the FACT Act (FACTA) became law. FACTA added several new provisions to the Fair Credit Reporting Act of 1970 (FCRA), one of which (Section 315) directed the FFIEC Agencies to issue joint regulations that provide guidance regarding reasonable policies and procedures a user of a consumer report should employ when the user receives a notice of address discrepancy. NCUA created Subpart I, §717.82 (Duties of Users of Consumer Reports Regarding Address Discrepancies and Records Disposal) to implement the new requirements. For state chartered credit unions, the Federal Trade Commission has enforcement power.

Cell: A5

Comment: User. Users of consumer reports and persons requesting consumer reports. If a credit union does not use credit reports, 717.82 does not apply.

Discrepancy Notice. A notice of address discrepancy means a notice sent to a user by a consumer reporting agency pursuant to 15 U.S.C. 1681c(h)(1), that informs the user of a substantial difference between the address for the consumer that the user provided to request the consumer report and the address(es) in the agency's file for the consumer.

Cell: A6

Comment: There are no exceptions.

Cell: A7

Comment: There are no civil liability provisions in the regulation; however, state law may provide a basis for an individual to sue the credit union for compliance problems.

Cell: A8

Comment: There are no record retention requirements mentioned in the Address Discrepancies Rule. However, a credit union would need to produce evidence to support their actions demonstrating compliance with the rule.

Cell: A10

Comment: A NCRA compiles and maintains files on consumers on a nationwide basis. As of the effective date of the rule (January 1, 2008) there were three such consumer reporting agencies: Experian, Equifax, and TransUnion. Section 603(p) of FCRA (15 USC 1681a)

Cell: A11

Comment: Examples of reasonable belief policies and procedures include:

- (1) Comparing the information in the report with:
 - (a) information the credit union has obtained through its customer information program;
 - (b) information the credit union maintains and uses in its own records (e.g. change of address records, account records, or CIP documentation); or
 - (c) information obtained from 3rd parties.
- (2) Verifying the information with the member.

Cell: A12

Comment: All 3 conditions (a - c) must be met for this requirement to apply. In addition, "establishes" in 3.b. means a new account.

Reasonable confirmation methods include:

- (1) verifying the address with the member;
- (2) reviewing its own records;
- (3) verifying through 3rd parties; or
- (4) verifying by other reasonable means.

Cell: A13

Comment: A users must develop and implement reasonable policies and procedures for furnishing to the NCRA an

address for the member that the user has reasonably confirmed is accurate when the user:

- a) can form a reasonable belief that the report relates to that member;
- b) establishes a continuing relationship with that member; and
- c) regularly furnishes information to the NCRA that provided the notice of address discrepancy.