



Federal Deposit Insurance Corporation
550 17th Street NW, Washington, D.C. 20429-9990

Financial Institution Letter
FIL-51-2005
June 16, 2005

FAIR CREDIT REPORTING MEDICAL INFORMATION

Interim Final Rules

Summary: The financial institution regulatory agencies have issued the attached interim final rules relating to the Fair and Accurate Credit Transactions Act (FACT Act). The FACT Act amended the Fair Credit Reporting Act in 2003. Section 411 of the FACT Act prohibits creditors from obtaining and using medical information in determining credit eligibility, except as permitted by the financial institution regulatory agencies. Through the attached interim final rules, the agencies have developed exceptions that will allow creditors to obtain and use medical information in appropriate circumstances. In certain situations, the interim final rules also permit affiliates to share medically related information without becoming consumer reporting agencies. The interim final rules will take effect on March 7, 2006.

Distribution:

FDIC-Supervised Banks (Commercial and Savings)

Suggested Routing:

Chief Executive Officer
Compliance Officer
Senior Lending Officer
Lending Agents or Facilitators

Related Topics:

Fair and Accurate Credit Transactions Act
Fair Credit Reporting Act

Attachment:

Interim Final Rules

Contact:

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Note:

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Highlights:

- Medical information may be obtained and used to determine eligibility for credit in, among other transactions, those:
 - involving medical information that is financial in nature;
 - in which medical procedures are financed; and
 - in which requests for medical accommodation or forbearance have been made.
- In certain situations, the interim final rules permit affiliates to share medically related information without becoming consumer reporting agencies.
- The combined scope of the agencies' interim final rules covers all creditors. Interested parties may comment on this approach. Comments are due by July 11, 2005.

FAIR CREDIT REPORTING MEDICAL INFORMATION
Interim Final Rules

The Federal Deposit Insurance Corporation (FDIC), the Board of Governors of the Federal Reserve System, the Office of the Comptroller of the Currency, the Office of Thrift Supervision, and the National Credit Union Administration (the agencies) have issued the attached interim final rules relating to the Fair and Accurate Transactions Act (FACT Act). The FACT Act was signed into law in December 2003. It substantially amended the Fair Credit Reporting Act (FCRA). Section 411 of the FACT Act prohibits obtaining and using medical information in credit eligibility decisions except as allowed by the financial institution regulatory agencies.

The interim final rules' provisions are similar to those contained in the Notice of Proposed Rulemaking published on April 28, 2004. As required by the FACT Act, the interim final rules permit creditors to obtain and use medical information as "necessary and appropriate to protect legitimate operational, transaction, risk consumer and other needs." Under the interim final rules, creditors may obtain and use medical information that is financial in nature, as well as medical information that is relevant to the financing of medical procedures, requests for medical accommodations, and requests for forbearance. In appropriate circumstances, the interim final rules also permit affiliates to share medically related information with each other without becoming consumer reporting agencies.

The combined scope of the agencies' interim final rules covers all creditors. Interested parties have until July 11, 2005, to comment on this approach. Written comments may be sent to Robert E. Feldman, Executive Secretary, Attention: Comments/Executive Secretary Section, Federal Deposit Insurance Corporation, 550 17th Street, NW, Washington, DC 20429. Comments also may be mailed electronically to comments@fdic.gov. Comments may be hand-delivered to the guard station at the rear of the 17th Street building (located on F Street) on business days between 7 a.m. and 5 p.m. Comments also may be faxed to (202) 898-3838.

For more information, please contact Richard Schwartz, Counsel, at (202) 898-7424, or at rischwartz@fdic.gov; or Patricia I. Cashman, Senior Policy Analyst, at (202) 898-6534, or at pcashman@fdic.gov.

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