

**Supporting Statement for
OMB Control Number 1550-0121
Survey of Information Sharing Practices with Affiliates**

A. Justification

1. Circumstances that make the collection necessary:

The Office of Thrift Supervision (OTS), is required to submit a report to the Congress together with any recommendations for legislative or regulatory action, pursuant to Section 214(e) of the Fair and Accurate Transactions Act of 2003 (“FACT Act” or the “Act”) Pub. L. 108-159, 117 Stat. 1952. The OTS will gather information by means of a Survey to be completed by financial institutions and other persons that are creditors or users of consumer reports. The OTS will use the Survey responses to prepare a report to Congress on the information sharing practices by financial institutions, creditors, or users of consumer reports with their affiliates.

2. Use of the information:

The Survey will focus on a respondent’s practices and will ask a respondent to provide information not only about its sharing of information with its affiliates, but also about its receipt of information from its affiliates.

The OTS, and the other Agencies, will use information obtained from the Survey responses to prepare the reports to Congress as required by Section 214(e) of the FACT Act.

3. Consideration of the use of improved information technology:

The OTS plans to use a Web-based application for data collection. National banks may adopt any existing technology relevant for producing the information.

4. Efforts to identify duplication:

There is no duplication. The information is not available from any other source.

5. Methods used to minimize burden if the collection has a significant impact on substantial number of small entities:

This collection of information will not have a significant impact on a substantial number of small entities.

6. Consequences to the Federal program if the collection were conducted less frequently:

The Agencies would be unable to prepare the report required by statute.

7. Special circumstances necessitating collection inconsistent with 5 CFR Part 1320:

Not applicable. This collection will be conducted in a manner consistent with the guidelines in 5 CFR 1320.5.

8. Efforts to consult with persons outside the agency:

On November 26, 2010 OTS published a notice in the Federal Register (75 FR 72871) requesting public comment for 60 days on the proposed information collection. OTS has not received any comments.

9. Payment to respondents:

None.

10. Any assurance of confidentiality:

In cases where questions of confidentiality arise, the Agencies will grant confidential treatment on a case-by-case basis under applicable Federal law. Responses to Survey questions that institutions are already required to publicly disclose would not be protected from disclosure under the Freedom of Information Act, 5 U.S.C. 552 (FOIA). However, it is possible that some information collected on the Survey may be exempt from disclosure. To the extent an institution can establish the potential for substantial competitive harm, those responses would be protected by FOIA Exemption 4, 5 U.S.C. 552(b)(4) (exempting from disclosure "trade secrets and commercial or financial information obtained from a person and privileged or confidential"). In the event of a FOIA request for information, an Agency may claim Exemption 4 or other protections to the extent legally permissible as a basis for withholding the information.

11. Justification for questions of a sensitive nature:

There are no questions of a sensitive nature.

12. Burden estimate:

22 respondents @ 1 response = 22-responses
22 responses @ 10 burden hours = 220 burden hours

The OTS estimates the cost of the hour burden to respondents as follows:

Compliance Officer	75% x 200	=	165 @ \$110	=	\$18,150
Legal Counsel:	25% x 220	=	55 @ \$165	=	\$ 9,075
Total:				=	\$ 27,225

13. Estimates of annualized costs to respondents:

Not applicable.

14. Estimate of annualized costs to the government:

Not applicable.

15. Change in burden:

OTS is citing a reduction in the inventory burden in amount of 80 hours. The reduction is an adjustment due to a reduction in the number of respondents.

16. Information regarding collections whose results are planned to be published for statistical use:

The OCC has no plans to publish the data for statistical purposes.

17. Display of expiration date:

Not applicable.

18. Exceptions to certification statement:

None.

B. Collections of Information Employing Statistical Methods

Not applicable.