

National Credit Union Administration  
**SUPPORTING STATEMENT**

**Security Program, 12 CFR 748**  
**OMB No. 3133-0033**

**A. JUSTIFICATION**

**1. Circumstances that make the collection of information necessary.**

This collection is a notice requirement derived from a rule requiring federally insured credit unions to design their security programs to:

- protect each credit union from robberies, burglaries, larcenies, and embezzlement,
- safeguard member information,
- respond to incidents of unauthorized access to member information,
- assist in the identification of commit or attempt to commit such actions and crimes, and;
- prevent destruction of vital records as defined in 12 CFR part 749.

The rule sets forth the minimum requirements of a security program. It further addresses member notification, filing with the Financial Crimes Enforcement Network (FinCEN), and monitoring Bank Secrecy Act (BSA) compliance.

The rule is accompanied by guidance, in the form of appendices A and B. Appendix A describes NCUA's expectations for credit unions to safeguard member information. Appendix B describes NCUA's expectations for credit union response programs to incidents of unauthorized access to member information. Both Appendix A & B closely follows similar guidance published by the other federal banking agencies (Board of Governors of the Federal Reserve System, Federal Deposit Insurance Corporation, and the Office of the Comptroller of the Currency).

In accordance with Title V of the Gramm-Leach-Bliley Act (GLBA), 15 U.S.C. §§6801 et seq., federally-insured credit unions are required to implement information security programs designed to protect member information as described in Appendix A. Appendix B describes the components of a response program and establishes a standard for providing notice to members affected by unauthorized access to or use of member information that could result in substantial harm or inconvenience to those members, thereby reducing the risk of losses due to fraud or identity theft.

The Appendix B guidance describes NCUA's expectation that "a credit union should notify affected members when it becomes aware of unauthorized access to sensitive member information unless the credit union, after an appropriate investigation, reasonably concludes that misuse is unlikely to occur and takes appropriate steps to safeguard the interests of affected members, including monitoring affected members' accounts for unusual or suspicious activity." This third party disclosure is considered a collection of information under the Paperwork Reduction Act.

## **2. Purpose and use of the information collection.**

The collection helps federally insured credit unions to develop and implement administrative, technical, and physical safeguards to: (1) insure the security and confidentiality of member records and information; (2) protect against any anticipated threats or hazards to the security or integrity of such records; and (3) protect against unauthorized access to or use of such records or information that could result in substantial harm or inconvenience to any member.

A response program, which this collection is a critical part, contains policies and procedures that enable the credit unions to: (A) assess the situation to determine the nature and scope of the incident, and identify the information systems and types of member information affected; (B) notify the credit union's primary Federal regulator and, in accordance with applicable regulations and guidance, file a Suspicious Activity Report and notify appropriate law enforcement agencies; (C) take measures to contain and control the incident to prevent further unauthorized access to or misuse of member information, including shutting down particular applications or third party connections, reconfiguring firewalls, changing computer access codes, and modifying physical access controls; and (D) address and mitigate harm to individual members.

## **3. Use of information technology.**

Annual certification conducted through NCUA's online information management system (OMB No. 3133-0004) and suspicious activity reporting through FinCEN's web-based BSA E-Filing website (OMB No. 1506-0065) are cleared under separate OMB numbers.

## **4. Duplication of information.**

The information collection is unique to federally-insured credit unions and is not duplicated elsewhere.

## **5. Efforts to reduce burden on small entities.**

The guidelines implementing the provisions of the GLBA applies to all financial institutions. The response program guidance provides each credit union with flexibility to design a risk-based response program tailored to the size, complexity, and nature of its operations.

## **6. Consequences of not conducting the collection.**

NCUA believes that less frequent collection (i.e., a less comprehensive security program with diminished expectations as to the member response elements) would result in harm to credit union members.

**7. Inconsistent with guidelines in 5 CFR §1320.5(d)(2).**

The collection of information is conducted in a manner consistent with the requirements of 5 CFR 1320.5(d)(2)

**8. Efforts to consult with persons outside the agency.**

A 60-day notice was published in the *Federal Register* on November 8, 2019, at 84 FR 60458, soliciting comments from the public and no comments were received.

**9. Payment or gifts to respondents.**

There are no payments or gift provided to respondents.

**10. Assurance of confidentiality.**

Federally-insured credit unions, like all other regulated financial institutions, are required to preserve and maintain the confidentiality of member financial information. All collected information associated with this rule would be treated with the same degree of confidentiality as other disclosures of sensitive member information.

**11. Questions of a sensitive nature.**

No personally identifiable information (PII) is collected.

**12. Burden of information collection.**

As of June 2019, there were 5,308 FICU. These FICU are required to retain a written record of their security program. NCUA estimates that it will take each FICU an hour per month to ensure an up-to-date record is retained of their security program policies; for a total of 12 burden hours annually per FICU. Each FICU should maintain records of their risk-based response program. NCUA estimates that it would take 4 hours annually for FICUs to retain these program records. On average, each FICU will provide a quarterly report to their board of directors of their overall information security program status and compliance to NCUA guidelines. NCUA estimates it will take 2 hours to maintain and retain these records. It is estimated that an FICU will make 12 reports annually to NCUA of any catastrophic acts, taking an hour to prepare each report; for a total of 12 burden hours annually per FICU. FICUs are to notify NCUA of any incidents involving unauthorized access to or use of sensitive member information. FICUs average 12 notification annually, taking an hour to prepare; for a total of 12 burden hours annually per FICU. It is also estimated that an FICU will average 24 hours providing notification to its members of any unauthorized access.

Thus, the burden associated for this collection of information may be summarized as follows:

12 CFR	TASK	Information Collection Activity	Type of Burden	# Respondents	# Responses per Respondent	# Annual Response	Hours per Response	Total Annual Burden
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						t (frequency)			
1	748.0(a) and Appx. B., Para II.i	Information Security Program	Each FICU will develop a written security program within 90 days of the effective date of insurance.	Recordkeeping	5,308	12	63,696	1	63,696
		Risk-based response program	Every CU should also develop and implement a risk-based response program to address incidents of unauthorized access to member information in member information systems that occur nonetheless.	Recordkeeping	5,308	1	5,308	4	21,232
2	Appx. B. Para. III.F	Status Report to the Board	Each CU should report to its board at least annually on its overall status of the information security program and the CU's compliance with these guidelines.	Recordkeeping	5,308	4	21,232	2	42,464
3	748.1(a)	Certify Compliance	The president or managing official of each FICU must certify compliance with the requirements of this part in its CU Profile annually through NCUA's online information management system.	<b>Covered in OMB Nos. 3133-0004</b>					
4	748.1(b)	Catastrophic act report	Each FICU will notify the regional director within 5 business days of any catastrophic act that occurs at its office(s).	Reporting	5,308	12	63,696	1	63,696
5	748.1(c) (1)	Suspicious Activity Report	A CU must report any unknown or suspected crime or any suspicious transaction related to money laundering or other illegal activity by sending a completed suspicious activity report (SAR) to the Financial Crimes Enforcement Network (FinCEN).	<b>Covered in OMB No. 1506-0065 - FinCEN reporting</b>					
7	Appx B. II. A. 1. b.	Notice to NCUA	Notifying the appropriate NCUA Regional Director as soon as possible when the credit union becomes aware of an incident involving unauthorized access to or use of sensitive member information.	Reporting	5,308	12	63,696	1	63,696
8	Appx B. III. A.	Member Notice	CU should notify its members when it becomes aware of an incident of unauthorized access to sensitive member information.	Third-party Disclosure	5,308	1	5,308	24	127,392
<b>TOTALS</b>					<b>5,308</b>	<b>30</b>	<b>159,240</b>	<b>2.40</b>	<b>382,176.0</b>

The total cost to respondent is based on a \$35 hourly wage rate for a total of \$11,146,800.

13. **Capital start-up or on-going operation and maintenance costs.**

There are no capital start-up costs and maintenance costs are included in Question 12.

14. **Annualized costs to Federal government.**

There is no cost to the federal government.

15. **Changes in burden.**

Adjustments have been made to the current number of FICUs based on the June call report to 5308. NCUA has also revised the number of responses per respondent (frequency) and adjusted the times where necessary to reflect a more accurate accounting of the burden associated with this reporting and recordkeeping requirement.

16. **Information collection planned for statistical purposes.**

The information is not planned for publication.

17. **Request non-display the expiration date of the OMB control number.**

The OMB control number and expiration date associated with the PRA submission will be displayed on the Federal government's electronic PRA docket at [www.reginfo.gov](http://www.reginfo.gov).

18. **Exceptions to Certification for Paperwork Reduction Act Submissions.**

There are no exceptions to the certification statement.

B. **COLLECTIONS OF INFORMATION EMPLOYING STATISTICAL METHODS**

This collection does not employ statistical methods.