

**Federal Trade Commission
Information Furnishers Rule
OMB Control # 3084-0144
Justification – Part A Supporting Statement**

Overview of Information Collection:

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1. & 2. Need and Method for the Information Collection.

motor vehicles, or both. In addition, the FTC retains its authority to enforce the furnisher provisions of the FCRA and the FTC and CFPB rules issued under those provisions. Thus, the FTC and CFPB have overlapping enforcement authority for many entities subject to the CFPB rule and the FTC has sole enforcement authority for the motor vehicle dealers subject to the FTC rule.

On December 21, 2011, the CFPB issued its interim final FCRA rule, including the furnisher provisions (subpart E) of CFPB's Regulation V.¹ Contemporaneous with that issuance, the CFPB and FTC submitted to OMB, and received its approval for, the agencies' respective burden estimates reflecting their overlapping enforcement jurisdiction, with the FTC supplementing its estimates for the enforcement authority exclusive to it regarding the class of motor vehicle dealers noted above.

FACT Act Section 312(a) (implemented in 16 C.F.R. 660.3)

Section 312(a) of the FACT Act added section 623(e) to the FCRA, 15 U.S.C. 1681s-2(e), to require the Agencies to, in consultation and coordination, (a) establish and maintain guidelines for use by furnishers of information to CRAs regarding the accuracy and integrity of the information relating to consumers that such entities furnish to CRAs and update such guidelines as often as necessary; and (b) prescribe regulations requiring furnishers to establish reasonable policies and procedures for implementing the guidelines.

In developing the guidelines, the Agencies were directed to: (1) identify patterns, practices, and specific forms of activity that can compromise the accuracy and integrity of furnished information; (2) review the methods (including technological means) used to furnish information to CRAs; (3) determine whether furnishers maintain and enforce policies to assure the accuracy and integrity of information furnished to CRAs; and (4) examine the policies and procedures that furnishers employ to conduct investigations and correct inaccurate information that has been furnished to CRAs. Under section 660.3 of the FTC's Information Furnishers Rule² and section 1022.42 of the CFPB Rule,³ furnishers must establish and implement reasonable written policies and procedures regarding the accuracy and integrity of the information relating to consumers that they furnish to a consumer reporting agency ("CRA").⁴

FACT Act Section 312(c) (implemented in 16 C.F.R. 660.4).

Section 312(c) of the FACT Act added section 623(a)(8) to the FCRA, 15 U.S.C. 1681s-2(a)(8), to require the Agencies to jointly prescribe regulations that identify the circumstances under which a furnisher must investigate a dispute concerning the accuracy of information

¹ 76 Fed. Reg. 79,308 (Dec. 21, 2011).

² 16 C.F.R. Part 660.

³ 12 C.F.R. Part 1022.

⁴ The rule defines a "furnisher" as an entity that furnishes information relating to consumers to one or more CRAs for inclusion in a consumer report, but provides that an entity is not a furnisher when it: Provides information to a CRA solely to obtain a consumer report for a permissible purpose under the FCRA; is acting as a CRA as defined in section 603(f) of the FCRA; is an individual consumer to whom the furnished information pertains; or is a neighbor, friend, or associate of the consumer, or another individual with whom the consumer is acquainted or who may have knowledge about the consumer's character, general reputation, personal characteristics, or mode of living in response to a specific request from a CRA.

3. **Use of Information Technology.**

4. **Non-Duplication.**

5. **Burden on Small Entities.**

6. **Less Frequent Collection.**

7. **Paperwork Reduction Act Guidelines.**

8. **Consultation and Public Comments.**

9. **Gifts or Payment.**

10. **Privacy & Confidentiality.**

11. **Sensitive Questions.**

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12. **Burden Estimate.**

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Id.

	Requested	Program Change Due to New Statute	Program Change Due to Agency Discretion	Change Due to Adjustment in Agency Estimate	Change Due to Potential Violation of the PRA	Previously Approved

Summary of Burden Changes			
	Previously Approved	New Estimate	Difference (+/-)

13. Estimated Non-Recurring Costs.

14. **Estimated Cost to the Government.**

15. **Reasons for changes.**

16. **Publicizing Results.**

17. **Display of OMB Approval.**

18. **Exceptions to “Certifications for Paperwork Reduction Act Submissions.”**