

SUPPORTING STATEMENT
Disclosure of Information
(OMB Control No. 3064-NEW)

INTRODUCTION

The Federal Deposit Insurance Corporation (FDIC) is requesting approval from the Office of Management and Budget (OMB) to establish a new information collection contained in a notice of proposed rulemaking on “Disclosure of Information.” The proposed rule seeks to impose new reporting requirements under the Paperwork Reduction Act (PRA).¹ As a result, the FDIC is requesting approval from the OMB and asks that the OMB assign an OMB control number.

A. JUSTIFICATION

1. Circumstances that make the collection necessary:

The FDIC is issuing this notice of proposed rulemaking (proposed rule) to update, clarify, and supplement the FDIC’s regulations regarding the disclosure of confidential information by the FDIC and other parties, including by enhancing the ability of insured depository institutions to share confidential supervisory information with affiliates and certain other entities for appropriate business purposes, without seeking prior authorization from the FDIC. The proposal also would significantly simplify and clarify the requirements and restrictions applicable to the FDIC’s discretionary disclosure of confidential information. Finally, the proposal would update and simplify the FDIC’s rules regarding disclosures required under the Freedom of Information Act and would clarify how and when FDIC information may be disclosed in connection with legal proceedings and as a result of service of process made upon the FDIC and its directors, officers, and employees.

2. Use of the information:

Among other things, the proposal would update, clarify, and supplement the FDIC’s regulations regarding the disclosure of confidential information by the FDIC and other parties.

Respondents would be required to submit requests for discretionary disclosure of confidential information to the FDIC. Potential counterparties would be required to submit a written waiver to the FDIC. Parties in a legal proceeding, or any person substantially involved in the legal proceeding, would be required to submit a request to the FDIC general counsel or designee.

3. Consideration of the use of improved information technology:

Respondents may use technology to the extent feasible and/or desirable or appropriate.

¹ 44 U.S.C. 3501 *et seq.*

4. Effort to identify duplication:

No other federal law mandates these requirements and therefore the reporting requirements are not otherwise duplicated.

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

The FDIC believes the proposed rule is unlikely to have a significant economic impact on a substantial number of small entities.

Generally, the FDIC considers a significant economic impact to be a quantified effect in excess of 5 percent of total annual salaries and benefits or 2.5 percent of total noninterest expenses. To estimate the economic impact of the proposed rule on each small entity, the FDIC compares expected outcomes under the proposed rule to expected outcomes under a baseline absent the proposed rule.

The proposed rule would apply to all FDIC-insured institutions, parent holding companies of insured depository institutions, persons and entities requesting information from the FDIC under FOIA, persons and entities requesting information from the FDIC in connection with legal proceedings, and persons and entities serving legal process on the FDIC. As of the quarter ending December 31, 2025, the FDIC insures 4,345 depository institutions, of which 2,996 are small.² In addition, 3,600 holding companies were active as of December 31, 2025 and filed a Y-9C or Y-9SP.³ Of these, 2,253 are small entities for purposes of RFA.⁴ The FDIC does not possess the data to estimate the population of the persons and entities other than insured depository institutions that are potentially affected by the proposed rule. However, the FDIC reviewed a random sample of 50 discretionary disclosure requests (requests) received over the last ten years from a full population of 1,262 DDRs. Of these requests, 19 were made by banks, 17 by government entities, and two by law and accounting firms, neither of which was a small entity. For 12 requests, it was not possible based on the data drawn to identify who made the request.

For the 31 requests that were potentially made by small entities (19 banks and 12 unknown), 12 were identified as being made by large banks, leaving an upper bound of 19 possible requests by small entities in the sample of 50, a proportion of 38 percent. Extrapolating this to the full population of 1262 requests over ten years gives an upper-bound estimate of 48 for the annual number of requests from small entities.⁵

The largest effect of this rule on small entities is likely to be a reduction in the number of requests made by small insured depository institutions due to the change in

² Call Reports, December 31, 2025.

³ December 31, 2025, FR Y-9C and FR Y-9SP data.

⁴ Based on average assets reported in FR Y-9C data from March 31, June 30, and December 31, 2025, and in FR Y-9SP data from December 31, 2024, June 30, 2025, and December 31, 2025.

⁵ 1,262 requests over ten years * 38% from small entities / 10 years = 48.0 requests from small entities per year.

regulation. Of the 19 requests submitted by potential small entities that were reviewed for this analysis, the FDIC estimates that eight would be rendered unnecessary by the proposed rule, a proportion of 42.1 percent. Applying this to the upper bound estimate (48 annual requests) yields an upper bound reduction of approximately 20 requests from small entities, so that at most 20 small entities will be affected each year. The FDIC does not consider 20 to be a substantial number of small entities, even under the extremely conservative assumption that making a single request in a year constitutes a significant economic impact.

The other effects of the rule which could impact small entities that are not contingent on filing a request are: (1) the benefit from reduced uncertainty about the FDIC's regulations governing disclosure of information; and (2) the potential risk of increased unauthorized sharing of confidential information. As discussed above, neither of these effects are material, particularly for small entities.

Based on the preceding statement of factual basis, the FDIC certifies that the proposed rule will not, if promulgated, have a significant economic impact on a substantial number of small entities. Accordingly, an initial regulatory flexibility analysis is not required.⁶

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

The FDIC's regulations set forth procedures, requirements, and restrictions for the disclosure of information by the FDIC and by other parties, including insured depository institutions, that may be in possession of the FDIC's confidential information. These include rules related to disclosure by the FDIC of information under FOIA, disclosure by the FDIC and other parties of information that is confidential and exempt from disclosure under FOIA, and information related to legal proceedings (collectively, the information disclosure regulations).

The FDIC's current information disclosure regulations (1) do not reflect or appropriately accommodate the business relationships and transactions that often give rise to a need by insured depository institutions to disclose the information subject to these provisions; (2) include administrative impediments to disclosing information that are unnecessarily burdensome and may produce inconsistent results; (3) use terms that are outdated or vague; and (4) impose additional restrictions on the disclosure of confidential information by insured depository institutions that are not imposed under information disclosure regulations of the other federal banking agencies.

The proposal seeks to address these and other issues, including by providing flexibility to FDIC-supervised institutions to disclose information they commonly seek to share with certain third parties without prior approval of the FDIC and significantly reorganizing the FDIC's information disclosure regulations. This collection is necessary to implement these changes.

6 5 U.S.C. 605(b).

7. Special circumstances necessitating collection inconsistent with 5 CFR 1320.5(d)(2):

None. This information collection is conducted in accordance with the guidelines in 5 CFR 1320.5(d)(2).

8. Efforts to consult with persons outside the agency:

On June 30, 2026, the FDIC issued a Notice of Proposed Rulemaking in the Federal Register (91 FR 39726) seeking comment on the requirements under the PRA. The FDIC will consider any received during the comment when finalizing the Rule.

9. Payment or gift to respondents:

None.

10. Any assurance of confidentiality:

Information collected is kept private to the extent allowed by law. All required records are subject to the confidentiality requirements of the Privacy Act. In addition, any information deemed to be of a confidential nature is exempt from public disclosure in accordance with the provisions of the Freedom of Information Act (5 U.S.C. 552).

11. Justification for questions of a sensitive nature:

No questions of a sensitive nature are included in the collection.

12. Estimate of Hour Burden:

The proposed rule would update, clarify, and supplement the FDIC's regulations regarding the disclosure of confidential information by the FDIC and other parties. The information collection requirements in the proposed rule are as follows:

Section 309.34 would require requests for discretionary disclosure of confidential information to be submitted to the FDIC.

Section 309.37(a)(1)(vii)(C) would require potential counterparties to submit a written waiver to the FDIC.

Section 309.52(b) and (c) and section 309.53 would require a party in a legal proceeding, or any person substantially involved in the legal proceeding, to submit a request to the FDIC general counsel or designee.

Information Collection (IC)	Type of Burden	Number of Respondents	Number of Responses	Time per Response	Annual Burden
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(Obligation to Respond)	(Frequency of Response)		per Respondent	(HH:MM)	(Hours)
1. Request for discretionary disclosure of confidential information related to resolution plans – Section 309.34 (Required to obtain or retain a benefit)	Reporting (On Occasion)	91	1	01:00	91
2. Request for discretionary disclosure of confidential information other than information related to resolution plans – Section 309.34 (Required to obtain or retain a benefit)	Reporting (On Occasion)	139	1	03:00	417
3. Written waiver – Section 309.37(a)(1)(vii)(C) (Required to obtain or retain a benefit)	Reporting (On Occasion)	330	1	01:00	330
4. Request to use FDIC information in a non-party legal proceeding – Section 309.52(b) and (c), Section 309.53 (Required to obtain or retain a benefit)	Reporting (On Occasion)	254	1	2:30	635
Total Annual Burden (Hours): 1,473					

Table 2. Summary of Hourly Burden Cost Estimate (OMB No. 3064-NEW)			
Information	Hour	Percentage Shares of Hours Spent by and Hourly Compensation Rates for each Occupation Group	Estimated

Collection (IC) (Obligation to Respond)	y Weight (%)	(by Collection)						Hourly Compensation Rate
		Exec. & Mgr. (\$159.84)	Lawyer (\$180.27)	Compl. Ofc. (\$81.09)	IT (\$116.97)	Fin. Anlst. (\$101.69)	Clerical (\$42.73)	
1. Request for discretionary disclosure of Confidential Information Related to Resolution Plans, 12 CFR 309.34 (Required to Obtain or Retain a Benefit)	6.18	30	44	13	0	0	13	\$143.37
2. Request for discretionary disclosure of Confidential Information (Other than Information Related to Resolutio	28.31	30	44	13	0	0	13	\$143.37

n Plans), 12 CFR 309.34 (Required to Obtain or Retain a Benefit)								
3. Written Waiver – Section 309.37(a) (1)(G)(iii) (Required to Obtain or Retain a Benefit)	22. 40	0	100	0	0	0	0	\$180.2 7
4. Request to use FDIC informati on in a non-party legal proceedin g – Section 309.52(b) and (c), Section 309.53 (Required to Obtain or Retain a Benefit)	43. 11	0	75	0	0	0	25	\$145.8 9
Weighted Average Hourly Compensation Rate:								\$152.7 2

Source: Bureau of Labor Statistics: 'National Industry-Specific Occupational Employment and Wage Estimates: Industry: Credit Intermediation and Related Activities (5221 And 5223 only)' (May 2024), Employer Cost of Employee Compensation (March 2024), and Employment Cost Index (March 2024 and December 2025). Standard Occupational Classification (SOC) Codes: Exec. And Mgr = 11-0000 Management Occupations; Lawyer = 23-0000 Legal Occupations; Compl. Ofc. = 13-1040 Compliance Officers; IT = 15-0000 Computer and Mathematical Occupations; Fin. Anlst. = 13-2051 Financial and Investment Analysts; Clerical = 43-0000 Office and Administrative Support Occupations.

Note: The estimated hourly compensation rate for a given IC is the average of the hourly compensation rates for the occupations used to comply with that IC, weighted by the estimated share of hours spent by each occupation. The weighted average hourly compensation rate for the entire ICR is the average of the estimated hourly compensation rates for all ICs, weighted by the share of hourly burden for IC. These hourly weights, as shown in the “Hourly Weight” column of this table, are the quotients of the estimated number of annual burden hours for each IC and the total estimated number of annual burden hours across all ICs.

Table 3. Total Estimated Cost Burden (OMB No. 3064-NEW)			
Information Collection Request	Annual Burden (Hours)	Weighted Average Hourly Compensation Rate	Annual Respondent Cost
Part 309	1,473	\$152.72	\$224,957
Total Annual Respondent Cost:			\$224,957
Source: FDIC.			

13. Estimate of Start-up Costs to Respondents:

See the analysis in section 12 above.

14. Estimate of annualized costs to the government:

None.

15. Analysis of change in burden:

Since this is the first time the FDIC will be submitting an information collection in connection with the proposed rule, there is no change in burden. However, the burden associated with this new information collection is 1,473 hours.

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

The results of this collection will not be published for statistical use.

17. Display of Expiration Date

This information collection is contained in a regulation.

18. Exceptions to Certification Statement

None.

B. STATISTICAL METHODS

Statistical methods are not employed in these collections.