Office of the Comptroller of the Currency
Supporting Statement
Availability of OCC Information
OMB Control No. 1557-0200

A. Justification.

1. Circumstances that make the collection necessary:

The Office of the Comptroller of the Currency (OCC) creates and obtains a wide range of information in connection with the performance of its responsibilities to charter, regulate, and supervise national banks, Federal savings associations, and Federal branches and agencies of foreign banks (collectively, banks). Under the Freedom of Information Act (FOIA) and in accordance with the agency's implementing rules found in 12 CFR part 4, some of this information is required to be disclosed to the public upon request while other information is generally exempt from disclosure.[1]

The OCC is proposing to amend its rules on information disclosure, necessitating a revision to the agency's existing information collection approval. The OCC's proposal would clarify the process for obtaining OCC approval to disclose non-public OCC information (NPOI) and allow for the disclosure of confidential supervisory information (CSI) without OCC approval in certain circumstances, provided that applicable safeguards are observed. In some instances, these proposed safeguards include information collection requirements subject to the Paperwork Reduction Act (PRA).[2]

Specifically, the proposal would permit a supervised entity to disclose CSI without OCC prior approval in six situations, each of which prescribes recordkeeping or reporting that describes (1) to whom the CSI would be disclosed to (e.g., an affiliate or counterparty); (2) the context of the disclosure (e.g., negotiating a business combination transaction or hiring a new senior executive officer); and (3) any applicable safeguards (e.g., the recipient has signed a qualified confidentiality agreement or the CSI is used only for purposes of due diligence). The proposal also clarifies when supervised entities can share CSI with Federal agencies.

For CSI not covered by the six situations and NPOI that is not CSI, the proposal clarifies the current framework, under which the OCC decides on a case-by-case basis whether to permit disclosure and, if so, the applicable safeguards, which also may include information collection requirements.

[1] The OCC maintains the non-public nature of certain OCC information pursuant to the FOIA bank examination exemption (5 U.S.C. 552(b)(8)), judicial interpretation of the bank examination privilege (see Schreiber v. Society for Savings Bancorp, Inc., 11 F.3d 217 (D.C. Cir. 1993), In Re: Subpoena Served Upon the Comptroller of the Currency, and the Secretary of the Board of Governors of the Federal Reserve System, 967 F.2d 630, 634 (D.C. Cir. 1992) (discussing the bank examination privilege, which is analogous to the examination exemption under FOIA)), and other agency privileges, such as deliberative process and attorney-client privilege.
[2] The proposal also refines the OCC's process for requesting records under the FOIA, amends the rules to provide for expedited process of FOIA requests, and makes other structural and conforming changes. However, these provisions are not subject to the PRA and are not addressed in this supporting statement.

2. Use of the information:

The OCC uses the reporting information in connection with requests for release of NPOI or CSI. Recordkeeping information is used in relation to documents to be retained in connection with disclosure of NPOI or CSI

3. Consideration of the use of improved information technology:

The use of information technology would not reduce the burden of this submission. The OCC collects only the minimum information necessary to make a decision and an information collection is conducted only when a requestor seeks NPOI or CSI.

4. Efforts to identify duplication:

The required information is unique and is not duplicative of any other information already collected.

5. If the collection of information impacts small businesses or other small entities, describe any methods used to minimize burden.

There are no alternatives that would result in lowering the burden on small institutions, while still accomplishing the purpose of the rule.

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

The information collection is conducted infrequently and only when a requester seeks NPOI, CSI, or testimony.

7. Special circumstances that would cause an information collection to be conducted in a manner inconsistent with 5 CFR part 1320:

None. The information collection is conducted in accordance with the requirements of 5 CFR part 1320.

8. Efforts to consult with persons outside the agency:

The OCC issued a notice of proposed rulemaking for the collection in the *Federal Register* on August 5, 2026 (91 FR 50610).

9. Payment or gift to respondents:

None.

10. Any assurance of confidentiality:

None.

11. Justification for questions of a sensitive nature:

Not applicable. No personally identifiable information is collected.

12. Burden estimate:

Section Reference and Burden Type	Information Collection Requirements in 12 CFR Part 4	Number of Respondents	Average Hours Per Response	Estimated Burden Hours
§ 4.13 Disclosure of non-public OCC information or confidential supervisory information, in general.				
§ 4.13(a)(1)(i)(B) Reporting	*Unauthorized disclosure of non-public OCC information prohibited*: A supervised entity, government agency, or other person may not further disclose confidential supervisory information unless prior written permission of the OCC has been received.	1	3	3
§ 4.13(c)(2) Reporting	*Conditions and limitations. – (confidentiality agreement):* The OCC may condition approval for disclosure of non-public OCC on a written agreement of confidentiality.	1	4	4
§ 4.13(c)(4) Reporting	*Conditions and limitations – (written agreement – testimony limitations)*: The OCC may condition its authorization of deposition testimony on an agreement of the parties to appropriate limitations.	1	4	4
§ 4.13(e)(1) Reporting	*Duty of person served*: Any person, other than a current or former OCC or OTS employee, served with a demand must immediately notify the OCC and inform the OCC of all relevant facts, including the documents and information requested.	1	2	2
	Estimated Section Totals	4		13
§ 4.14 Disclosure of confidential supervisory information by recipient.				
§ 4.14(b)(1)(ii) Recordkeeping	*Exceptions for supervised entities – Service provider*: A supervised entity may disclose CSI without OCC approval to a service provider that has a qualifying confidentiality agreement, and for which the supervised entity keeps a log of the general categories of information being disclosed.	102	4	408
§ 4.14(b)(1)(iii) Recordkeeping	*Exceptions for supervised entities – Prospective senior executive officer*: A supervised entity may disclose			

Section Reference and Burden Type	Information Collection Requirements in 12 CFR Part 4	Number of Respondents	Average Hours Per Response	Estimated Burden Hours
	confidential supervisory information without OCC approval to an individual that is not yet employed by the supervised entity but is under consideration to serve as a senior executive officer if the individual has a qualifying confidentiality agreement.			
§ 4.14(b)(1)(iv) Recordkeeping	*Exceptions for supervised entities – Potential Counterparty*: A supervised entity may disclose confidential supervisory information without OCC approval to a potential counterparty to a transaction or series of transactions involving a business combination or other combination: Agreement. If the potential counterparty agrees in writing not to reference the confidential supervisory information in any agreement with the supervised entity.			
§ 4.14(b)(1)(iv) Reporting	*Exceptions for supervised entities – Potential Counterparty:* A supervised entity may disclose confidential supervisory information without OCC approval to a potential counterparty to a transaction or series of transactions involving a business combination or other combination: Acknowledgement. If the OCC receives written acknowledgement from the potential counterparty regarding the purpose and use of the confidential supervisory information. Waiver. If the OCC receives a written waiver from the potential counterparty of any and all potential claims the potential counterparty may have against the OCC arising from the confidential supervisory information.			
§ 4.14(b)(1)(v) Recordkeeping	*Exceptions for supervised entities – Potential Counterparty:* A supervised entity may disclose confidential supervisory information without OCC approval to the U.S.-based consultant or U.S.-based attorney of a potential counterparty: Agreement. If the U.S.-based consultant or U.S.-based attorney to which the supervised entity discloses confidential supervisory information has a qualifying confidentiality agreement with the supervised entity.			
§ 4.14(b)(1)(vi) Recordkeeping	*Exceptions for supervised entities – Not-for-Profit/Trade Association:* A supervised entity may disclose			

Section Reference and Burden Type	Information Collection Requirements in 12 CFR Part 4	Number of Respondents	Average Hours Per Response	Estimated Burden Hours
	confidential supervisory information without OCC approval to a not-for-profit entity, including a trade association: Agreement. If the receiving not-for-profit entity has signed a qualifying confidentiality agreement, and the supervised entity and the not-for-profit entity have a written agreement describing in detail a discrete and time-limited (not to exceed three months) collection of information for purposes of the specific aggregation of information or advocacy activities.			
§ 4.14(b)(2)(i) Reporting	*Disclosure to a government agency – Federal Reserve:* A supervised entity may disclose confidential supervisory information to the Federal Reserve if the supervised entity notifies the OCC in writing of its proposed disclosure of confidential supervisory information and the notification includes a copy of the confidential supervisory information proposed to be disclosed.			
§ 4.14(b)(2)(ii) Reporting	*Disclosure to a government agency – Federal Deposit Insurance Corporation (FDIC):* A supervised entity may disclose confidential supervisory information to the FDIC under a valid demand if the supervised entity notifies the OCC in writing of its proposed disclosure of confidential supervisory information and the notification includes a copy of the confidential supervisory information proposed to be disclosed.			
§ 4.14(b)(2)(iii) Reporting	*Disclosure to an agency – Other than the Federal Reserve or FDIC:* A supervised entity may disclose confidential supervisory information to an agency if the supervised entity notifies the OCC in writing of its proposed disclosure of confidential supervisory information; the notification includes a copy of the confidential supervisory information proposed to be disclosed; and the notification includes a copy of a written agreement between the supervised entity and the agency in which the agency agrees to not disclose the confidential supervisory information and expressly provides that the OCC is an intended third-party beneficiary of the agreement			

Section Reference and Burden Type	Information Collection Requirements in 12 CFR Part 4	Number of Respondents	Average Hours Per Response	Estimated Burden Hours
	and is permitted to enforce the terms of the agreement through a civil action.			
	Estimated Section Totals	102		408
§ 4.15 Restrictions on current and former OCC employees or agents; former OTS employees or agents.				
§ 4.15(b)(1) Reporting	*Duty of person served and potential OCC actions. – (current or former OCC or OTS employee):* Any current or former OCC employee or agent or former OTS employee or agent that receives a demand must immediately notify the OCC if they receive a demand or are otherwise asked for non-public OCC information.	1	2	2
	Estimated Section Totals	1		2
§ 4.17 Requesting non-public OCC information.				
§ 4.17(a)(1) and (a)(2) Reporting	*Generally – Form of request:* A person seeking non-public OCC information must submit a request in writing to the OCC. The requester must explain the bases for the request and how the requested non-public information relates to the issues in the matter. *Expedited Request*: A requester seeking a response in less than 60 days must explain in writing why the request was not submitted earlier and why the OCC should expedite the request.	2	3	6
§4.17(a)(3)(ii) and (iii) Reporting	*Request arising from adversarial matters* – Where the requested information is to be used in connection with a lawsuit or other adversarial matter, the request must include: • A copy of the complaint or other pleading setting forth the assertions in the case. • The caption and docket number of the case. • The name, address, and phone number of counsel to each party in the case. • A description of any prior judicial decisions or pending motions in the case that may bear on the asserted relevance of the requested information. The request also must: • Show that the information is relevant to the purpose for which it is sought. • Show that other evidence reasonably suited to the requester's needs is not	1	3	3

Section Reference and Burden Type	Information Collection Requirements in 12 CFR Part 4	Number of Respondents	Average Hours Per Response	Estimated Burden Hours
	available from any other source. • Show that the need for the information outweighs the public interest considerations in maintaining the confidentiality of the OCC information and outweighs the burden on the OCC to produce the information. • Explain how the issues in the case and the status of the case warrant that the OCC allow disclosure. • Identify any other issue that may bear on the question of waiver of privilege by the OCC.			
§ 4.17(b) Reporting	*Request for records:* The requester must adequately describe the record or records sought by type and date.	1	3	3
§ 4.17(d) Reporting	*Request for testimony:* A requester seeking testimony: • Must show a compelling need for the requested information. • Should request OCC testimony with sufficient time to obtain in deposition form. • Must show, if testimony at a trial or hearing is sought, that a deposition would not suffice.	1	3	3
	Estimated Section Totals	5		15
§ 4.19 Disclosing and using OCC records in litigation.				
§ 4.19(d) Reporting	*Disclosing and using OCC records in litigation – Authentication for use as evidence*: Requesters who require authenticated records or certificates of nonexistence of records should request certificates from the OCC.	1	1	1
	Estimated Section Totals	1		1
§ 4.21 Consideration of requests for non-public OCC information.				
§ 4.21(b)(3) Reporting	*Consideration of requests – Testimony:* Once a request for testimony has been submitted, and before the requested testimony occurs, a party to the relevant case, who did not join in the request and who wishes to question the witness beyond the scope of testimony sought by the request, must timely submit the party's own request for OCC information.	1	3	3
	Estimated Section Totals	1		3
TOTAL ESTIMATED BURDEN		**114**		**442**

Cost of Hour Burden to Respondents:

442 hours x $158.73 = $70,158.66 (rounded up to $70,159)

To estimate wages the OCC reviewed May 2025 data for wages (by industry and occupation) from the U.S. Bureau of Labor Statistics (BLS) for credit intermediation and related activities (NAICS 5220A1). To estimate compensation costs associated with the rule, the OCC uses $158.73 per hour, which is based on the average of the 90th percentile for six occupations adjusted for inflation (3.4 percent as of Q1 2026), plus an additional 35.3 percent for benefits (based on the percent of total compensation allocated to benefits as of Q4 2025 for NAICS 522: credit intermediation and related activities).

13. Estimate of total annual costs to respondents (excluding cost of hour burden in Item #12):

Not applicable.

14. Estimate of annualized costs to the Federal government:

None.

15. Change in burden:

Current burden:	6 hours
Revised burden:	442 hours
Difference:	+436 hours

The increase in burden is attributed to an increase in the estimated number of respondents. The OCC's estimated burden hours reflect total hours associated with retained information collection requirements in part 4, as well as the proposed requirements. In calendar year 2025, the OCC received 102 CSI-related requests. The estimated burden hours are based on those historical requests received, along with a slight increase in anticipated respondents due to the proposed expanded exceptions.

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

Not applicable.

17. Reasons for not displaying OMB approval expiration date:

Not applicable.

18. Exceptions to the certification statement:

None.

B. Collections of Information Employing Statistical Methods.

Not applicable.