Federal Deposit Insurance Corporation

§ 391.22 Duties regarding the detection, prevention, and mitigation of identity theft.

(a) Scope. This section applies to a financial institution or creditor that is a State savings association whose deposits are insured by the Federal Deposit Insurance Corporation.

(b) Definitions. For purposes of this section and the appendix to subpart C of part 391, the following definitions apply:

1. Account means a continuing relationship established by a person with a financial institution or creditor to obtain a product or service for personal, family, household or business purposes. Account includes:
   (i) An extension of credit, such as the purchase of property or services involving a deferred payment; and
   (ii) A deposit account.

2. The term board of directors includes:
   (i) In the case of a branch or agency of a foreign bank, the managing official in charge of the branch or agency; and
   (ii) In the case of any other creditor that does not have a board of directors, a designated employee at the level of senior management.

3. Covered account means:
   (i) An account that a financial institution or creditor offers or maintains, primarily for personal, family, or household purposes, that involves or is designed to permit multiple payments or transactions, such as a credit card account, mortgage loan, automobile loan, margin account, cell phone account, utility account, checking account, or savings account; and
   (ii) Any other account that the financial institution or creditor offers or maintains for which there is a reasonably foreseeable risk to customers or to the safety and soundness of the financial institution or creditor from identity theft, including financial, operational, compliance, reputation, or litigation risks.

4. Credit has the same meaning as in 15 U.S.C. 1681a(r)(5).

5. Creditor has the same meaning as in 15 U.S.C. 1681a(r)(5), and includes lenders such as banks, finance companies, automobile dealers, mortgage brokers, utility companies, and telecommunications companies.

6. Customer means a person that has a covered account with a financial institution or creditor.

7. Financial institution has the same meaning as in 15 U.S.C. 1681a(t).

8. Identity theft has the same meaning as in 16 CFR 603.2(a).
§391.23 Duties of card issuers regarding changes of address.

(a) Scope. This section applies to an issuer of a debit or credit card (card issuer) that is a State savings association whose deposits are insured by the Federal Deposit Insurance Corporation.

(b) Definitions. For purposes of this section:

(1) Cardholder means a consumer who has been issued a credit or debit card.

(2) Clear and conspicuous means reasonably understandable and designed to call attention to the nature and significance of the information presented.

(c) Address validation requirements. A card issuer must establish and implement reasonable policies and procedures to assess the validity of an address if it receives notification of a change of address for a consumer’s debit or credit card account and, within a short period of time afterwards (during at least the first 30 days after it receives such notification), the card issuer receives a request for an additional or replacement card for the same account. Under these circumstances, the card issuer may not...