



**America's  
Credit Unions**

## **Regulatory Comment: Guidance on Response Programs for Unauthorized Access to Member Information and Member Notice**

### **THE ISSUE:**

The NCUA is proposing to remove Appendix B to part 748, titled “Guidance on Response Programs for Unauthorized Access to Member Information and Member Notice,” from the Code of Federal Regulations (CFR). Appendix B implements requirements under the Gramm-Leach Bliley Act (GLBA), requiring federally insured credit unions (FICUs) to protect member information from unauthorized access.

### **IMPACT TO CREDIT UNIONS:**

The NCUA intends to replace Appendix B with a Letter to Credit Unions, which would permit more efficient revisions in the future, although no revisions are currently being proposed. The NCUA believes that the information conveyed in Appendix B can be provided through Letters to Credit Unions, thereby reinforcing its intended use as nonbinding guidance. Potentially credit unions may have greater flexibility to demonstrate the sufficiency of their incident response programs under this more streamlined approach.

### **KEY POINTS:**

- The proposal aims to delineate Appendix B as nonbinding supervisory guidance by reissuing it as a Letter to Credit Unions.
- Reissuing Appendix B as a Letter to Credit Unions would not change existing obligations to protect member information from unauthorized access or use.

## **ACTION NEEDED: Deadlines and contacts**

Please use the comment link below to respond to America's Credit Unions' survey. This will help shape the discussion and better address your needs in our comment letters.

- Comments due to America's Credit Unions: January 30, 2026 — [Submit here](#).
- Comments due to the NCUA: February 9, 2026
- Questions? Contact [Andrew Morris](#), Director, Innovation and Technology, America's Credit Unions
- Agency contacts: Gira Bose, Senior Staff Attorney, (703) 518-6540

## **QUESTIONS TO CONSIDER:**

1. Do you support the removal of Appendix B from Part 748 of NCUA's regulations?
2. Should the NCUA make any substantive changes to Appendix B if it is reissued as a Letter to Credit Unions?
3. Do you foresee any potential risk that the state in which your credit union operates will enact new laws or regulations in response to the NCUA's decision to reissue Appendix B as nonbinding guidance?
4. The other federal banking regulators currently implement their own information security guidelines and incident response programs through codified appendices in their respective regulations. Should the NCUA proactively address any potential public misunderstanding about the rigor of credit union incident response guidelines relative to banks?

## **BACKGROUND:**

Appendix B is a further interpretation of the GLBA's requirement that the NCUA and other federal banking regulators adopt standards for safeguarding customer information. Appendix B sets forth the general framework for responding to incidents of unauthorized access to

member information. When a FICU becomes aware of an incident of unauthorized access to sensitive member information, Appendix B states that the credit union should conduct a reasonable investigation to promptly determine the likelihood that the information has been or will be misused. If the FICU determines that misuse of its information about a member has occurred or is reasonably possible, Appendix B further states that the credit union should notify the affected member as soon as possible.

The other federal banking regulators (FDIC, OCC and FRB) have adopted similar guidelines which are codified as appendices in their respective regulations.

The NCUA is proposing to remove Appendix B as part of a broader deregulation project aligned with the goals of Executive Order 14192, “Unleashing Prosperity Through Deregulation.” Removing Appendix B from the CFR and reinstating it as a nonbinding Letter to Credit Unions would neither change the substance of the guidelines nor alter FICUs’ existing obligation under the GLBA to protect member information from unauthorized access.

As long as Appendix B is codified as part of NCUA's regulations, there is a legal requirement that any change, whether technical or substantive, be published in the Federal Register typically with an opportunity for public notice and comment (unless an exception under the Administrative Procedure Act applies). The NCUA now believes that streamlining NCUA's regulations and creating a greater separation between binding regulations and nonbinding guidelines outweighs the benefits of the current approach.