



APPENDIX

Appendix: Compliance Checklists

The checklists in this section will help compliance officers or auditors who review compliance activities. These checklists include all of the consumer protection laws and regulations covered in the body of this Guide and some less complex laws/regulations. The checklists should not be used without a thorough understanding of the underlying laws or regulations.

APPENDIX

COMPLIANCE CHECKLISTS

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ADVERTISING Checklist

	Yes	No		Yes	No
1. Do the savings association's advertisements accurately and fairly represent its" [§563.27]			5. If the savings association sells its securities "over-the-counter," do all communications make disclosures that:		
a. services?			a. The security is not federally insured?		
b. contracts?			b. An investment in such debt security is subject to certain "investment considerations" and "risk factors?"		
c. investments?			c. Certain tax consequences could result if the investor will receive a "Cash Bonus" or "Cash Premium" by purchasing the security?		
d. financial condition?			d. Potential investors should obtain and read a copy of the offering circular before making an investment in the securities?		
2. Is the savings association properly displaying the FDIC's official sign for insured savings associations at its applicable offices and branches [§ 328.4(a) of the FDIC's regulations]?			6. Does the savings association's publicity of "over-the-counter" securities make any comparison or reference to insured accounts if offers?		
The following questions relate specifically to advertising of debt securities [§563g and TB 31-2]			7. Do the savings association's communications make any statements that imply the debt security is likely to remain outstanding until maturity?		
3. Does the content of the media ads, sales literature and other forms of publicity relating to the offering of a debt security require a filing and review by the Board?					
4. If the communication is exempt from filing, does it contain the required disclosures and information?					



BANK PROTECTION ACT Checklist

	Yes	No		Yes	No
1. Has the board of directors designated a security officer? [§ 568.2]			c. Tamper-resistant locks on exterior doors and windows that may be opened?		
2. Does the institution have a written security program for each of its offices, and has it been approved by the board of directors? [§ 568.2]			d. An alarm system, or other appropriate device, for promptly notifying the nearest responsible law enforcement officers of an attempted robbery, burglary, or larceny?		
3. Does the institution's security program: [§ 568.3(a)(1-4)]			5. Does the institution have such other devices as the security officer determines to be appropriate? [§568.3(b)(5)]		
a. Establish procedures for opening and closing for business?			Were the following considered in the determination by the security officer, as appropriate: [§ 568.3(b)(5)]		
b. Establish procedures for the safekeeping of all currency, negotiable securities, and similar valuables at all times?			a. The incidence of crimes against financial institutions in the area?		
c. Establish procedures that will assist in the identification of persons that commit crimes against the institution, and that will preserve evidence that may aid in their identification and prosecution?			b. The amount of currency and other valuables exposed to robbery, burglary, or larceny?		
d. Provide for initial and periodic training of officers and employees in their responsibilities under the security program, and in proper employee conduct during and after a burglary, robbery, or larceny?			c. The distance of the office from the nearest responsible law enforcement officers?		
e. Provide for selecting, testing, operating and maintaining the security devices listed below in question 4?			d. The cost of the security devices?		
4. Does the institution have the following security devices: [§ 568.3(b)(1-4)]			e. Other security measures in effect at the office?		
a. A means of protecting cash and other liquid assets, such as a vault, safe or other secure space?			f. The physical characteristics of the structure of the office and its surroundings?		
b. A lighting system for illuminating, during darkness, the area around the vault or other secure space?			6. Does the security officer report at least annually to the board of directors on the implementation, administration, and effectiveness of the security program? [§ 568.4]		
			7. Have external crimes been reported to the FBI, local police, and bonding company as necessary?		



BANK SECRECY ACT Checklist

		Yes	No			Yes	No
Internal Compliance Programs and Procedures							
1. Has the institution adopted written policies and operating procedures required by 12 CFR Section 563.177?				b. The filing of U.S. Customs Form 4790 for each shipment of currency or other monetary instrument(s) in excess of \$10,000 out of the United States or into the United States, except via common carrier, by, or to the institution [Section 103.23(a)]?			
2. Has the written program been approved by the institution's board of directors and noted in the minutes [Section 563.177(b)]?				c. The maintenance of required records for each monetary instrument purchase or sale for currency in amounts between \$3,000 and \$10,000, including the supporting information prescribed in Section 103.29(a)?			
3. Does the written Bank Secrecy Act compliance program, at a minimum:				d. The annual filing of Report of Foreign Bank Financial Accounts (Treasury Form 90-22) of each person, subject to the jurisdiction of the United States, who has financial interest in, or signature authority over, a bank, securities or other financial accounts in a foreign country [Section 103.24]?			
a. Provide for a system of internal controls to ensure ongoing compliance [Section 563.177(c)(1)]?				5. Does the institution verify that procedural guidelines are adequately communicated to responsible personnel and that they are followed?			
b. Provide for independent testing for compliance to be conducted by either institution personnel or an outside party [Section 563.177(c)(2)]?				6. Verify that the institution's written procedural guidelines for record retention include the retention of either the original, microfilm, copy or other reproduction of the items listed below for at least five years:			
c. Designate a qualified individual(s) responsible for coordinating and monitoring day-to-day compliance [Section 563.177(c)(3)]?				a. Each CTR (IRS Form 4789) [Section 103.27(a)(3)]?			
d. Provide training for appropriate personnel [Section 563.177(c)(4)]?				b. Documentation to support each exemption granted. [Section 103.22 (d)(6)(x)]?			
e. Include procedural guidelines for meeting the reporting and recordkeeping requirements of the BSA regulations?				c. Documentation to support each extension of credit over \$10,000, except when the extension is secured by an interest in real property [Section 103.33(a)]?			
f. Include procedural guidelines for the detection, prevention and reporting of suspicious transactions related to money laundering activities?							
4. Verify that the procedural guidelines include the following:							
a. The reporting of each deposit, withdrawal, exchange of currency or other payment or transfer, by, through or to the financial institution, which involves a transaction in currency of more than \$10,000 (CTR, IRS Form 4789) [31 CFR Section 103.22(a)(1)]?							



BANK SECRECY ACT Checklist

	Yes	No		Yes	No
d. Each advice, request, or instruction received or given regarding a transaction which results in the transfer of funds, currency, checks, investment securities or other monetary instruments or credit, of more than \$10,000 to or from a person, account, or place outside the United States [Section 103.33(b)]?	<input type="checkbox"/>	<input type="checkbox"/>	k. Each check or draft in excess of \$10,000 drawn on or issued by a foreign bank which the domestic bank has paid or presented to a nonbank drawee for payment [Section 103.34(b)(7)]?	<input type="checkbox"/>	<input type="checkbox"/>
e. Each advice, request, or instruction given to another financial institution or other person located within or outside the United States, regarding a transaction intended to result in a transfer of funds, currency, checks, investment securities, other monetary instruments or credit, of more than \$10,000 to a person, account, or place outside the United States [Section 103.33(c)]?	<input type="checkbox"/>	<input type="checkbox"/>	l. Each item relating to any transaction of more than \$10,000 received directly and not through a domestic financial institution, from a bank, broker or dealer in foreign exchange outside the United States [Section 103.34(b)(8)]?	<input type="checkbox"/>	<input type="checkbox"/>
f. Each payment order of \$3,000 issued in connection with wire (funds) transfer activity as an originating, intermediary or beneficiary institution [Section 103.33(e)]?	<input type="checkbox"/>	<input type="checkbox"/>	m. A record of each receipt, on any one occasion, of more than \$10,000 directly and not through a domestic financial institution, from a bank, broker or dealer in foreign exchange outside the United States [Section 103.34(b)(9)]?	<input type="checkbox"/>	<input type="checkbox"/>
g. A list of each individual, including the name, address, and account number, who holds a deposit account for which the institution has been unable to secure a taxpayer identification number from that person after making a reasonable effort to obtain the number [Section 103.34(a)(1)(ii)]?	<input type="checkbox"/>	<input type="checkbox"/>	n. Records prepared or received by a bank in the ordinary course of business which would be needed to reconstruct a demand deposit account and to trace a check in excess of \$100 deposited in such demand deposit account [Section 103.34(b)(10)]?	<input type="checkbox"/>	<input type="checkbox"/>
h. Each document granting signature authority over each deposit account [Section 103.34(b)(1)]?	<input type="checkbox"/>	<input type="checkbox"/>	o. A record of the name, address, and taxpayer identification number, if available, of any purchaser of a certificate of deposit, that describes the instrument, payment method, and transaction date [Section 103.34(b)(11)]?	<input type="checkbox"/>	<input type="checkbox"/>
i. Each statement, ledger card or other record of each deposit account showing each transaction involving the account, except those items exempted by Section 103.34(b)(3-4)?	<input type="checkbox"/>	<input type="checkbox"/>	p. A record containing the name, address, and taxpayer identification number, if available, of any person presenting a certificate of deposit for payment, as well as a description of the instrument and the date of the transaction [Section 103.34(b)(12)]?	<input type="checkbox"/>	<input type="checkbox"/>
j. Each document relating to a transaction of more than \$10,000 remitted or transferred to a person, account or place outside the United States [Section 103.34(b)(5,6)]?	<input type="checkbox"/>	<input type="checkbox"/>	q. Each deposit slip or credit ticket reflecting a transaction in excess of \$100 or the equivalent record for direct deposit or other wire transfer deposit transactions? The slip or ticket shall record the amount of any currency involved [Section 103.34(b)(13)].	<input type="checkbox"/>	<input type="checkbox"/>



BANK SECRECY ACT Checklist

		Yes	No			Yes	No
Internal Controls							
1. Has the institution implemented an internal audit, management review or self-assessment program that reviews: (1) the institution's compliance program; (2) internal controls to prevent money laundering; and (3) compliance with BSA regulations?				b. Address compliance with applicable anti-money laundering laws and regulations (e.g., 12 CFR 563.177, 31 CFR 103)?			
2. If the institution has an internal audit function, verify that the audit procedures:				c. Identify potentially high risk activities, businesses, and foreign countries commonly associated with money laundering?			
a. Confirm the integrity and accuracy of the systems for the reporting of large currency transactions?				2. Does the institution ensure that the anti-money laundering policies apply to all operations of the institution, including: (1) activities, including teller and currency operations, the sale of monetary instruments, wire transfers, safe deposit box; (2) departments, including trust, loan, international, discount brokerage; and (3) other operations, including correspondent and private banking?			
b. Include a review of tellers' work and Forms 4789 and 4790?							
c. Confirm the integrity and accuracy of the institution's recordkeeping activities?				3. Verify that management implemented a high level of internal controls to minimize the risk of money laundering. These controls should include, at a minimum:			
d. Test adherence to the in-house record retention schedule?				a. Money laundering detection procedures, including sound policies and procedures, periodic account monitoring and education and training?			
e. Include steps necessary to ascertain that the institution is maintaining the required list of exempt customers?				b. Identification and monitoring of non-bank financial institutions that are depositors of the institution and that engage in a high volume of cash activity (e.g., money transmitters and check cashing businesses)?			
f. Test the reasonableness of the exemptions granted?				c. Periodic account activity monitoring, particularly in accounts considered high risk?			
g. Include steps necessary to ascertain that the institution has procedures in place for maintaining required information from customers purchasing monetary instruments for cash in amounts between \$3,000 and \$10,000 inclusive and that appropriate identification measures are in place?				d. Internal investigations, monitoring and reporting of suspicious transactions?			
h. Include steps necessary to ascertain that the institution is conducting an ongoing training program?							
Anti-Money Laundering Program				Education and Training			
1. Do the institution's policies governing the BSA and anti-money laundering activities:				1. Does the institution's program for educating appropriate employees regarding the BSA and money laundering include the following:			
a. Define money laundering in its different forms (e.g., placement, layering, and integration)?				a. Reporting of large currency transactions, and related exemptions?			



BANK SECRECY ACT Checklist

	Yes	No		Yes	No
b. Sale of monetary instruments?			2. Does the institution file the appropriate form to designate a person as exempt within 30 days after the first reportable currency transaction [Section 103.22(d)(3)]?		
c. Record retention requirements?			3. Does the institution review and verify the information supporting each exemption at least annually? [Section 103.22(d)(4)]?		
d. Reporting suspicious activity or alleged criminal conduct?			4. Does the institution [Section 103.22(d)(6)]:		
e. Examples of money laundering cases and the ways in which they can be detected, resolved and reported?			a. Assure itself that each exemption is appropriate?		
f. The different forms that money laundering can take (e.g., deposit accounts, wire transfers, loans, etc.)?			b. Document the basis or bases for each exemption?		
g. Wire (fund) transfer activity?			c. Document its compliance with the exemption requirements?		
h. Overall internal policies and procedures?			5. For exempt non-listed businesses and payroll customers [Sections 103.22(d)(5), 103.22(d)(9)] does the institution:		
2. Has the institution implemented procedures to review the scope and frequency of training and education to determine the importance management places on those activities?			a. Make biennial filings for continuing exemptions?		
3. Does the institution verify whether personnel are sufficiently knowledgeable about the BSA and the institution's procedures to ensure compliance?			b. Monitor the currency transactions in each customer's account for suspicious activity as necessary, but at least annually?		
4. Does the institution's training program(s) include personnel from all departments (e.g., lending, fiduciary, and international departments, discount brokerage, private banking, correspondent and specialized foreign exchange units, and cash control centers)?			6. Does the institution file SAR's when appropriate, even as to exempt customers [Section 103.22(d)(9)]?		
5. Are interviews conducted to verify that personnel from the areas covered under the preceding paragraph are knowledgeable regarding the BSA requirements, possible money laundering schemes, and the identification of suspicious or unusual activities?			7. For each customer exempt on or before October 20, 1998, does the institution either [Section 103.22(d)(11)]:		
Exemptions			a. Terminate the customer's exempt status, or		
1. Does the institution exempt from CTR reporting only those eligible for exemption [Section 103.22(d)(2)]?			b. Continue the prior exemption until the earlier of June 30, 2000 or the date the customer is properly exempt?		



BANK SECRECY ACT Checklist

		Yes	No			Yes	No
Currency Flows and Reporting of Large Cash Transactions							
1. Does the institution review the cash totals shipped to and received from the Federal Reserve Bank, correspondent banks or between branch offices for a reasonable period of time (generally no less than three months) or, if available, the latest FinCEN Analysis of Federal Reserve Cash Flows, for unusual activity (e.g., material variance in totals of currency shipped or received or large denomination currency exchanged)?				4. Does the institution have an automated system in place to capture individual or multiple cash transactions in excess of \$10,000 on the same business day by or on behalf of the same individual, or by account?			
2. Does the institution verify the cause of any unusual activity and verify if the volume of CTR filings during the period is consistent with any changes in the patterns of cash activity?				a. Is the system tested to determine whether it is comprehensive regarding all points of cash entry and exit?			
3. Does the institution review samples of completed CTRs, whether hard copy or from computer generated filings, to determine that (as specified in Section 103.22):				b. Does the aggregation system cover all applicable areas within the institution (e.g., discount brokerage, private banking, fiduciary, or any other departments in the institution that engage in currency transactions subject to the regulation)?			
a. CTRs are properly completed in accordance with IRS instructions?				5. If the institution does <u>not</u> have an automated system in place, does it document how it identifies reportable transactions?			
b. Transaction amounts are consistent with the type and nature of business or occupation of the customer?				6. If the institution has an automated system in place to capture individual or multiple cash transactions of <u>less than</u> \$10,000, does the system detect for:			
c. CTRs are filed for large cash transactions identified by tellers' proof sheets, automated large currency transaction system, or other type of aggregation system, unless an exemption exists for the customer?				a. Evidence of structured transactions?			
d. If an exemption exists, CTRs are filed for customers who exceed their exemption limits?				b. Concentration accounts" (accounts that have frequent cash deposits aggregating less than \$10,000 on any business day, and relatively few transfers of large amounts out of the accounts, by check or wire)?			
e. CTRs are filed within 15 calendar days after the date of the transaction (25 days if magnetically filed) [Section 103.27(a)(1)]?				c. Customers with frequent cash transactions of less than \$10,000 who have not provided tax identification numbers?			
				d. Customers with frequent cash transactions that have provided either a foreign address or post office box as an address or have requested that the institution hold monthly statements?			
				7. If available, are the following reports reviewed by management for activities usually associated with money laundering activities:			



BANK SECRECY ACT Checklist

	Yes	No		Yes	No
a. Suspected kiting reports? (These reports identify excessive activity in accounts and should be reviewed for cash activity. The account profile of an account used for money laundering can be similar to that of an account used for check kiting in that it may have a high volume of activity, matching deposits and withdrawals, or low average balances in relation to activity).			8. Are review statements, reconciliation and general ledger sheets of the institution's correspondent banks reviewed over at least a two month period to determine if large transactions are reflected on either the institution's or correspondent records? If so, does the institution verify that their nature is investigated and properly reported?		
b. Demand deposit activity reports? (These reports cover all customer and employee accounts. They generally show daily balances and accumulated deposits and withdrawals over a 30-day period. Careful review will show accounts that have changed, either in average balance or in numbers of transactions).			9. Does the institution review incoming mail to determine if it is receiving currency deposits via mail, courier services or internal deliveries?		
c. Incoming and outgoing wire transfer logs? (These logs can identify transfers of funds out of the country or to remote banks, transfers funded by cashier's checks or money orders in amounts under the \$10,000 CTR filing threshold, and other suspicious patterns for noncustomers as well as account holders).			Sale or Purchase of Monetary Instruments Over \$3,000		
d. Incoming and outgoing facsimile logs? (There are for payment instructions related to funds transfers).			1. Do the institution's records include the following information required by Section 103.29(a)(1) for purchasers who have deposit accounts with the institution:		
e. Loans listed by collateral? (These are loans collateralized by cash, certificates of deposit or bank accounts).			a. The name of the purchaser?		
f. Loans collateralized by fund transfers from offshore banks?			b. Date of purchase?		
g. Loans secured largely with cash and whether the payments are made in cash?			c. The type(s) of instrument(s) purchased?		
h. Loan with proceeds that purchase certificates of deposit?			d. The serial number(s) of each of the instrument(s) purchased?		
			e. The dollar amount(s) of each of the instrument(s) purchased in currency?		
			f. Method of verifying identity, either at the time of purchase or when the deposit account is opened?		
			2. Do the institution's records include the following information required by Section 103.29(a)(2) for purchasers who do not have deposit accounts with the institution:		
			a. The name and address of the purchaser?		
			b. The social security or alien identification number of the purchaser?		
			c. The date of birth of the purchaser?		
			d. The date of purchase?		



BANK SECRECY ACT Checklist

		Yes	No			Yes	No
e. The type(s) of instrument(s) purchased?				4. If the institution sends or receives fund transfers to/from financial institutions in other countries, especially those with strict privacy and secrecy laws, has it ensured that amounts, frequency and countries of origin or destination are consistent with the nature of the business or occupation of the customer?			
f. The serial number(s) of each of the instrument(s) purchased?							
g. The dollar amount(s) of each of the instrument(s) purchased?				5. Does the institution have procedures or other effective means to monitor accounts with frequent cash deposits and subsequent wire transfers of funds to a larger institution or out of the country?			
h. Method of verifying identity of purchaser and specific identifying information (e.g., state of issuance and number of driver's license)?							
3. Are the institution's records retained for five years and retrievable, upon request from the Treasury, at any time [Section 103.29(c)]?				<u>Responsibilities of Originating Institutions</u>			
4. Does the institution have a system for capturing same day, contemporaneous, or multiple sales of monetary instruments to one customer totaling \$3,000 or more [Section 103.29(b)]?				1. If the originator has an established relationship with the institution, does it retain the following records for each fund transfer origination of \$3,000 or more with the payment order or in its files [Section 103.33(e)(1)(i)]:			
5. If the institution uses manual systems to identify cash sales of monetary instruments, are the institution's records sufficiently detailed to identify the method of payment for all sales or purchases of monetary instruments?				(Note: A customer has an established relationship with a financial institution if the customer has a loan, deposit, or other asset account, or is a person with respect to which the institution has on file the person's name and address, as well as taxpayer ID number, or, if none, alien identification number or passport number and country of issuance, and to which the institution provides financial services relying on that information.) [Section 103.11(l)]			
6. If the institution uses automated systems to identify cash sales of monetary instruments, does it audit or does management review the program tests to verify the accuracy and validity of the identification system?				a. Name and address of the originator?			
				b. Amount of the payment order?			
				c. Date of the payment order?			
				d. Any payment instructions?			
				e. The identity of the beneficiary's bank?			
Wire (Funds) Transfer							
1. Has an audit trail of wire transfer activities been established?							
2. Is there an adequate separation of duties or other compensating controls in place to ensure proper authorization for sending and receiving transfers, and for correcting postings to accounts?							
3. Does the institution verify that the CTRs are filed, when applicable, for noncustomers submitting cash for fund transfers [Section 103.22]?							



BANK SECRECY ACT Checklist

<p>f. As many of the following items as are received with the payment order:</p> <ul style="list-style-type: none"> • Name and address of the beneficiary? • Account number of the beneficiary? • Any other specific identifier of the beneficiary? 			<p>3. Is the information the institution must retain for originators retrieved by reference to the name of the originator? When the originator is an established customer of the institution and has an account used for funds transfers, is the information also is retrieved by account number [Section 103.33(e)(4)]?</p>		
<p>2. If the originator does <u>not</u> have an established relationship with the institution, does it retain the following records for each fund transfer origination of \$3,000 or more [Section 103.33(e)(2)]:</p>			<p>4. For transmittals of \$3,000 or more, does the institution include the following in the transmittal order [Section 103.33(g)(1)]:</p>		
<p>a. For payment orders made in person, verification that the institution required identification of the person and a record of the verified information?</p>			<p>a. The name and, if the payment is ordered from an account, the account number of the transmitter?</p>		
<p>b. When the institution has knowledge that the person placing the payment order is not the originator, a record of the originator's taxpayer identification number (e.g., social security or employer identification number) or, if none, alien identification number or passport number and country of issuance, if known by the person placing the order, or a notation in the record of the lack thereof?</p>			<p>b. The address of the transmitter, except for transmittal orders through Fedwire until such time as the institution that sends the order to the Federal Reserve Bank completes its conversion to the expanded Fedwire format?</p>		
<p>c. When the payment order is not made in person, a record of the name and address of the person placing the payment order, as well as the person's taxpayer identification number (e.g., social security or employer identification number) or, if none, alien identification number or passport number and country of issuance, or a notation in the record of the lack thereof, and a copy or record of the method of payment (e.g., check or credit card transaction) for the funds transfer?</p>			<p>c. The amount of the transmittal order?</p>		
			<p>d. The date of the transmittal order?</p>		
			<p>e. The identity of the recipient's financial institution?</p>		
			<p>f. As many of the following items as are received with the transmittal order:</p> <ul style="list-style-type: none"> • The name and address of the recipient? • The account number of the recipient? • Any other specific identifier of the recipient; and either the name and address or numeric identifier of the transmitter's financial institution? 		
			<p>5. Is the institution complying with the FFIEC's December 23, 1992 policy statement, which recommends that the text of every payment order include the name, address, and account number of the originator and beneficiary?</p>		



BANK SECRECY ACT Checklist

<p>d. Require the foreign bank to monitor sub-account activities to detect, report, and investigate suspicious or unusual transactions and report findings to the U.S. institution?</p>			<p>7. Do the foreign banks that maintain the payable through relationship review and explain suspicious transactions?</p>		
<p>e. Clearly state the liability of both the U.S. institution and the foreign bank to which the payable through accounts service is being offered?</p>			<p>8. Does the institution prohibit cash transactions by sub-account holders?</p>		
<p>2. Does the institution have a system of internal controls for opening and monitoring payable through accounts? If yes, does it provide for:</p>			<p>9. If the answer to #9 is no, does the institution properly complete CTRs for all large cash transactions?</p>		
<p>a. Procedures for opening accounts?</p>			<p>10. If possible, does the institution know whether the home country supervisor of the foreign bank require banks to identify and monitor the transactions of their customers consistent with the U.S. requirements?</p>		
<p>b. Operational procedures?</p>			<p>11. Does the institution obtain adequate information about the ultimate users of the payable through accounts?</p>		
<p>c. Staff responsibilities?</p>			<p>12. Does the institution ensure that its payable through accounts are not being used for money laundering or other illicit purposes,</p>		
<p>d. Training?</p>			<p>13. If the answer to #13 is no, has the institution taken steps to terminate account relationships as expeditiously as possible?</p>		
<p>e. Audit?</p>			<p>14. Does the institution maintain adequate information (e.g., financial statements, licensing confirmation, etc.) regarding the foreign bank?</p>		
<p>f. Identifying and reporting of unusual or suspicious transactions?</p>			<p>15. Does the institution evaluate the method (e.g., audit or other review) used by the institution to ascertain:</p>		
<p>3. Does the institution prohibit foreign banks from opening sub-accounts (second tier) for other foreign banks, casas de cambios, finance companies or other financial intermediaries?</p>			<p>a. The procedures of the foreign bank for opening accounts, to determine if they are consistent with U.S. requirements?</p>		
<p>4. If the answer to #4 is no, has the institution developed procedures to identify second tier sub-account holders and the nature of the business transactions?</p>			<p>b. The foreign bank's monitoring of sub-account activities to detect and report suspicious or unusual transactions?</p>		
<p>5. Does the institution review the listing of account and sub-account holders to ensure that no accounts have been opened for individuals or businesses located in countries that are prohibited from doing business in the U.S. as determined by the Treasury's Office of Foreign Assets Control (Refer to "Economic Sanctions," Checklist)?</p>					
<p>6. Does the institution monitor account activity for unusual or suspicious transactions?</p>					



BRANCH CLOSING POLICY Checklist

b. Did the notice contain information consistent with the notice required by Section 42? (See question #3 of this checklist)

Yes	No

c. Was the notice filed with the appropriate federal banking agency at least 90 days prior to the date of the proposed branch closing? [42(a)(1)]

Yes	No



CONSUMER LEASING ACT Checklist

		Yes	No			Yes	No
1. Does the lessor provide the following specific disclosures [§213.4]:							
a. a brief description of the lease property?				j. a statement that the lessee should refer to the lease documents for additional information on early termination, purchase options and maintenance responsibilities, warranties, late and default charges, insurance, and any security interests, if applicable?			
b. the total amount of the initial payment required of the lessee at consummation, with proper itemization?				k. the lessee's liability at early termination or at the end of the lease term?			
c. the number, amount and due dates or periods of payments under the lease and the total amount of such periodic payments?				l. a statement that the lessee may obtain, at the lessee's expense, a professional appraisal by an independent third party, agreeable to both the lessee and lessor, of the value that could be realized at sale of the leased property?			
d. the total amount of all other charges payable to the lessor?				m. a statement of the rent and other charges, rebuttable presumptions and any mutually agreeable final adjustments, if the lessee is liable at the end of the lease term for the difference between the residual value of the leased property and its realized value?			
e. the total of payments payable by the lessee?				n. the total dollar amount of all official and license fees, registration, title, or taxes required to be paid in connection with the lease?			
f. in a motor vehicle lease, a mathematical progression of how the scheduled periodic payment is derived?				o. a brief description of the insurance required?			
g. a statement of the conditions under which either party to the lease may terminate it prior to the end of the lease term and the amount or method of determining the amount of any penalty or other charge for early termination?				p. a statement identifying any express warranty or guarantee made by the manufacturer or the lessor?			
h. a statement identifying the party responsible for maintaining or servicing the leased property, together with a brief description of the responsibility, a statement of reasonable standards for wear and use, if the lessor set such standards and, in a motor vehicle lease, a notice regarding wear and use that indicates the lessee may be charged for obsessive wear based on the lessor's standards?				q. the amount or the method of determining the amount of any penalty or other charge for delinquency, default or late payments?			
i. a statement of whether or not the lessee has the option to purchase at the end of the lease term and at what price or method of determining the price?				r. a description of the security interest held or to be retained by the lessor and a clear identification of the secured property?			



CONSUMER LEASING ACT Checklist

	Yes	No		Yes	No
<p>s. a notice stating that the percentage rate may not measure the overall cost of financing the lease, if the lessor provides a percentage rate in an advertisement or in documents evidencing the lease transaction?</p>	<input type="checkbox"/>	<input type="checkbox"/>	<p>5. If the financial institution includes in its advertisement (i) the amount of any payment or (ii) a statement of any capitalized cost reduction or other payment required prior to or at consummation or by delivery, if delivery occurs after consummation, does it also state [§213.7(d)]:</p>		
<p>t. for open-end leases for non-motor vehicles, a statement that that the lessee is liable for the fair market value of the property at inception?</p>	<input type="checkbox"/>	<input type="checkbox"/>	<p>a. that the transaction advertised is a lease?</p>	<input type="checkbox"/>	<input type="checkbox"/>
<p>2. Are the required disclosures [§213.3]:</p>			<p>b. the total amount due prior to or at consummation or by delivery, if delivery occurs consummation?</p>	<input type="checkbox"/>	<input type="checkbox"/>
<p>a. clear and conspicuous?</p>	<input type="checkbox"/>	<input type="checkbox"/>	<p>c. the number, amounts, and due dates or periods of scheduled payments under the lease?</p>	<input type="checkbox"/>	<input type="checkbox"/>
<p>b. in writing and in a form the consumer may keep?</p>	<input type="checkbox"/>	<input type="checkbox"/>	<p>d. whether or not a security deposit is required?</p>	<input type="checkbox"/>	<input type="checkbox"/>
<p>c. properly segregated?</p>	<input type="checkbox"/>	<input type="checkbox"/>	<p>e. that an extra charge may be imposed at the end of the lease term where the lessee's liability (if any) is based on the difference between the residual value of the leased property and its realized value at the end of the lease term?</p>	<input type="checkbox"/>	<input type="checkbox"/>
<p>d. provided to the consumer in the time and manner required?</p>	<input type="checkbox"/>	<input type="checkbox"/>	<p>6. Does the institution retain evidence of compliance with the requirements of the regulation (other than the advertising requirements of §213.7) for a period of not less than two years after the date the disclosures are required to be made or an action is required to be taken? [§213.8]</p>	<input type="checkbox"/>	<input type="checkbox"/>
<p>3. Are new disclosures made by the financial institution for renegotiations and extensions? [§213.5]</p>	<input type="checkbox"/>	<input type="checkbox"/>			
<p>4. Are disclosures required in connection with advertisements clear and conspicuous and are specific terms referenced in advertisements those that the lessor usually and customarily offers or would be willing to offer? [§213.7(a) and (b)]</p>	<input type="checkbox"/>	<input type="checkbox"/>			



ECONOMIC SANCTIONS Checklist

	Yes	No		Yes	No
1. Has the institution developed policies and procedures for complying with the Treasury's Office of Foreign Assets Control (OFAC) regulations? [31 CFR 500]			4. If the institution has any blocked accounts:		
2. Does the institution maintain a current listing of prohibited countries, entities, and individuals?			a. did it file a report with OFAC within 10 business days of blocking an account? [§501.603(b)]		
3. Are new and established accounts and customer transactions periodically compared to the current OFAC listing?			b. did it file a report with OFAC within 10 business days of rejecting a prohibited payment or wire transfer? [§501.604(c)]		



ELECTRONIC FUND TRANSFER ACT Checklist

		Yes	No			Yes	No
A. <i>Section 205.5 – Issuance of Access Devices</i>							
1. Does the institution issue validated access devices only:				2. Does the institution NOT use negligence of the consumer as a basis for greater liability than is permissible under Regulation E? [Official Staff Commentary §205.6(b)]			
a. In response to requests or applications [§ 205.5(a)(1)]; or,				3. Is the consumer's liability for unauthorized use of a lost or stolen access device limited to the lesser of \$50 or actual loss if the consumer notifies the institution within two business days of discovery of loss or theft of the access device? [§205.6(b)(1)]			
b. As a renewal or substitution for an accepted access device [§ 205.5(a)(2)].				4. If the consumer fails to notify the institution of loss or theft of an access device within two business days of discovery of loss or theft, is consumer liability limited to \$500, as follows: [§205.6(b)(2)]			
2. Does the institution issue unsolicited access devices only when the devices are:				a. The lesser of \$50 or actual loss within the first two business days; and,			
a. Not validated [§205.5(b)(1)]; and,				b. Unauthorized transfer amounts that occur after the two business days and before notification (provided the institution proves these unauthorized transfers could have been prevented had notification within the two business days occurred)?			
b. Accompanied by an explanation that the device is not validated, and how to dispose of the device if the customer does not want it [§205.5(b)(2)]; and				5. If a consumer fails to notify the institution of an unauthorized transfer within 60 days of transmittal of the periodic statement upon which that transfer appears, is consumer liability limited to: [§ 205.6(b)(3)]			
c. Accompanied by the required disclosures, [§205.5(b)(3)]; and,				a. The lesser of \$50 or actual loss that appears on the statement or occurs during 60 day period; and,			
d. Validated only on consumer request and after proper identification is made? [§205.5(b)(4)]				b. The amount of unauthorized transfers that occur after the close of 60 days and before notice to the institution (provided the institution proves the unauthorized transfers could have been prevented had notification been provided within the 60 days)?			
3. Does the institution verify the consumer's identity by a reasonable means (such as by photograph, personal visit, or signature)? [§205.5(b)(4)]				C. <i>Section 205.7 – Initial Disclosures</i>			
B. <i>Section 205.6 – Liability of Consumer for Unauthorized Transfers</i>							
1. Does the institution impose liability on the consumer for unauthorized transfer only:				1. Does the institution make the following disclosures:			
a. If an accepted access device is used [§205.6(a)]; and,				a. A summary of the consumer's liability under § 205.6 (or lesser liability under state law or agreement)? [§ 205.7(b)(1)]			
b. If the institution has provided a means to identify the consumer to whom it was issued; and,							
c. If the institution has provided the disclosures required by Section 205.7(b)(1), (2), and (3)?							



ELECTRONIC FUND TRANSFER ACT Checklist

		Yes	No			Yes	No
b. The telephone number and address of the person or office to be notified when the consumer believes that an unauthorized EFT has been or may be made? [§205.7(b)(2)]				1. Has the institution made any changes in a term or condition since the last examination that required a written notice to a consumer? The change would need to result in: increased fees, increased liability for the consumer, fewer types of EFTs available, and stricter limitations on the frequency or dollar amounts of transfers. [§205.8(a)]			
c. The institution's business days, as determined under §205.2(d)? [§ 205.7(b)(3)]							
d. The type of EFTs that the consumer may make and any limitations on the frequency and dollar amount of transfer? [§205.7(b)(4)] (If details on the limitations on frequency and dollar amount of transfers are essential to maintain the security of the system, they need not be disclosed.)				If so, was the notice provided at least 21 days before the effective date of such change? [§205.8(a)]			
e. Any charges for EFTs or for the right to make transfers? [§205.7(b)(5)]				2. Does the institution provide either the long form error resolution notice at least once every calendar year or the short form error resolution notice on each periodic statement? [§205.8(b)]			
f. A summary of the consumer's right to receive documentation of EFTs, as provided in §205.9, 205.10(a), and 205.10(d)? [§205.7(b)(6)]				<i>E. Section 205.9—Receipts at Electronic Terminals; Periodic Statements</i>			
g. A summary of the consumer's right to stop payment of a preauthorized EFT and the procedure for initiating a stop-payment order, as provided in §205.10(c)? [§205.7(b)(7)]				1. Does the institution make a receipt available to the consumer, in a retainable form, at the time an EFT is initiated? [§205.9(a)]			
h. A summary of the institution's liability to the consumer for its failure to make or to stop certain transfers under §910 of the Act? [§205.7(b)(8)]				2. Does the receipt contain the following items as applicable: [§205.9(a)]			
i. Circumstances under which the institution in the ordinary course of business will disclose information to third parties concerning the consumer's account? [§205.7(b)(9)]				a. The amount of the transfer (amount may be combined with any transfer charge if certain conditions are met)? [§205.9(a)(1)]			
j. An error resolution notice meeting the requirements of [§205.7(b)(10)]?				b. The calendar date the transfer was initiated? [§205.9(a)(2)]			
<i>D. Section 205.8 – Change in Terms; Error Resolution Notice</i>				c. The type of transfer and account to or from which funds are transferred? (Transactions are exempt from the type-of-account requirement if the access device used can only access one account.) [§205.9(a)(3)]			
				d. A number or code that identifies one of the following:			
				i. the consumer's account, or			
				ii. the access device used? [§205.9(a)(4)]			
				NOTE: The number or code need not exceed four digits or letters to comply.			



ELECTRONIC FUND TRANSFER ACT Checklist

	Yes	No		Yes	No
e. Identification or location of the terminal? [§205.9(a)(5)]			h. The beginning and ending balances; [§205.9(b)(4)]		
f. The name of any third party to or from whom funds are transferred unless the name is provided in a non-machine readable form? [§205.9(a)(6)]			i. The address and telephone number to be used for inquiries or notice of errors; and, [§205.9(b)(5)]		
3. Does the institution mail or deliver a periodic statement for each monthly or shorter cycle in which an EFT has occurred? [§205.9(b)]			j. If applicable, the telephone number to use in finding out whether a preauthorized credit has been made as scheduled? [§205.9(b)(6)]		
4. If no EFTs have occurred, has the institution mailed or delivered a periodic statement at least quarterly for non-passbook accounts? [§205.9(b)]			6. For passbook accounts that only receive preauthorized credits, does the institution upon presentation by the consumer enter in a passbook or on a separate document the amount and date of each EFT made since the passbook was last presented? [§205.9(c)]		
5. Does the periodic statement or accompanying documents contain the following items: [§205.9(b)(1)]			<i>F. Section 205.10 – Preauthorized Transfers</i>		
a. The amount of the transfer (amount may include transfer charge if it was added in accordance with the terminal receipt requirements);[§205.9(b)(1)(i)]			1. If a consumer's account is to be credited by a preauthorized EFT from the same payor at least once every 60 days: [205.10(a)(1)]		
b. The date the transfer was posted to the account; [§205.9(b)(1)(ii)]			a. Does the institution provide oral or written notice, within two business days, after the transfer occurs or was scheduled to occur, that the transfer did or did not occur; or		
c. The type of transfer and account; [§205.9(b)(1)(iii)]			b. If the telephone alternative is selected, does the institution disclose the telephone number in initial disclosures and on each periodic statement; and		
d. The location of the terminal; [§205.9(b)(1)(iv)]			c. Is the number "readily available" during the institution's business hours?		
e. The name of any third party to or from whom funds were transferred;[§205.9(b)(1)(v)]			2. Does the institution credit the consumer's account for preauthorized EFTs as of the day the funds are received? [§205.10(a)(3)]		
f. The account number(s); [§205.9(b)(2)]			3. Does the institution obtain authorization from the consumer for preauthorized EFTs? [§205.10(b)]		
g. The total amount of any fees or charges assessed during the statement period for EFTs, the right to make EFTs or for account maintenance (excluding any finance charges under Regulation Z, overdraft or stop payment charges and any transfer charges combined with transfer amounts under §205.9(a); [§205.9(b)(3)]			4. Does the financial institution comply with §205.10(c) regarding stop payment orders?		



ELECTRONIC FUND TRANSFER ACT Checklist

	Yes	No		Yes	No
5. If a preauthorized EFT from a consumer's account varies in amount from the previous transfer under the same authorization or preauthorized amount, does the institution provide proper notice at least ten days before the scheduled date of transfer? [§205.10(d)] (Note: If the designated payee makes the notification, the institution is absolved from this requirement.)			a. Provisionally credit the amount of the alleged error (including interest, where applicable) to the consumer's account within ten business days of the initial report (except where written confirmation is required but not received within ten business days)? [§205.11(c)(2)(i)]		
6. Does the institution refrain from conditioning an extension of credit to a consumer on repayment by preauthorized EFTs? [§205.10(e)(1)]			b. Notify the consumer within two business days of the amount and date of the provisional crediting and the fact that the consumer will have full use of funds pending the outcome of the investigation? [§205.11(c)(2)(ii)]		
7. Does the institution refrain from requiring a consumer to establish an account with a particular institution for receipt of EFTs as a condition of employment or receipt of a government benefit? [§205.10(e)(2)]			c. Give the consumer full use of the funds during the investigation period? [§205.11(c)(2)(ii)]		
G. Section 205.11--Procedures for Resolving Errors			6. If the institution provisionally credited the consumer's account and determines that an error has occurred, have procedures been established to: [§205.11(c)(2)]		
1. If the institution requires a written confirmation of an error within ten business days of an oral notice, is this requirement disclosed to the consumer with the address of where it must be sent? [§205.11(b)(2)]			a. Correct the error (including crediting interest or refunding fees) within one business day? [§205.11(c)(2)(iii)]		
2. Does the institution promptly investigate alleged errors and resolve them within ten business days of receiving a notice of error? [§205.11(c)(1)]			b. Notify the consumer within three business days of the correction and that a provisional credit has been made final? [§205.11(c)(2)(iv)]		
3. Does the institution inform the consumer of the results of the investigation within three business days after completing its investigation? [§205.11(c)(1)]			7. If the institution determines that no error has occurred, have procedures been established to: [§205.11(d)]		
4. After the institution determines an error occurred, is the error corrected within one business day? [§205.11(c)(1)]			a. Within three business days of concluding the investigation, provide a written explanation of its findings and include the notice of the consumer's right to request the documents upon which the institution relied in making its determination? [§205.11(d)(1)]		
5. If the institution needs more time and informs the consumer that it may take up to 45 days, does the institution: [§205.11(c)(2)]			b. Provide copies of documents? [§205.11(d)(1)]		



ELECTRONIC FUND TRANSFER ACT Checklist

	Yes	No		Yes	No
<p>c. Upon debiting a provisionally credited amount, notify the consumer of the date and amount of the debit and the fact that the institution honors checks and drafts to third parties and preauthorized transfers for five business days after notification (specifying the calendar date debiting will occur) to the extent that they would have been paid if the provisionally credited funds had not been debited? [§205.11(d)(2)]</p>	<input type="checkbox"/>	<input type="checkbox"/>	<p><i>J. Internal Control Procedures</i></p>	<input type="checkbox"/>	<input type="checkbox"/>
<p><i>H. Section 205.13 – Administrative Enforcement</i></p>			<p>1. Does the institution have adequate procedures to insure that notification of loss, theft, or unauthorized use promptly results in halting unauthorized transfers from a consumer's account, and recrediting amounts when appropriate?</p>	<input type="checkbox"/>	<input type="checkbox"/>
<p>1. Has the institution preserved evidence of compliance with the requirements of the Act for a two-year period or longer? [§205.13(b)]</p>	<input type="checkbox"/>	<input type="checkbox"/>	<p>2. Do the institution's procedures indicate a willingness to resolve consumer complaints regarding EFT matters?</p>	<input type="checkbox"/>	<input type="checkbox"/>
<p><i>I. Section 205.15—Electronic Fund Transfer of Government Benefits</i></p>			<p>3. Does a review of statements indicate that transaction identifications are in compliance with Regulation E?</p>	<input type="checkbox"/>	<input type="checkbox"/>
<p>1. If a government agency does not provide a periodic statement for electronic government benefits, does the agency:</p>			<p>4. Do automated teller and point-of-sale transfer receipts provide a clear description of the transaction that is in compliance with Regulation E?</p>	<input type="checkbox"/>	<input type="checkbox"/>
<p>a. make the consumer's account balance available through a readily available telephone line and at a terminal; [§205.15(c)(1)]</p>	<input type="checkbox"/>	<input type="checkbox"/>	<p>5. Is the institution's advertising of EFT services free of ambiguous and deceptive statements?</p>	<input type="checkbox"/>	<input type="checkbox"/>
<p>b. promptly provide a written history of the consumer's account transactions in response to a request that covers at least 60 days preceding the date of request by consumer; and [§205.15(c)(2)]</p>	<input type="checkbox"/>	<input type="checkbox"/>	<p>6. Is the consumer's responsibility with regard to personal access codes explained?</p>	<input type="checkbox"/>	<input type="checkbox"/>
<p>c. provide modified initial disclosures according to §205.15(d)(1) and an annual error resolution notice according to §205.15(d)(2)?</p>	<input type="checkbox"/>	<input type="checkbox"/>	<p>7. Does a review of merchant agreements and internal controls indicate that consumers are treated consistently with what has been disclosed to them (transaction limitations, costs, documentation, identification, etc.)?</p>	<input type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>	<p>8. Does the institution maintain any log or tracking sheet for error resolution?</p>	<input type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>	<p>9. Are personnel able to distinguish between the applicability of Regulation E and Z as part of the issuance of debit and credit cards, error resolution procedures and consumer liability?</p>	<input type="checkbox"/>	<input type="checkbox"/>

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**EQUAL CREDIT OPPORTUNITY ACT
FAIR HOUSING ACT
OTS NONDISCRIMINATION REGULATIONS
Checklist**

	Yes	No		Yes	No
1. Does the institution ensure that its representatives do not make, and its advertising does not include, statements that would discourage, on a prohibited basis, a person from making or pursuing an application? [§202.5(a) and §528.4]			3. Does the institution provide a copy of the appraisal report used in connection with an application for credit that is to be secured by a dwelling? [§202.5a]		
2. Does the institution ensure that it limits requests for information about:			4. Does the institution ensure that it does not take a prohibited basis into account when evaluating the creditworthiness of applicants, [§202.6(b)(1) and §528.2(c)] except for age, and then only when [§202.6(b)(2)]:		
<ul style="list-style-type: none"> applicant race, sex, marital status and age to what is required for monitoring purposes for loans secured by a dwelling? [§202.5(b), §202.13(a)] 			<ul style="list-style-type: none"> the age of an elderly applicant is used to favor that applicant in extending credit; and either 		
<ul style="list-style-type: none"> an applicant's spouse or former spouse to situations where such person will be liable on or use the account, or where their income, property, alimony, child support or maintenance payments are a basis for repayment of the loan? [§202.5(c)(2)] 			<ul style="list-style-type: none"> the applicant's age is used as a predictive variable in an empirically derived, demonstrably and statistically sound credit scoring system, provided that the age of an elderly applicant is not assigned a negative factor or value; or 		
<ul style="list-style-type: none"> the marital status (recorded only as married, unmarried and separated) of an applicant if the application is for other than individual unsecured credit? [§202.5(d)(1)] 			<ul style="list-style-type: none"> the applicant's age is used for the purpose of determining a pertinent element of creditworthiness in a judgmental underwriting system? 		
<ul style="list-style-type: none"> whether applicant's income is derived from alimony, child support, or separate maintenance payments until after applicant is advised of the option to exclude such income sources (and information about them) from a determination of his or her creditworthiness? [§202.5(d)(2)] 			5. When evaluating an applicant's creditworthiness, does the institution ensure that it does not take into account information about applicant's child rearing or child bearing propensities, or applicant's possession of a telephone listing? [§202.6(b)(3) & (4)]		
<ul style="list-style-type: none"> the applicant's optional designation of a "title" (e.g., Mr., Mrs., Miss or Ms.), and does not ask about applicant's sex or use any terms other than those that are neutral as to sex on an application form? [§202.5(d)(3)] 			6. Does the institution ensure that it does not improperly discount or exclude the income of an applicant (or spouse) due to a prohibited basis, or because it is derived from part-time employment, an annuity, pension or other retirement benefit, or where the applicant relies on alimony, child support or separate maintenance payments? [§202.6(b)(5)]		
<ul style="list-style-type: none"> applicant's dependents, and does not ask about applicant's birth control practices, intentions concerning childbearing or rearing, or capability to bear children? [§202.5(d)(4)] 			7. When considering an applicant's credit history, does the institution ensure that it considers:		
			<ul style="list-style-type: none"> all accounts designated as accounts that the applicant and applicant's spouse are permitted to use, or for which both are contractually liable; 		



**EQUAL CREDIT OPPORTUNITY ACT
FAIR HOUSING ACT
OTS NONDISCRIMINATION REGULATIONS
Checklist**

	Yes	No		Yes	No
<ul style="list-style-type: none"> on applicant's showing, information that tends to indicate that the reported credit history does not accurately reflect the applicant's creditworthiness; and at applicant's request, any available credit history of a spouse or former spouse that applicant demonstrates accurately reflects applicant's creditworthiness? [§202.6(b)(6)] 			<ul style="list-style-type: none"> the name and address of the creditor's regulator? and either <ul style="list-style-type: none"> a statement of specific reasons for the action? [§202.9(b)(2)] or a disclosure of the process by which to receive such reasons? [§202.9(a)(2)] 		
8. With respect to existing open-end accounts, does the institution ensure that it does not terminate or change the terms of the account, or require reapplication on the basis of the account holder's age, retirement, or change of name or marital status, unless there is evidence of the obligor's inability or unwillingness to repay? [§202.7(c)]			12. When applications are submitted through a third party, does the institution ensure that the applicant is properly notified of action taken? [§202.9(g)]		
9. Does the institution ensure that it does not require signature of a spouse (or other person) on a credit instrument, unless: (a) the spouse (or other person) is a joint applicant; (b) the applicant's creditworthiness is based, in part, by property jointly owned with the proposed co-signor; (c) the transaction involves property subject to state law community property interests; or (d) in cases of secured credit, the signature is reasonably necessary to assure the property offered will be available for the debt? [§202.7(d)]			13. When responding to credit inquiries or otherwise furnishing credit information, does the institution ensure that it properly reports information about accounts in which both spouses participate? [§202.10]		
10. Does the institution ensure that it does not refuse to extend credit, or terminate an account, because credit life, health, accident, disability, or other credit-related insurance is not available on the basis of the applicant's age? [§202.7(e)]			14. With respect to non-business credit, does the institution retain for 25 months (after notice of action taken or notice of incompleteness) [§202.12(b)]: <ul style="list-style-type: none"> the application and all material supporting the evaluation thereof? all information obtained for monitoring purposes? the notification of action taken? a statement of specific reasons for adverse action? discrimination complaints under Regulation B? 		
11. Does the institution notify applicants of action taken on their applications in a manner that is timely under Regulation B [§202.9(a)(1)], and when notification is of adverse action is it in writing and does it contain: <ul style="list-style-type: none"> the name and address of the creditor? an accurate statement of the action taken? a statement of the provisions of §701(a) of ECOA? [§202.9(b)(1)] 			15. Does the institution ensure that it retains all information from a file under investigation until final disposition of the investigation and any resulting enforcement action?		
			16. Does the institution ensure that it retains application materials concerning business credit for the time period (12 months), and in the form, required by Regulation B?		



**EQUAL CREDIT OPPORTUNITY ACT
FAIR HOUSING ACT
OTS NONDISCRIMINATION REGULATIONS
Checklist**

	Yes	No		Yes	No
17. Does the institution ensure that it does not discriminate against any person because of race, color, religion, sex, handicap, familial status, or national origin in the making, purchasing, or pricing of any loan, or other financial assistance, for purchasing, constructing, improving, repairing or maintaining a dwelling? [Fair Housing Act § 805]			20. Does the institution have clearly written, non-discriminatory underwriting guidelines, readily available to the public upon request? [[§528.2a (b)]		
18. Does the institution ensure that it does not discriminate in the making, purchasing, or pricing of any loan because of the age or location of the property, or because of the race, color, religion, sex, handicap, familial status, marital status, age or national origin of any applicant, co-applicant, prospective tenant of the owner, or the occupants of other dwellings in the vicinity? [§ 528.2(a)]			21. Does the institution properly include in its advertisements, a facsimile of the Equal Housing lender logotype and legend, and does it post and maintain one or more Equal Housing Lender Posters (in the prescribed format) in the lobby of each of its offices in a prominent place readily apparent to persons seeking loans? [§528.4 & .5]		
19. Does the institution ensure that it does not use or rely upon an appraisal of a dwelling that improperly discriminates on the basis of the age or location of the dwelling? [§ 528.2a(a)]			22. Does the institution ensure that it properly maintains and reports its HMDA LAR, including the requirement to record and report denial reasons? [§528.6]		

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EXPEDITED FUNDS AVAILABILITY ACT Checklist

		Yes	No			Yes	No
Operations							
A. Date of Deposit							
1. Does the bank consider every day except Saturday, Sunday, or Federal Holidays, as a "business day"? [§229.2(g)]				7. If the bank limits cash withdrawals, does the bank make \$400 available for cash withdrawals no later than 5:00 pm on the appropriate business day (second day for local checks, fifth for nonlocal checks) following the day of deposit? [§229.12(d)]			
2. Does the bank consider as a "banking day" those business days upon which an office of the bank is open for substantially all of its business? [§229.2(f)]				B. Required Next Day Availability			
3. Does the bank have a cut-off, for receipt of deposits, of 2 p.m. or later for bank offices and 12:00 noon or later for ATMs? [§229.19(a)(5)(ii)]				1. Does the bank make funds from the following types of deposits available for withdrawal no later than the first business day following the date of deposit?			
4. Does the bank comply with the following rules in determining when funds are considered to have been deposited?				a. Electronic payments. [§229.10(b)]			
a. Deposits over the counter or at ATMs are considered deposited when "received". [§229.19(a)(1)]				b. Checks drawn on the U.S. Treasury and deposited to the payee's account. [§229.10(c)(1)(i)]			
b. Mail deposits are considered deposited when they are received by the mailroom of the bank. [§229.19(a)(2)]				c. "On Us" checks or checks that are drawn on and deposited in branches of the same bank in the same state or check processing region. [§229.10(c)(1)(vi)]			
c. Deposits in a night depository, lock box, or similar facility are considered received when the deposits are removed from the facility and are available for processing. [§229.19(a)(3)]				2. Does the bank make funds from the following deposits available no later than the first business day after the day of deposit, if the deposit is made in person to a bank employee, or no later than the second business day if the deposit is not made in person to a bank employee?			
d. Deposits at an off-premise ATM (not within 50 feet of the bank) that is not serviced more than twice a week are considered received as of the date the deposits are removed from the ATM by the bank. [§229.19(a)(4)]				a. Cash Deposits. [§229.10(a)(1) and (2)]			
5. Does the bank consider deposits made on a nonbanking day to have been received no later than the next banking day? [§229.19(a)(5)(i)]				b. U.S. Postal Service money orders deposited in an account held by the payee of the check. [§§229.10(c)(1)(ii), 229.10(c)(2)]			
6. When funds must be available on a given "business day," does the bank make the funds available at the later of 9 a.m. or at the time the bank's teller facilities (including ATMs) are available for account withdrawals? [§229.19(b)]				c. Checks drawn on a Federal Reserve Bank or Federal Home Loan Bank deposited in an account held by the payee of the check. [§§229.10(c)(1)(iii), 229.10(c)(2)]			
				d. Checks drawn by a state or local governmental unit and deposited:			
				• in an account held by the payee of the check [§§229.10(c)(1)(iv)(A), 229.10(c)(2)]			



EXPEDITED FUNDS AVAILABILITY ACT Checklist

		Yes	No			Yes	No
<ul style="list-style-type: none"> • in a depository bank located in the same state as the governmental unit issuing the check [§§229.10(c)(1)(iv) (B), 229.10(c)(2)]; and • accompanied by a special deposit slip (if required by the bank to make the funds available on the next business day). [§§229.10(c)(1)(iv)(D), 229.10(c)(3)] 				<ul style="list-style-type: none"> b. Is the \$400 available for cash withdrawal sometime before 5:00 pm on the second business day after the day of deposit? c. Are any remaining funds available for withdrawal the business day after the \$400 was made available? 			
e. Cashier's checks, certified checks, and teller's checks (as defined in §229.2) deposited in an account held by the payee of the check when:				<ul style="list-style-type: none"> 3. For Treasury checks and U.S. Postal Money Orders that do not meet the criteria for next-day (or second day) availability, does the bank make funds available no later than the second business day after the date of deposit? [§229.12(b)(2) and (3)] 4. Are funds deposited by cash or check at a nonproprietary ATM available no later than the fifth business day after the banking day of deposit? [§229.12(f)] 			
<ul style="list-style-type: none"> • the check is accompanied by a special deposit slip (if required by the bank to make the funds available on the next business day)? [§§229.10(c)(1)(v)(C), 229.10(c)(3)] 							
3. If the bank requires the special deposit slips, for questions 2(d) and 2(e) above does it provide the slip to its customers, or inform its customers how to prepare or obtain the slips? [§229.10(c)(3)(ii)]				<p><i>D. Nonlocal Checks</i></p> <ul style="list-style-type: none"> 1. Are funds from nonlocal checks generally available no later than the fifth business day after the day of deposit? [§229.12(c)(1)] 2. If the bank is located in a city listed in Appendix B, does it have procedures to make funds for certain nonlocal checks available on a shorter schedule as required by the Appendix? [§229.12(c)(2)] 			
Are the special deposit slips reasonably available? [§229.10(c)(3)(ii)]							
4. Is the first \$100 of a customer's daily aggregate deposits of checks not subject to the next-day availability rules, available on the next business day? [§229.10(c)(1)(vii)]				<ul style="list-style-type: none"> 3. If the bank limits cash withdrawals, [§229.12(d)] <ul style="list-style-type: none"> a. Is \$100 available on the next business day after the day of deposit for withdrawal in cash or by check? b. Is \$400 available for cash withdrawal sometime before 5:00 pm on the fifth business day after the day of deposit? c. Are any remaining funds available for cash withdrawal the business day after the \$400 was made available? 			
5. Is the \$100 in addition to other deposited amounts with required next-day availability? [§229.10(c)(1)(vii)]							
<i>C. Local Checks and Certain Other Deposits</i>							
1. Are funds from local checks generally available no later than the second business day after the day of deposit? [§229.12(b)(1)]							
2. If a bank limits cash withdrawals, [§229.12(d)]							
<ul style="list-style-type: none"> a. Is the \$100 available on the next business day after the day of deposit for withdrawal in cash or by check? 							



EXPEDITED FUNDS AVAILABILITY ACT Checklist

		Yes	No			Yes	No
E. Payable Through Checks							
1. Does the bank's policy distinguish between local and nonlocal checks (are funds from local and nonlocal checks available on the second business day following the day of deposit)? [§229.16(b)(2), footnote 3(a)]				d. encourage customers to ask when particular deposits will be made available for withdrawal? [§229.16(c)(1)(iii)]			
2. If local and nonlocal checks are treated differently,				2. When case-by-case holds are placed, does the bank provide the customer with a written notice of the hold? [§229.16(c)(2)]			
a. Does the policy state that payable through checks will be treated as local or nonlocal based on the location of the bank where the check is payable? [§229.16(b)(2)]				3. Does the notice include:			
b. Does the policy either: • Describe how the customer can determine whether the checks will be treated as local or nonlocal or, • State that special rules apply and that the customer may ask about the availability of these checks?				a. the customer's account number; [§229.16(c)(2)(i)(A)]			
				b. the date and amount of the deposit; [§229.16(c)(2)(i)(B)]			
				c. the amount of the deposit that is being delayed; [§229.16(c)(2)(i)(C)]			
				d. the day the funds will be available for withdrawal? [§229.16(c)(2)(i)(D)]			
				4. Does the bank provide the notice at the time the deposit is made, if the deposit is made to an employee of the depository bank? [§229.16(c)(2)(ii)]			
				5. If the notice is not given at the time of deposit, does the depository bank mail or deliver the notice to the customer not later than the first business day after the day of the deposit? [§229.16(c)(2)(ii)]			
Extended Holds				6. If the bank does not provide the notice at the time of deposit, does it refrain from charging the customer overdraft or return check fees if:			
F. Case-by-Case Holds				a. the overdraft or other fee would not have occurred if the deposited check had not been delayed; and			
1. Does the bank's specific availability policy disclosures indicate that case-by-case holds may be placed? [§229.16(c)(1)]				b. the deposited check was paid by the paying bank? [§229.16(c)(3)]			
If yes, does the disclosure:				7. If the bank does not provide the notice at the time of deposit and charges overdraft fees, does it notify the customer of the right to a refund of such fees and how to obtain the refund? [§229.16(c)(3)]			
a. state that the bank may extend the time period in which deposits may be available for withdrawal? [§229.16(c)(1)(i)]				8. Does the bank refund the fees if the conditions listed in question 6 above are met and the customer requests a refund? [§229.16(c)(3)]			
b. provide the latest time a deposit will be available for withdrawal, if the availability time frame is extended? [§229.16(c)(1)(i)]							
c. state that the bank will notify the customer if funds from a particular deposit will exceed the time period outlined in the bank's funds availability policy? [§229.16(c)(1)(ii)]							



EXPEDITED FUNDS AVAILABILITY ACT Checklist

		Yes	No			Yes	No
G. Exception Based Holds							
1. When invoking an exception hold for other than new accounts, does the bank provide the customer with a written notice which includes:				4. Do cash deposits made in person to a bank employee become available for withdrawal on the first business day following the day of deposit? [§229.13(a)(1)(i), 229.10(a)(1)]			
a. the customer's account number; [§229.13(g)(1)(i)(A)]				5. Are cash deposits not made in person to a bank employee available for withdrawal on the second business day following the day of deposit? [§229.13(a)(1)(i), 229.10(a)(2)]			
b. the date and amount of the deposit; [§229.13(g)(1)(i)(B)]				6. Are electronic transfers into new accounts available for withdrawal on the business day following the day of the transfer is received? [§229.13(a)(1)(i), 229.10(b)]			
c. the amount of the deposit that is being delayed; [§229.13(g)(1)(i)(C)]				7. Is the first \$5,000 from any of the following types of check deposits available for withdrawal from a new account not later than the first business day after the day of the deposit, if the deposits meet the requirements of Section 229.10(c)*: [§229.13(a)(1)(ii)]			
d. the reason the exception was invoked; [§229.13(g)(1)(i)(D)]				a. Treasury checks [§229.10(c)(1)(i)]			
e. the day the funds will be available for withdrawal (unless the emergency conditions exception is invoked and the bank does not know when the funds will become available)? [§229.13(g)(1)(i)(E)]				b. U.S. Postal service money orders [§229.10(c)(1)(ii)]			
2. Does the bank refrain from delaying funds availability beyond a reasonable time period? (Note: Five days for local checks and six days for nonlocal checks is considered reasonable.) [§229.13(h)(4)]				c. Federal Reserve or Federal Home Loan Bank checks [§229.10(c)(1)(iii)]			
Exceptions				d. State or local government checks [§229.10(c)(1)(iv)]			
H. New Accounts [§229.13(a)]				e. Cashier's certified and Teller's check [§229.10(c)(1)(v)]			
1. Does the bank's definition of a new account comply with the definition under Section 229.13(a)(2)? (Note: If a customer has had another transaction account at the bank within the thirty days prior to opening an account, the customer does not qualify for the "new account" exception.)				f. Traveler's checks [§229.10(c)(1)(v)]			
				• See Section I. B. of the checklist.			
2. If the bank's definition is different, does it delay availability to new account holders beyond the limits set forth in the regulation?				8. Is the amount of any deposit type listed in question 7 exceeding \$5,000 available for withdrawal no later than the ninth business day following the day of deposit? [§229.13(a)(1)(ii)]			
3. Do bank disclosures accurately reflect the bank's practice for making deposited funds available for new accounts?				<i>1. Large Deposits [§229.13(b)]</i>			
				1. If the bank invokes the large deposit rule, does it do so only to that portion of the aggregate local and nonlocal check deposits which exceed \$5,000 on any one banking day? [§229.13(b)]			



EXPEDITED FUNDS AVAILABILITY ACT Checklist

		Yes	No			Yes	No
2. Does the financial institution refrain from applying this exception to deposits made in cash, by electronic payment, or to checks which must receive next-day availability under Section 229.10(c)? (See commentary to Section 229.13(b))				a. six or more times during the preceding 6 months; or [§229.13(d)(1)]			
3. Does the bank provide customers with a written notice of the longer delay? [§229.13(g)(1)]				b. two or more times during the preceding 6 months, if the amount of any negative balance would have been \$5,000 or more? [§229.13(d)(2)]			
Is the notice: [§229.13(g)(1)(ii)]				3. Is this practice articulated in the bank's written policy and initial disclosure statement? [§229.16(a)]			
a. provided at the time of the deposit, when the deposit is received in person by an employee of the bank, or				4. When the bank imposes the longer delay period, is the depositor notified of the reason, in writing, at the time of deposit? If not, is a notice mailed on or before the First business day after the day of the deposit or the day the bank learns and the facts giving rise to the exception? [§229.13(g)]			
b. mailed on or before the first business day after the day the bank learns of the facts giving rise to the exception?				5. Does the bank return the account to the normal availability schedule when the account is no longer repeatedly overdrawn? (Note: Banks may use this exception for six months after the last overdraft that makes the depositor a "repeated overdraft". See K.2 above). [§229.13(d)]			
<i>J. Redeposited Checks [§229.13(c)]</i>				<i>L. Reasonable Cause to Doubt Collectibility</i>			
1. Does the bank refrain from applying the redeposited exception to:				1. Does the bank refrain from applying the reasonable cause exception to: [§229.13(e)(1)]			
a. checks which are returned due to a missing endorsement and are subsequently endorsed and redeposited? [§229.13(c)(1)]				a. U.S. Treasury checks;			
b. checks which were returned because they were postdated, but are not postdated when redeposited? [§229.13(c)(2)]				b. U.S. Postal money orders;			
2. Does the bank consider the day the check was redeposited to be the day of deposit when determining when funds must be made available for withdrawal? (Commentary to Section 229.13(c))				c. state and local government checks;			
<i>K. Repeated Overdraft Exception [§229.13(d)]</i>				d. "on-us" checks?			
1. Does the bank impose longer holds for depositors who have a history of overdrafts?				2. When the bank invokes a reasonable cause exception, does it provide the customer with a written notice of exception at the time the deposit was made, if the deposit was made in person to an employee of the bank? [§229.13(g)(1)(ii)]			
2. Does the bank invoke the repeated overdraft exception only when the account balance is negative (or would have been negative had checks or other charges been paid):							



EXPEDITED FUNDS AVAILABILITY ACT Checklist

	Yes	No		Yes	No
3. If the deposit was not made in person to an employee of the bank, or if the hold was placed because of information learned subsequent to the receipt of the deposit, does the institution mail the exception notice to the customer? [§229.13(g)(1)(ii)]			<i>M. Emergency Conditions [§229.13(f)]</i>		
4. Does the bank retain copies of each reasonable cause exception notice, along with a brief statement of the facts which lead to the hold, for a period of two years? [§229.13(g)(5)]			1. Does the bank refrain from imposing emergency condition holds on checks subject to next-day availability under 229.10(c)? (Commentary to Section 229.13(f))		
5. Does the depository bank refrain from invoking the reasonable cause exception based on the race or national origin of the depositor or the class of the check? [§229.13(e)(1)]			2. Does the bank invoke the emergency conditions exception only in the following circumstances and when the bank has exercised necessary diligence as circumstances require:		
6. Does the bank refrain from assessing a fee for any subsequent overdraft, returned check, or other unpaid charge (or advise customers of their right to a refund of such fees and refund them upon request) if all of the following are met:			a. an interruption of communications or computer or other equipment; [§229.13(f)(1)]		
a. the depository bank extended the availability period based on its belief that the check was uncollectible [§229.13(e)(1)];			b. suspension of payments by another bank; [§229.13(f)(2)]		
b. the depositor was not provided with the written notice required by Section 229.13(g)(1) at time of deposit [§229.13(e)(2)];			c. war; or [§229.13(f)(3)]		
c. the overdraft or return would not have occurred if the availability period had not been extended [§229.13(e)(2)(i)]; and			d. an emergency condition beyond the control of the bank? [§229.13(f)(4)]		
d. the deposited check was finally paid by the paying bank? [§229.13(e)(2)(ii)]			3. Does the bank make funds available for withdrawal no later than a reasonable period after the emergency has ended or within the time period established by the temporary and permanent schedules, whichever is later? [§229.13(h)(3)] (As stated in the commentary to §229.13(h)(4), a reasonable period is 5 business days for local checks and 6 for nonlocal checks.)		
7. Does the exception notice inform the customer where to direct a request for a refund of the overdraft fees? [§229.13(e)(2)]			4. Does the bank provide customers with a written notice of the longer delay? [§229.13(g)(1)]		
			5. Is the notice provided at the time of the deposit, if the deposit is received in person by an employee of the bank or is the notice mailed on or before the first business day after the day the bank learns of the facts giving rise to the exception? [§229.13(g)(1)(ii)]		

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FAIR CREDIT REPORTING ACT Checklist

	Yes	No		Yes	No
<p>1. When adverse action is based on a consumer report (as defined in the Fair Credit Reporting Act), does the financial institution disclose the fact that the adverse action was based, in whole or in part, on the consumer reporting agency report, and does it provide: (A) the name, address and telephone number of the consumer reporting agency furnishing the report, (B) a statement that the consumer reporting agency did not make the decision to provide the consumer the specific reasons why the adverse action was taken, and (C) a notice of the consumer's right to obtain a free copy of the consumer report from the consumer reporting agency within a 60 day period and to dispute the accuracy or completeness of any information contained in the report? [§ 615(a)]</p>			<p>2. When adverse action is based on other outside information, does the financial institution disclose the consumer's right to know the nature of the information as provided in § 615(b) of the Act?</p>		
			<p>3. Does the financial institution have procedures in place to provide the nature of the outside information (Question #2) upon request?</p>		
			<p>4. Is the financial institution a Consumer Reporting Agency, and if so does it comply with the requirements of Act?</p>		



FAIR DEBT COLLECTION PRACTICES ACT Checklist

	Yes	No		Yes	No
1. Is the institution aware of the circumstances in which the FDCPA applies and, as appropriate, has it established internal procedures and controls to assure compliance with the FDCPA?	<input type="checkbox"/>	<input type="checkbox"/>	3. In attempting to collect consumer debts as a "debt collector" under the FDCPA, did the institution:	<input type="checkbox"/>	<input type="checkbox"/>
2. Has the institution or its subsidiary acted as a "debt collector" under the FDCPA by either:			a. communicate with the consumer or any third party in a prohibited manner?	<input type="checkbox"/>	<input type="checkbox"/>
a. regularly attempting to collect defaulted consumer debts owed to others; or,	<input type="checkbox"/>	<input type="checkbox"/>	b. adhere to the required debt validation procedure?	<input type="checkbox"/>	<input type="checkbox"/>
b. attempting to collect its own consumer debts in a name other than its own?	<input type="checkbox"/>	<input type="checkbox"/>	c. use any harassing, abusive, unfair or deceptive practice or means?	<input type="checkbox"/>	<input type="checkbox"/>
(If the answers to questions 2a and 2b are "No," the institution or its subsidiary has not acted as a debt collector under the FDCPA and should not complete the remainder of the checklist.)			d. collect any more than authorized by the debt instrument or state law?	<input type="checkbox"/>	<input type="checkbox"/>
			e. properly apply any payment received in the case of multiple debts owned by the same consumer?	<input type="checkbox"/>	<input type="checkbox"/>
			f. bring legal action only in a judicial district permitted under the FDCPA?	<input type="checkbox"/>	<input type="checkbox"/>



HOME MORTGAGE DISCLOSURE ACT Checklist

	Yes	No		Yes	No
1. Is the financial institution exempt from the requirements of Regulation C because it is subject to a state disclosure law that imposes similar requirements?					
Do not proceed if the answer to the preceding question is "Yes."					
2. Did the financial institution have a home office or branch office in an MSA on December 31 of the preceding year? [Regulation C, Appendix A]					
3. Did the financial institution have total assets of more than \$29 million on December 31 of the preceding year? [Regulation C, Appendix A]					
4. Does the financial institution meet the definition of "financial institution" as that term is defined in Section 203.2(e)?					
If all of the answers to questions 2, 3, and 4 are "Yes," the financial institution is subject to HMDA and should complete the following questions.					
5. Is the financial institution collecting loan data regarding					
a. applications for, and					
b. origination, and					
c. purchases of home purchase and home improvement loans (including refinancing) for each calendar year? [§203.4(a)]					
6. Does the financial institution collect the following data: [Regulation C, Appendix A]					
a. A unique number for the loan or loan application, and the date the application was received?					
b. The type and purpose of the loan, using the applicable codes?					
c. The owner-occupancy status of the property to which the loan relates, using the applicable codes?					
d. The amount of the loan or application, rounded up to the nearest thousand?					
			e. The type of action taken and the date?		
			f. The location of the property to which the loan or application relates, by MSA number, state and county codes and census tract, if the institution has a home or branch office in that MSA?		
			g. The race or national origin, and sex of the applicant or borrower (using applicable codes)?		
			h. The gross annual income relied upon in processing the application (rounded up to the nearest thousand)? (i.e. \$35,550 reported as 36)		
			Note: Collection of the information in g. and h. is optional on loans purchased or if the financial institution had assets of \$30 million or less on the preceding December 31. If the applicant fails to provide this information in mail or telephone applications, the race or national origin and sex need not be recorded, however, an applicable code number is provided for this situation (do not use "N/A"). Collection of this information is "not applicable" if the applicant or borrower is not a natural person (corporation, etc.).		
			i. The type of entity purchasing a loan that the institution originates or purchases and then sells within the same calendar year?		
			j. The reasons for denial of an application, using up to three appropriate codes?		
			7. Is the loan data presented in the format prescribed in Regulation C, Appendix A of the regulation (or in electronic form as prescribed in agency instructions)?		
			Questions 8 and 9 do not apply to purchased loans or if the financial institution had assets on the preceding December 31 of \$30 million or less.		
			8. Does the financial institution collect data concerning race or national origin, and sex as prescribed in Regulation C, Appendix B of the regulation?		



HOME MORTGAGE DISCLOSURE ACT Checklist

	Yes	No		Yes	No
9. Does the financial institution note data concerning race or national origin, and sex on the basis of visual observation if the applicant chooses not to provide this information? [Regulation C, Appendix B]			16. Are the disclosure statements available for inspection and copying during normal business hours?		
10. Does the financial institution avoid reporting data on transactions excluded by Section 203.4(d) of the regulation?			17. Does the financial institution avoid charging a fee for obtaining a copy of its disclosure statement, other than a reasonable charge for photocopying?		
11. Did the financial institution send an edited machine-readable copy to the appropriate agency office by March 1 following the year for which the loan data are compiled? [§203.5(a)]			18. Does the financial institution make its loan application register available to the public (after modifying it in accordance with Appendix A) following the calendar year for which the data are compiled, by March 31 for a request received on or before March 1, and within 30 days for a request received after March 1? [§203.5(c)]		
12. Does the financial institution retain a copy of its loan register for at least three years? [§203.5(a)]			19. Does the financial institution make its modified loan application register available to the public for a period of three years? [§203.5(d)]		
13. Does the financial institution make its mortgage loan disclosure statement available to the public no later than three business days after the institution receives it from the FFIEC? [§203.5(b)]			20. Does the financial institution post a general notice about the availability of its HMDA data in the lobby of its home office and any branch offices located in an MSA? [§203.5(e)]		
14. Does the financial institution make its mortgage loan disclosure statement available to the public for five years? [§203.5(d)]			21. Does the financial institution promptly, upon request, provide the location of offices where the disclosure statement is available? (The financial institution may comply with this requirement by including such locations in its notice.) [§203.5(e)]		
15. Does the financial institution make its mortgage loan disclosure statement available at its home office and at least one branch office in each MSA (or post the address for sending written requests for the statement in the lobby of each branch office in an MSA where the institution has offices, and mail or deliver a copy of the statement within 15 calendar days of receiving a written request)? [§203.5(b)]					



INTEREST ON DEPOSITS Checklist

	Yes	No		Yes	No
1. Does the association reserve the right to require the minimum advance notice on its accounts in its account contracts?	<input type="checkbox"/>	<input type="checkbox"/>	4. Does the association establish and maintain deposit documentation practices and records and does it administer and monitor its deposit-related activities? [§557.20]	<input type="checkbox"/>	<input type="checkbox"/>
2. Is the association aware that, for Federal savings associations, the OTS preempts state laws regarding abandoned and dormant accounts, checking accounts, disclosure requirements, funds availability, savings account orders of withdrawal, service charges and fees, state licensing or registration requirements and special purpose savings services? [§557.11-.13]	<input type="checkbox"/>	<input type="checkbox"/>	5. Are adequate controls in place to assure that payment of finders' and brokers' fees on demand deposit accounts meet the limitations in order not to be considered interest payments? [§561.16(b)]	<input type="checkbox"/>	<input type="checkbox"/>
3. If the association pays variable rates on savings accounts, does the variable rate have a schedule, index or formula on which it is based? [§557.14(b)]	<input type="checkbox"/>	<input type="checkbox"/>	6. Does the association have procedures in place to restrict the number of transactions on MMDA accounts? [§561.28(a)(2)]	<input type="checkbox"/>	<input type="checkbox"/>



NATIONAL FLOOD INSURANCE ACT Checklist

	Yes	No		Yes	No
<i>Coverage [12 CFR 572.3]</i>			<i>Property Determination [12 CFR 572.6]</i>		
1. Does the institution make (including loans acquired through table funding), increase, extend or renew any loan secured by improved real estate or a mobile home? This checklist does not apply if the answer is no.			1. Are flood zone determinations accurately prepared on the Standard Flood Hazard Determination Form (SFHDF)?		
2. Does the institution identify special flood hazard areas (SFHAs)?			2. Does the institution maintain the SFHDF either in hard copy or electronic form for as long as it owns the loan?		
3. Does the institution determine if the communities in which the property securing the loan is or will be located participates in the National Flood Insurance Program (NFIP)?			3. Does the institution rely on a prior determination only if it is made on the SFHDF, is no more than seven years old and the community has not been remapped?		
<i>Insurance Requirements [12 CFR 572.3]</i>			4. If the institution utilizes a third-party to prepare flood zone determinations, do the contractual documents between the parties:		
1. Does the institution ensure that borrowers obtain, prior to loan closing, insurance in an amount at least equal to the lesser of the outstanding principal balance of the loan or the maximum limit of coverage available under the National Flood Insurance Act?			a. provide for the third-party's guarantee of work?		
2. Does the institution ensure that sufficient insurance is maintained for as long as it owns the loan? If no, refer to the "Forced Placement" subsection.			b. contain provisions to resolve disputes relating to determinations, to allocate responsibility for compliance, and to address which party will be responsible for penalties incurred for non-compliance?		
3. If the institution purchases servicing rights to loans covered by the regulation, do the documents between the parties specify the contractual obligations on the institution with respect to flood insurance compliance?			<i>Determination Fees [12 CFR 572.8]</i>		
4. If the institution utilizes third parties to service loans covered by the regulation, do the contractual documents between the parties meet the requirements of the regulation?			1. Absent some other authority (such as contract language), does the institution charge a fee to the borrower for a flood determination only when a loan:		
5. Where multiple properties securing the loan are located in SFHAs, does the institution ensure that sufficient insurance is in place, either through a single policy with a scheduled list of several buildings or multiple policies?			a. is made, increased, renewed or extended,		
			b. is made in response to a remapping by FEMA, or		
			c. results in the purchase of flood insurance under the forced placement provisions?		
			2. If the institution is authorized to charge fees for determination in situations other than those noted above, is the practice followed consistently?		
			3. Are the fees charged by the institution for making a flood determination reasonable?		



NATIONAL FLOOD INSURANCE ACT Checklist

	Yes	No		Yes	No
<i>Notice Requirements [12 CFR 572.9]</i>			<i>Escrow Requirements [12 CFR 572.5]</i>		
1. Are borrowers provided written notice within a reasonable time prior to loan closing?			1. If the institution requires the escrow of funds for property taxes, hazard insurance or other fees on residential improved real estate, does it also require the escrow of funds to cover premiums associated with flood insurance for loans closed after October 1, 1996?		
2. Does the notice contain the following required information?			2. For loans closed after October 1, 1996 that are subject to RESPA and where flood insurance is required, does the institution comply with the provisions of §10 of RESPA (24 CFR Section 3500.17 of HUD Regulation X) for those escrow accounts?		
a. a warning that the building or mobile home is, or will be, located in a SFHA;			<i>Forced Placement Requirements [12 CFR 572.7]</i>		
b. a description of the flood insurance requirements;			1. If at any time during the life of the loan, the institution determines that property securing the loan lacks adequate flood insurance coverage:		
c. a statement that flood insurance is available under the NFIP and may also be available from private insurers; and			a. Does the institution provide written notice to the borrower stating that the necessary coverage must be obtained within 45 days after the notice or the institution will purchase it on the borrower's behalf?		
d. a statement whether Federal disaster relief assistance may be available in the event of damage to a building or mobile home caused by flooding in a Federally-declared disaster.			b. Does the institution purchase the coverage on the borrower's behalf if the borrower does not obtain the required policy within the required time period?		
3. In the case of a sale or lease, if the institution uses the alternate notice provision permitted by the regulation, does the institution obtain satisfactory written assurance from the seller or lessor that, within a reasonable time before completion of the transaction, the seller or lessor has provided the notice?			<i>Notice to Director of FEMA [12 CFR 572.10]</i>		
4. Does the institution provide a copy of the borrower notification to the servicer of the loan within the required time frames?			1. Does the institution provide the appropriate notice to the carrier of the insurance policy (the Director of FEMA's designee) regarding the identity of the servicer of a designated loan?		
5. Does the institution retain a record of receipt of the notifications provided to the borrower and the servicer for as long as it owns the loan?			2. If the institution sells or transfer the servicing of designated loans to another party, does it provide the appropriate notice to the carrier of the insurance policy within 60 days after the effective date of the transfer of the servicer?		



REAL ESTATE SETTLEMENT PROCEDURES ACT Checklist

	Yes	No		Yes	No
1. Are written loan policies in connection with federally related mortgage loans in compliance with Regulation X?			8. From a review of Form HUD-1 or HUD-1A, prepared in connection with the transaction, are amounts shown on the GFE reasonably similar to fees actually paid by the borrower?		
2. Does the institution have established operating procedures which address the requirements of Regulation X?			9. Does the financial institution require the borrower to use the services of a particular individual or firm for settlement services?		
3. Are mortgage lending personnel knowledgeable for the requirements of RESPA and Regulation X?			a. In cases where the lender requires the use of particular provider of a settlement service (except the lender's own employees) AND requires the borrower to pay any portion of the cost, does the GFE include:		
Special Information Booklet			i. The fact that the particular provider is required?		
4. For applicable transactions, is the Special Information Booklet provided within three business days after the financial institution or broker receives or prepares a written application for a loan?			ii. The fact that the estimate is based on the charges of the designated provider?		
Good Faith Estimate (GFE)			iii. The name, address, and telephone number of each provider?		
5. Is a GFE of charges for settlement services, if required, provided within three business days after an application is received or prepared?			iv. The specific nature of any relationship between the provider and the lender?		
6. Does the good faith estimate appear in a similar form as in Appendix C, to Regulation X?			b. If the lender maintains a list of required providers (five or more for each services) and, at the time of application has not chosen the provider to be selected from the list, does the lender satisfy the GFE requirements by providing a written statement that the lender will require a particular provider from a lender-controlled list and by providing the range of cost for the required providers?		
7. Does the GFE contain the following required elements:			10. If an affiliated business arrangement exists between a referring party and any provider of settlement services, does the lender require the services of particular providers?		
a. The lender's name, or if the GFE is being given by a broker, the legend required in accordance with Appendix C?			a. If an affiliated business arrangement exists, is the lender's only required use that of the attorney, credit bureau, or appraiser?		
b. An estimate of all charges listed in Section L of the HUD-1 or HUD-1A, expressed either as a dollar amount or range?					
c. For "no cost" or "no point" loans, charges shown on the GFE to include payments to be made to affiliated or independent settlement service providers (shown on HUD-1 or HUD-1A as "paid outside of closing")?					
d. An estimate of any other charge the borrower will pay based upon common practice in the locality or the mortgaged property?					



REAL ESTATE SETTLEMENT PROCEDURES ACT Checklist

		Yes	No			Yes	No
b. Did the financial institution provide the Appendix D disclosure form?				16. Does the applicant receive the mortgage servicing transfer disclosure at the time of application or, if the application was not taken face-to-face, within three business days after receipt of the application?			
Uniform Settlement Statement Form (HUD-1 and HUD-1A)							
11. Does the financial institution use the current Uniform Settlement Statement (HUD-1 or HUD-1A) as appropriate?				17. Does the disclosure state whether the loan may be assigned or transferred while outstanding?			
12. Does the HUD-1 or HUD-1A contain the following:				Notice to Borrower of Transfer of Mortgage Servicing			
a. Charges properly itemized for both borrower and seller in accordance with the instructions for completion of the HUD-1 or HUD-1A?				18. If the institution has transferred servicing rights, was notice to the borrower given at least fifteen days prior to the transfer?			
b. All charges paid to one other than the lender itemized and the recipient named?				19. If the institution has received servicing rights, was notice given to the borrower with fifteen days after the transfer?			
c. Charges required by the financial institution but paid outside of closing, itemized on the settlement statement, marked as "paid outside of closing" or "P.O.C.," but not included in totals?				20. Does the notice by transferor and transferee include the following information as contained in Appendix MS-2 to Regulation X:			
13. If the financial institution conducts settlement:				a. The effective date of the transfer?			
a. Is the borrower, upon request, allowed to inspect the HUD-1 or HUD-1A at least one day prior to settlement?				b. The new servicer's name, address and toll-free or collect call telephone number of the transferor servicer?			
b. Is the HUD-1 or HUD-1A provided to the borrower and seller at settlement?				c. A toll-free or collect call telephone number of the present servicer to answer inquiries relating to the transfer?			
c. In cases where the right to delivery is waived or the transaction is exempt, is the statement mailed as soon as possible after settlement?				d. The date on which the present servicer will cease accepting payments and the date the new servicer will begin accepting payments relating to the transferred loan?			
14. Are the HUD-1 and HUD-1A forms retained for five years?				e. Any information concerning the effect of the transfer on the availability of terms of optional insurance and any action the borrower must take to maintain coverage?			
Mortgage Servicing Transfer Disclosure				f. A statement that the transfer does not affect the terms or conditions of the mortgage, other than terms directly related to its servicing?			
15. Does the mortgage servicing transfer disclosure form language substantially conform with the model disclosure in Appendix MS-1 to Regulation X?				g. A statement of the borrowers rights in connection with complaint resolution?			



REAL ESTATE SETTLEMENT PROCEDURES ACT Checklist

	Yes	No		Yes	No
Responding to Borrower Inquiries					
21. Have late fees been imposed within 60 days following a transfer of servicing or were payments treated as late when received by transferor rather than transferee?			23. Does the institution provide information regarding an overdue payment to any consumer reporting agency during the 60-day period beginning on the date the institution received any qualified written request relating to a dispute regarding the borrower's payments?		
22. Does the institution respond to borrower inquiries relating to servicing of RESPA covered mortgage loans and refinancings as prescribed in the regulation?			Escrow Accounts		
Specifically, does the institution:			24. Does the institution perform an escrow analysis at the creation of the escrow account?		
a. Provide a written response acknowledging receipt of a qualified written request from a borrower for information relating to the servicing of the loan within 20-business days?			25. Is the initial escrow statement given to the borrower within 45 days after the escrow account is established?		
If not, has the action requested been taken within the 20-business day period?			26. For continuing escrow arrangements, is an annual escrow statement provided to the borrower at least once every twelve months?		
b. Within 60-business days after the receipt of a qualified written request:			27. Does the initial annual escrow statement itemize:		
(i) make appropriate corrections in the account of the borrower and provide written notification of the correction (including in the notice the name and the telephone number of a representative of the institution who can provide assistance)? OR			a. Amount of monthly mortgage payment?		
(ii)(A) Provide the borrower with a written explanation that the reasons the account is correct (including the name and telephone number of a representative of the institution who can provide assistance)? OR			b. Portion of the monthly payment being placed in escrow?		
(ii)(B) Provide the borrower with a written explanation that explains why the information requested is unavailable or cannot be obtained by the institution (including the name and telephone number of a representative of the institution who can provide assistance)?			c. Charges to be paid from the escrow account during the first 12 months?		
			d. Disbursement date?		
			e. Amount of cushion?		
			28. Is the escrow statement provided within 30 days of the completion of the escrow account computation year?		
			29. Does the annual escrow statement itemize:		
			a. Current mortgage payment and portion going to escrow?		
			b. Amount of last years mortgage payment and portion that went to escrow?		
			c. Total amount paid into the escrow account during the past computation year?		



REAL ESTATE SETTLEMENT PROCEDURES ACT Checklist

	Yes	No		Yes	No
d. Total amount paid from the escrow account during the year for taxes, insurance premiums, and other charges?			33. Does the financial institution charge a fee specifically for preparing and distributing the HUD-1 forms, escrow statements or documents required under the Truth-in-Lending Act?		
e. Balance in the escrow account at the end of the period?			Purchase of Title Insurance		
f. Explanation of how any surplus is being handled?			34. When the financial institution owns the property being sold, does it require or give the impression that title insurance is required from a particular company?		
g. Explanation of how any shortage or deficiency is to be paid by the borrower?			Payment or Receipt of Referral or Unearned Fees		
h. If applicable, the reason(s) why the estimated low monthly balance was not reached?			35. Is institution management aware of the prohibitions against payment or receipt of kickbacks and unearned fees?		
30. Are monthly escrow payments following settlement no larger than 1/12 of the amount expected to be paid for taxes, insurance premiums, and other charges in the following twelve months, plus 1/6 of that amount?			36. Are federally related mortgage loan transactions referred by brokers, affiliates, or other parties? OR; Does the institution refer services to brokers, affiliates, or other parties?		
31. Does the servicer notify the borrower at least annually of any shortage or deficiency in escrow account?			37. If fees were paid to the institution or any parties identified:		
32. Does the institution make payments from the escrow account for taxes, insurance premiums and other charges in a timely manner as they become due?			a. Were all fees paid to the broker, affiliate, service provider, or other party consistent with the requirements of section 3500.14(g) and for goods or facilities actually furnished or services actually performed?		
No Fees for RESPA Disclosures			b. Were payments made to an affiliate or the affiliate's employees?		



RIGHT TO FINANCIAL PRIVACY ACT Checklist

	Yes	No		Yes	No
1. Has the financial institution established procedures for fulfilling requests by government authorities for customers' financial records in compliance with the act?	<input type="checkbox"/>	<input type="checkbox"/>	6. Does the financial institution maintain records of all disclosures of customers' records made to a government authority in connection with a government loan, guaranty or insurance program? (§ 1113(h)(6))	<input type="checkbox"/>	<input type="checkbox"/>
2. Has the financial institution received any requests covered by the act for customers' financial records? If "yes" is answered, complete the remaining questions.	<input type="checkbox"/>	<input type="checkbox"/>	a. Does the financial institution allow the customer to examine these records upon request?	<input type="checkbox"/>	<input type="checkbox"/>
3. Does the financial institution have internal controls in place which are adequate to ensure that all requests are handled in compliance with the act?	<input type="checkbox"/>	<input type="checkbox"/>	7. Does the financial institution keep adequate records of those instances in which a customer's financial records are disclosed to a government authority, upon authorization by the customer, including a copy of the request and the identity of the government authority? (§ 1104(c))	<input type="checkbox"/>	<input type="checkbox"/>
4. As required by § 1103(b), does the financial institution provide customers' financial records to government authorities only after receiving proper written certification required by the act?	<input type="checkbox"/>	<input type="checkbox"/>	a. Does the financial institution allow the customer to examine these records upon request (unless blocked by a court order)?	<input type="checkbox"/>	<input type="checkbox"/>
5. Does the financial institution refrain from requiring a customer's authorization for disclosure of financial records as a condition of doing business? (§ 1104(b))	<input type="checkbox"/>	<input type="checkbox"/>	Questions 3-7 answered with a "no" require an explanation on how the financial institution intends to comply with the requirements of the act.		



TRUTH IN LENDING ACT Checklist

Truth in Lending Credit and Charge Card Disclosures	Yes	No		Yes	No
<p>1. Is the institution a credit or charge card issuer under Sections 226.2(a)(17) and §226.2(a)(15)?</p> <p>If yes, answer questions 2 through 8.</p> <p>2. Does the institution furnish, in tabular format, on or with creditor-initiated direct mail applications and pre-approved solicitations to open credit card accounts, the following written disclosures:</p> <p style="margin-left: 20px;">a. The annual percentage rate or rates for purchases? [§226.5a(b)(1)]</p> <p style="margin-left: 20px;">b. Any annual or periodic fee that may be imposed for issuance or availability of a card, including a one-time membership fee, periodic membership fees or fees based on account activity or inactivity? [§226.5a(b)(2)]</p> <p style="margin-left: 20px;">c. Any minimum or fixed finance charge that could be imposed during a billing cycle? [§226.5a(b)(3)]</p> <p style="margin-left: 20px;">d. Any transaction fee that may be imposed for the use of the card for purchases? [§226.5a(b)(4)]</p> <p style="margin-left: 20px;">e. The length or range of any "grace period" or the fact that there is none? [§226.5a(b)(5)]</p> <p style="margin-left: 20px;">f. The name (or an explanation, if applicable) of the balance computation method? [§226.5a(b)(6)]</p> <p style="margin-left: 20px;">g. The amount (or range, if different from state to state) of any cash advance fee imposed for an extension of credit? [§226.5a(b)(8)]</p> <p style="margin-left: 20px;">h. Any late payment charge (or range, if different from state to state)? [§226.5a(b)(9)]</p> <p style="margin-left: 20px;">i. Any fee (or range, if different from state to state) that may be charged for exceeding the credit limit? [§226.5a(b)(10)]</p>			<p>3. Does the institution provide, with creditor-initiated telephone applications and pre-approved solicitations for open-end credit card accounts, oral disclosures of items under 2.a. through 2.f. above? [§226.5a(d)]</p> <p style="margin-left: 20px;">If not, does the institution alternatively provide written disclosure within 30 days after the consumer requests the card, but no later than the delivery of the card, the following:</p> <p style="margin-left: 40px;">a. Items under 2.a. through 2.i. above</p> <p style="margin-left: 40px;">b. The fact that the consumer need not accept the card or pay any fee disclosed unless the consumer uses the card?</p> <p>4. Does the institution disclose with creditor-initiated applications and pre-approved solicitations of open credit card accounts, available to the public by means other than by mail or telephone (for example, "take one" applications), any one of the following: [§226.5a(e)]</p> <p style="margin-left: 20px;">a. On the application or solicitation (accurate as of the printing date), the items under 2.a. through 2.i. (for variable APRs the fully indexed rate used within 30 days of the printing date); the date the required information was printed, including a statement that the information was accurate as of that date and is subject to change; a statement that the consumer should contact the institution for any changes in the information disclosed and a toll free telephone number or mailing address for the consumer to obtain information about changes in required disclosures?</p>		



TRUTH IN LENDING ACT Checklist

	Yes	No		Yes	No
<p>b. On the application or solicitation (accurate as of the time made available to the public), the disclosures required by Sections 226.6(a) through 226.6(c), a statement that the consumer should contact the institution for any changes in the information disclosed, and a toll free telephone number or mailing address for the consumer to obtain information about changes in the disclosures?</p>	<input type="checkbox"/>	<input type="checkbox"/>	<p>8. If the institution offers credit insurance and decides to change insurance providers, are consumers informed of the proposed change in providers and of any increase in rate or substantial decrease in coverage, as a result of the change, and are consumers given an opportunity to discontinue the insurance? [§226.9(f)]</p>	<input type="checkbox"/>	<input type="checkbox"/>
			Truth in Lending Home Equity Lines of Credit		
<p>c. On the application or solicitation, if they do not contain information required to be disclosed under items 2.a. through 2.i., a statement that costs are associated with the use of credit cards; a statement that the applicant may contact the institution to request disclosure of specific cost information by calling a toll free number or by writing to an address specified in the application; and a toll free telephone number and mailing address for the consumer to obtain cost information?</p>	<input type="checkbox"/>	<input type="checkbox"/>	<p>1. Does the institution offer home equity lines of credit? If yes, answer questions 2 through 11.</p>	<input type="checkbox"/>	<input type="checkbox"/>
<p>5. Does the institution, in response to a consumer's request for cost information, disclose (orally or in writing) the required credit disclosures within 30 days of receiving the request? [§226.5a(e)(4)]</p>	<input type="checkbox"/>	<input type="checkbox"/>	<p>2. Does the institution deliver the home equity brochure or a suitable substitute at the time the application is provided to the consumer or within three business days of receiving an application in the case of publication, telephone or third party application requests?</p>	<input type="checkbox"/>	<input type="checkbox"/>
<p>6. Does the institution provide appropriate disclosures for creditor-initiated direct mail, telephone, and general public applications and solicitations to open charge card accounts, as required by Sections 226.5a(b), (c) and (d) of Regulation Z?</p>	<input type="checkbox"/>	<input type="checkbox"/>	<p>3. Does the institution furnish, on or with the HELC application or within three business days for publication, telephone or third party applications:</p>	<input type="checkbox"/>	<input type="checkbox"/>
<p>7. If the institution imposes an annual fee, including any fee based on account activity or inactivity, does the institution provide (at least 30 days or one billing cycle, whichever is less, before the renewal date): [§226.9(e)(1)]</p>	<input type="checkbox"/>	<input type="checkbox"/>	<p>a. A statement that the consumer should retain a copy of the disclosures (provided it is not in a form he can keep)? [§226.5b(d)(1)]</p>	<input type="checkbox"/>	<input type="checkbox"/>
<p>a. Renewal statements containing items in steps 2.a. through 2.f. above?</p>	<input type="checkbox"/>	<input type="checkbox"/>	<p>b. The time which an application must be submitted to obtain the specific disclosure terms? [§226.5b(d)(2)(i)]</p>	<input type="checkbox"/>	<input type="checkbox"/>
<p>b. A statement as to how and when the cardholder may terminate credit availability under the account to avoid paying the renewal fee?</p>	<input type="checkbox"/>	<input type="checkbox"/>	<p>c. An identification of any disclosed term that is subject to change before the plan opens? [§226.5b(d)(2)(i)]</p>	<input type="checkbox"/>	<input type="checkbox"/>
			<p>d. The fact that the consumer may receive a refund of all fees if the consumer elects not to enter into the plan due to a change in terms before the agreement is final (other than index fluctuations in a variable-rate plan)? [§226.5b(d)(2)(ii)]</p>	<input type="checkbox"/>	<input type="checkbox"/>
			<p>e. The fact that the consumer's dwelling secures the HELC and in case of default, the loss of the dwelling may occur? [§226.5b(d)(3)]</p>	<input type="checkbox"/>	<input type="checkbox"/>



TRUTH IN LENDING ACT Checklist

	Yes	No		Yes	No
f. The creditor's rights under certain conditions to terminate the plan, require immediate repayment and impose fees upon termination, prohibit additional extensions of credit, reduce the credit limit and implement changes in the plan as specified in the initial agreement? [§226.5b(d)(4)(i)]			i. A statement that the consumer may receive, on request and as soon as reasonably possible, a good faith itemization of third party fees? [§226.5b(d)(8)]		
g. A statement that the consumer may receive, on request, the conditions that might trigger the actions listed under 3.f. above?			m. A statement that negative amortization might occur? [§226.5b(d)(9)]		
h. The payment terms (if terms for the draw and repayment period are different, the terms for each must be disclosed) including:			n. Transaction requirements under the plan including limitations on the number of advances that may be obtained during any time period, or on the amount of credit that may be obtained during any time period, and minimum outstanding balance or draw requirements? [§226.5b(d)(10)]		
<ul style="list-style-type: none"> • The length of the draw and any repayment period? 			o. A statement that the consumer should consult a tax advisor? [§226.5b(d)(11)]		
<ul style="list-style-type: none"> • An explanation of how the minimum periodic payment will be computed? 			p. For variable-rate HELCs, the following: [§226.5b(d)(12)]		
<ul style="list-style-type: none"> • The timing of periodic payments? 			<ul style="list-style-type: none"> • That the APR, payment or term may change? 		
<ul style="list-style-type: none"> • Whether a balloon payment may or will result? 			<ul style="list-style-type: none"> • That the APR excludes costs other than interest? 		
<ul style="list-style-type: none"> • A \$10,000 example using a recent APR showing the minimum periodic payment? 			<ul style="list-style-type: none"> • Identification and source of the index used? 		
<ul style="list-style-type: none"> • Any balloon payment and the time to pay off the balance? [§226.5b(d)(5)] 			<ul style="list-style-type: none"> • How the rate will be determined? 		
i. For fixed-rate HELCs, the recent corresponding APR and a disclosure that the APR does not include costs other than interest? [§226.5b(d)(6)]			<ul style="list-style-type: none"> • That the consumer should ask about current index value, margin, discount or premium, and annual percentage rate? 		
j. An itemization of fees imposed by the institution (in dollars or percentage) to open, use or maintain the plan and when the fees are payable? [226.5b(d)(7)]			<ul style="list-style-type: none"> • That the initial APR is not based on the index and margin used to make later rate adjustments, and the period of time the initial APR will be in effect? 		
k. A good faith estimate of any fees that might be imposed by third parties to open the account? [226.5b(d)(8)]			<ul style="list-style-type: none"> • The frequency of APR changes? 		
			<ul style="list-style-type: none"> • Rules relating to changes in the index value and APR and resulting changes in the payment amount? 		



TRUTH IN LENDING ACT Checklist

		Yes	No			Yes	No	
<ul style="list-style-type: none"> • The limitations of APR changes? • Minimum periodic payment requirements? • A 15-year historical table? • That rate information will be provided with the periodic statement? 				<p>b. The payment terms such as the length of the draw and any repayment period, an explanation of how the minimum periodic payment will be computed, the timing of the periodic payments and if a balloon payment may or will result? [§226.6(e)(2)]</p> <p>c. A statement that negative amortization might occur? [§226.6(e)(3)]</p> <p>d. A statement of any transaction requirements under the plan? [§226.6(e)(4)]</p> <p>e. A statement that the consumer should consult a tax advisor? [§226.6(e)(5)]</p> <p>f. A statement that the APR does not include costs other than interest? [§226.6(e)(6)]</p> <p>g. A \$10,000 example (if not already provided to the consumer to keep) using a recent APR showing the minimum periodic payment, any balloon payment, and the time to pay off the balance? [§226.6(e)(7)]</p> <p>h. For variable-rate HELCs, the rules relating to changes in the index, APR, and payment amount including limitations, negative amortizations and carryover; a statement that rate information will be provided on or with each periodic statement and (if not already provided to the consumer to keep) the minimum payment required when the maximum APR is in effect for a \$10,000 balance, when the maximum APR may be imposed and a 15-year historical table? [§226.6(e)(7)]</p>				
	4. Does the institution collect only refundable fees from the consumer before the end of the three business days after the consumer receives the disclosures and brochure (or six days from the date of mailing, if mailed)? [§226.5b(h)]							
	5. Does the institution refund any fees that it collects from the consumer if the consumer rejects the plan within three business days after receiving the disclosures (even if there is no change in the disclosed items)? [§226.5b(h)]							
	6. Does the institution refund all fees when a consumer rejects the plan because a disclosed term changes (other than a change due to fluctuation in the index) before the plan is opened? [§226.5b(g)]							
7. Is the institution providing, with the traditional open-end credit disclosures given before the first transaction, the following written disclosures:								
<p>a. Notification of the conditions which may:</p> <ul style="list-style-type: none"> • Terminate the plan; • Require immediate repayment and impose fees for termination; • Prohibit additional extensions of credit; • Reduce the credit limit; and • Implement certain changes in the plan as specified in the initial agreement? [§226.6(e)(1)] 								



TRUTH IN LENDING ACT Checklist

	Yes	No		Yes	No
<p>8. Does the institution:</p> <p><i>NOTE: Whether or not the initial agreement requires a repayment, if during the draw period the consumer subsequently enters into an agreement to repay the principal balance, the new agreement is closed-end credit and not subject to the limitations below if the amount of available credit will not be replenished as the principal balance is repaid. Also, if the initial contract does not call for a repayment period, any later closed-end credit contract to pay off the outstanding HELC balance is not subject to these limitations.</i></p>			<ul style="list-style-type: none"> • The index or margin is changed because the original index is no longer available? • The consumer specifically agrees to a certain change in writing at the time of the change? • The change is insignificant? 		
<p>a. Base changes in the APR on an index that is available to the public and not under the institution's control for a variable-rate HELC? [§226.5b(f)(1)]</p>			<p>d. Not reduce the credit limit and not prohibit additional extensions of credit, except temporarily, under any of the following circumstances: [§226.5b(f)(3)(vi)]</p> <ul style="list-style-type: none"> • When the institution is permitted to terminate the account? • When the value of the dwelling securing the plan declines significantly (consumer's unencumbered equity declines by 50% or more)? 		
<p>b. Not terminate an account and demand payment, in advance of the original term, for repayment of the balance unless:</p> <ul style="list-style-type: none"> • There is fraud or material misrepresentation Failure to meet the repayment terms of the plan, or • The consumer takes actions or fails to act in a manner that adversely affects the institution's security for the plan or any right in the security? [§226.5b(f)(2)] 			<ul style="list-style-type: none"> • When the consumer's financial circumstances change materially? • When the consumer defaults on any material obligation under the agreement? • When government action restricts an APR increase? • When the institution's security interest is adversely affected due to government action and the security value is less than 120% of the credit line? 		
<p>c. Not change the account terms after the agreement has been entered into, unless: [226.5b(f)(3)(i)-(v)]</p> <ul style="list-style-type: none"> • The institution is permitted to terminate the account? • The change will unequivocally benefit the consumer? • A specified change occurs when a specific event takes place, as provided in the initial agreement? 			<ul style="list-style-type: none"> • When the institution is notified by a regulatory agency that continued advances constitute an unsafe and unsound practice? • When the maximum APR is reached? 		
			<p>9. Does the institution mail or deliver written notice of adverse action to the consumer within three business days of reducing the consumer's credit limit or freezing the account? [§226.9(c)(3)]</p>		



TRUTH IN LENDING ACT Checklist

		Yes	No			Yes	No
a. If the adverse action notice requires the consumer to request reinstatement of the line, does the institution respond appropriately when the consumer makes such a request?				2. Has the institution established internal procedures and controls (forms, instructions, etc.) reasonably adapted to assure compliance with applicable requirements?			
b. If the adverse action notice does not require the consumer to request reinstatement of the line, does the institution respond appropriately when the conditions which caused the reduction in the credit limit or freezing of the account no longer exist?				3. Have those responsible for compliance received training that is adequate as to the requirements and proscriptions of Regulation Z procedures and practices (use of forms, computations to be made, etc.) necessary to achieve compliance?			
10. Does the institution's HELC advertising include any:				4. Has the institution established a review mechanism (compliance committee, internal or external auditor review, etc.) designed to monitor the effectiveness of the institution's efforts to comply with Regulation Z?			
a. Triggering terms, and if so, does the ad include information on any loan fee that is: a percentage of the credit limit; any fees for opening the plan (stated as a single dollar amount or range); the annual percentage rate or rates; the highest APR if the plan has a variable rate; any minimum, fixed, activity or transaction charges; and, any membership fee? [§226.16(d)(1)] and [§226.16(b)]				<u>Open-End Credit</u>			
b. Discounted rate, and if so, does the ad state how long the rate will be in effect and state a reasonably current, fully indexed rate with equal prominence? [§226.16(d)(2)]				1. Does the institution make the required open-end credit disclosures clearly and conspicuously in a form the consumer may keep? [§226.5(a)(1)]			
c. Minimum periodic payment, and if so, does the ad disclose that a balloon payment may result, if applicable? [§226.16(d)(3)]				2. Do the terms "financial charge" and "annual percentage rate", when required to be disclosed with a corresponding amount or percentage, appear more conspicuously than any other required disclosure? [§226.5(a)(2)]			
d. Reference to tax deductibility, and if so, is the ad not misleading? [§226.16(d)(4)]				3. Does the institution furnish initial disclosure statements to new account customers before the first transaction is made under the open-end plan? [§226.5(b)(1)]			
11. Does the institution refrain from using misleading terms, such as referring to HELCs as free money in its advertising? [§226.16(d)(5)]				4. Do the initial disclosure statements furnished under each open-end plan contain the following, as applicable:			
				a. An accurate description of when finance charges began to accrue, including an explanation of whether any period exists within which any credit extended may be repaid without incurring a finance charge? [§226.6(a)(1)]			
General							
1. Has the institution assigned clear and definite compliance responsibilities to specific officers and other staff?							



TRUTH IN LENDING ACT Checklist

		Yes	No			Yes	No
b. A disclosure of each periodic rate that may be used to compute the finance charge, the range of balances to which each is applicable, the corresponding annual percentage rate(s), and variable rate features, if applicable? [§226.6(a)(2)]	Yes			d. Each periodic rate used to compute the finance charge, the range of balances to which each is applicable, the corresponding annual percentage rate(s), and that the periodic rate may vary in variable rate contracts? [§226.7(d)]	Yes		
c. If different periodic rates apply to different types of transactions, the types of transactions to which each periodic rate applies? [§226.6(a)(2)]	Yes			e. If different periodic rates apply to different types of transactions, the types of transactions to which each periodic rate applies? [§226.7(d)]	Yes		
d. An explanation of the method used to determine the balance on which the finance charge may be computed? [(226.6(a)(3))]	Yes			f. The balance amount to which each periodic rate was applied and an explanation of how that balance was determined? [§226.7(e)]	Yes		
e. An explanation of how the amount of any finance charge will be determined? [§226.6(a)(4)]	Yes			g. If a balance is determined without first deducting all credits and payments made during the billing cycle, that fact and the amount of the credits and payments? [§226.7(e)]	Yes		
f. A statement of the amount of any charge other than a finance charge or how the charge will be determined? [§226.6(b)]	Yes			h. The amount of any finance charge debited or added to the account during the billing cycle using the term "finance charge"? [§226.7(f)]	Yes		
g. A statement that the institution has or will acquire a security interest in property purchased under the plan, or in any other property identified by item or type? [§226.6(c)]	Yes			i. The components of the finance charge individually itemized and identified to show the amount(s) due to the application of a periodic rate and the amount(s) of any other type of finance charge? [§226.7(f)]	Yes		
h. A statement that outlines the consumer's rights and the institution's responsibilities regarding the right of a card holder to assert claims or defenses against a card issuer and the procedure for the resolution of billing errors? [§226.6(d)]	Yes			j. If a finance charge was imposed during the billing cycle, the annual percentage rate(s) using the term "annual percentage rate"? [§226.7(g)]	Yes		
5. Do the periodic statements furnished to consumers under each open-end credit plan disclose the following, as applicable:				k. The amounts, itemized and identified by type, of any charges other than finance charges debited to the account during the billing cycle? [§226.7(h)]	Yes		
a. The balance in the account at the beginning of the billing cycle? [§226.7(a)]	Yes			l. The closing date of the billing cycle and the account balance on that date? [§226.7(i)]	Yes		
b. An identification of each transaction on or with each periodic statement? [§226.7(b) and 226.8]	Yes			m. The date by which or period within which the new balance or any portion of that balance must be paid to avoid additional finance charges? [(226.7(j))]	Yes		
c. The amount and date of any credit to the account? [§226.7(c)]	Yes						



TRUTH IN LENDING ACT Checklist

	Yes	No		Yes	No
n. The address to be used for notice of billing errors? (Alternatively, the address may be provided, as permitted under §226.9(a)(2), on the summary statement billing rights. [§226.7(k)]			15. Does the institution observe requirements which prohibit the offset of any credit card indebtedness against the deposit accounts of card holders? [§226.12(d)(1)]		
6. Does the institution furnish a proper statement of billing rights in a timely fashion? [226.9(a)]			16. Are merchant agreements or arrangements void of any prohibitions or restrictions on the offering of discounts to cash customers or of tie-in arrangements as a condition of participation in a credit card plan? [§226.12(f)(1) and (2)]		
7. If the terms of any open-end credit accounts were changed since the date of the previous examination, did the institution comply with the advance notice requirements? [§226.9(c)]			17. Does the institution follow the billing error resolution procedures, including applicable time limits? [§226.13]		
8. Does the institution credit payments as of the date of receipt (unless a delay in crediting does not result in the imposition of a finance or other charge)? [§226.10(a)]			18. If a security interest is or will be retained or acquired in a consumer's principal dwelling as a result of advances under an open-end credit plan, does the institution follow the applicable rescission procedures, including furnishing the notice of the right to rescind and delaying its performance? [§226.15]		
9. Are statements received from merchants for refunds credited to customers' accounts within three business days of receipt? [§226.12(e)(2)]			<u>Closed-End Credit</u>		
10. If credit balances in excess of \$1 are created in consumer accounts, does the institution credit the balance amounts to those accounts, refund the amounts upon receipt of a written request and make an effort to refund the amounts after six months without receipt of request? [§226.11]			1. Does the institution routinely furnish completed disclosure statements before consummation and, in the case of residential mortgage transactions subject to RESPA, are good faith estimates of the required disclosures furnished within three business days of receipt of a written application but in no even later than consummation? [§226.17(b) and 226.19(a)]		
11. Does the institution issue credit cards only in response to oral or written requests, applications, or as renewals of or substitutes for accepted credit cards? [§226.12(a)]			2. Does the institution group the required disclosures together, segregated from other material, and are the disclosures made clearly and conspicuously in writing in a form the consumer may keep? [§226.17(a)(1)]		
12. Does the institution adhere to the \$50 liability limit for unauthorized use? [§226.12(b)]			3. Is any itemization of the amount financed separated from the segregated disclosures? [§226.17(a)(1)]		
13. Does the institution observe the card holder's right to assert against the institution claims and defenses which the card holder could assert against the merchant in a transaction? [§226.12(c)(1)]			4. Do the terms "finance charge" and "annual percentage rate", when required to be disclosed with a corresponding amount or percentage rate, appear more conspicuously than any other disclosure? [§226.17(a)(2)]		
14. Does the institution avoid reporting any disputed amount as delinquent before the dispute is settled or judgment is rendered? [§226.12(c)(2)]			5. Are the following disclosures made accurately and in the manner prescribed:		



TRUTH IN LENDING ACT Checklist

	Yes	No		Yes	No
a. The identity of the creditor making the disclosures? [§226.18(a)]			j. If the obligation includes a finance charge computed from time to time by application of a rate to the unpaid principal balance, a statement indicating whether a penalty may be imposed if the obligation is prepaid in full or alternatively, if the obligation includes any other type of finance charge, a statement indicating whether the consumer is entitled to a rebate of any finance charge if the obligation is prepaid in full? [§226.18(k)]		
b. The "amount financed", using that term, and a brief description, such as "the amount of credit provided to you or on your behalf? [§226.18(b)]			k. Any dollar or percentage charge that may be imposed before maturity due to a late payment? [§226.18(l)]		
c. A separate, written itemization of the amount financed except where there is included a statement that the consumer has the right to receive a written itemization and the consumer has not indicated in a space provided that such itemization is desired? [§226.18(c)]			l. The fact that the creditor has or will acquire a security interest in property purchased as part of the transaction, or in other property identified by item or type? [§226.18(m)]		
d. The "finance charge", using that term, and a brief description, such as "the dollar amount the credit will cost you"? [§226.18(d)]			m. The disclosures required to exclude certain insurance premiums from the finance charge? [§226.18(o)]		
e. The "annual percentage rate", using that term, and a brief description, such as "the cost of your credit as a yearly rate"? [§226.18(e)]			n. A statement that the consumer should refer to the appropriate contract document for information about nonpayment, default, the right to accelerate the maturity of the obligation, and prepayment rebates and penalties? [§226.18(p)]		
f. The variable rate disclosures if the annual percentage rate may increase after consummation? [§226.18(f)]			o. In a residential mortgage loan transaction, a statement whether a subsequent purchaser of the dwelling may be permitted to assume the remaining obligation on its original terms? [§226.18(q)]		
g. The number, amounts, and timing of payments scheduled to repay the obligation? [§226.18(g)]			p. If the institution requires the consumer to maintain a deposit as a condition of the specific transaction, a statement that the annual percentage rate does not reflect the effect of the required deposit? [§226.18(r)]		
h. The "total of payments", using that term, and a descriptive explanation, such as "the amount you will have paid when you have made all scheduled payments"? [§226.18(h)]			6. Does the institution make the required disclosures for refinancing? [§226.20(a)]		
i. If the obligation has a demand feature, that fact and also that the disclosures are based on an assumed maturity of one year if no alternate maturity date is stated? [§226.18(i)]			7. Does the institution make the required disclosures for assumptions? [§226.20(b)]		



TRUTH IN LENDING ACT Checklist

		Yes	No			Yes	No
8. If credit balances in excess of \$1 are created in consumer accounts, does the institution:				5. For advertisements of closed-end credit, if a simple annual rate or a periodic rate applied to an unpaid balance was stated, did it appear along with (but not more conspicuously than) the annual percentage rate? [§226.24(b)]			
a. Credit the balance amounts to the consumer accounts?							
b. Refund the amounts upon receipt of a written request?				<u>Adjustable Rate Mortgages</u>			
c. Make a good faith effort to refund the amounts after six months without receipt of any request? [§226.21]				1. Does the financial institution utilize the booklet entitled, "Consumer Handbook on Adjustable Rate Mortgages," or a suitable substitute? [§226.19(b)(1)]			
9. For any credit transactions that give rise to the right of rescission, does the institution comply with applicable requirements, including furnishing the notice of the right to rescind to each party having ownership interest in the principal dwelling and delaying its performance? [§226.23(a), (b), (c) and (d)]				2. Does the financial institution provide the booklet or a suitable substitute to consumers when an application is provided or prior to the payment of a non-refundable fee, whichever is earlier? [§ 226.19(b)]			
10. If any consumers waived their right to rescind, do the dated statements describing the personal financial emergencies justify the waivers? [§226.23(e)]				3. Does the financial institution provide all appropriate loan program disclosures to consumers when an application is provided or prior to the payment of a non-refundable fee, whichever is earlier? [§ 226.19(b)]			
11. Were the waivers written, not on a printed form, and signed by each consumer entitled to rescind? [§226.23(e)]				4. Do the loan program disclosures provide for all of the following: [§ 226.19(b)(2)]			
12. Does the institution comply with the terms of variable rate contracts concerning determination and charging of interest? [§226.18(f)]				a. the fact that the interest rate, payment or term may change?			
<u>Advertising (Open-End and Closed-End)</u>				b. the index or formula used in making adjustments, and a source of information about the index or formula?			
1. Do any advertisements placed by the institution state only rates or other terms that were actually being offered at the time? [226.16(a) and 226.24(a)]				c. an explanation of how the interest rate and payment will be determined, including how the index is adjusted?			
2. If "triggering terms" were advertised, were the other prescribed credit terms disclosed? [§226.16(b) and 226.24(c)]				d. a statement indicating how the consumer should inquire about the current margin value and interest rate?			
3. If any annual percentage rate was subject to increase after consummation, was that fact disclosed? [§226.16(b) and 226.24(b)]				e. the fact that the interest rate will be discounted and a statement that the consumer should inquire as to the amount of the discount?			
4. Were all rates of finance charge expressed only as an "annual percentage rate", using that term? [§226.16(b)(2) and 226.24(b)]				f. the frequency of interest rate and payment changes?			



TRUTH IN LENDING ACT Checklist

	Yes	No		Yes	No
g.			c.		
h.			d.		
i.			e.		
j.			3.		
k.			4.		
l.			5.		
m.			6.		
Adjustment Notices			7.		
1.			8.		
a.			Maximum Interest Rate Disclosure		
b.			1.		
2.					
a.					
b.					



TRUTH IN LENDING ACT Checklist

Yes	No
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Miscellaneous (Open-End and Closed-End)

1. Does the institution retain evidence of compliance for two years after the date disclosures were required to be made or other action was required to be taken? [§226.25(a)]
2. Is the institution making proper oral disclosures in response to consumer inquiries about the cost of open-end and closed-end credit? [§226.26]

Yes	No



TRUTH IN SAVINGS ACT Checklist

		Yes	No			Yes	No
General Disclosures							
1. a. Does the institution make the required disclosures clearly and conspicuously in writing and in a form the consumer may keep? [§230.3(a)]				<ul style="list-style-type: none"> • state that the rate and yield are accurate as of an identified date? 			
b. If the disclosures required by the regulation are combined with the institution's other accounts, is it clear which disclosures are applicable to the consumer's account? [§230.3(a)]				<ul style="list-style-type: none"> • provide a telephone number consumers may call to obtain current rate information? [§230.4(a)(2)(ii)(A)] • state the maturity of a time account as a term rather than a date [§ 230.4(a)(2)(ii)] 			
2. Do the disclosures reflect the terms of the legal obligation between the consumer and the institution? [§230.3(b)]				7. Do account disclosures include the following rate information (as applicable): [§230.4(b)(1)(i)]			
3. When orally responding to a consumer's inquiry about interest rates, does the institution state the annual percentage yield? [§230.3(e)].				a. The "annual percentage yield" and "interest rate," using those terms?			
4. Are all annual percentage yields accurate to within .05% above or below the annual percentage yield determined in accordance with the rules in Appendix A of the regulation? §230.3(f)(2)]				b. The period of time the interest rate will be in effect for fixed-rate accounts?			
Account Disclosures [§230.4]							
5. a. Does the institution provide initial disclosures before an account is opened or a service is provided, whichever is earlier? [§230.4(a)(1)]				8. Do disclosures for variable-rate accounts include the following: [§230.4(b)(1)(ii)]			
b. If the consumer is not present, does the institution mail or deliver the disclosures no later than 10 business days after the account is opened or a service is provided? [§230.4(a)(1)]				a. The fact that the interest rate and APY may change?			
6. a. Does the institution provide account disclosures to consumers upon request? [§230.4(a)(2)(i)]				b. How the interest rate is determined?			
b. If the consumer's request is not made in person, does the institution mail or deliver the account disclosures within a reasonable time after it receives the request? [§230.4(a)(2)(i)]				c. The frequency with which the interest rate may change? and			
c. In providing disclosures upon request, does the institution:				d. Any limitation on the amount the interest rate may change?			
<ul style="list-style-type: none"> • specify an interest rate and APY that were offered within the most recent seven calendar days? 				9. Do the account disclosures describe the frequency with which interest is compounded and credited? [§230.4(b)(2)(i)]			
				10. Do the account disclosures include a statement that interest will not be paid if consumers close an account before accrued interest is credited? [§230.4(b)(2)(ii)]			
				11. Do the account disclosures describe the minimum balance requirements necessary to open an account, avoid the imposition of a fee, or obtain the APY disclosed?			



TRUTH IN SAVINGS ACT Checklist

	Yes	No		Yes	No
12. Do the account disclosures state how the minimum balance requirement is determined for these purposes (except for the balance to open the account)? [§230.4(b)(3)(i)]			18. Do account disclosures state the amount or type of bonus and the conditions under which the bonus will be paid? [§230.4(b)(7)]		
13. Do the account disclosures include an explanation of the balance computation method used to calculate interest on the account? [§230.4(b)(3)(ii)]			19. Was the notice of availability of disclosures to existing account holders included on or with the first periodic statement sent beginning on or after June 21, 1993 (or first periodic statement for a statement cycle beginning on or after that date)? [§230.4(c)]		
14. Do the account disclosures state when interest begins to accrue on noncash deposits? [§230.4(b)(3)(iii)]			<i>Subsequent Disclosures §230.5</i>		
15. Do the account disclosures disclose the amount of any fee that may be imposed in connection with the account (or how the fee will be determined) and the conditions under which the fee may be imposed? [§230.4(b)(4)]			20. a. Does the institution provide advance notification to depositors of any change in a term required to be disclosed under §230.4(b) if the change may reduce the APY or adversely affect the consumer?		
16. Do the account disclosures include any limitations on the number or dollar amount of withdrawals or deposits? [§230.4(b)(5)]			b. Does the notice include the effective date of the change?		
17. For time accounts, do the account disclosures include the following: [§230.4(b)(6)]			c. Is the notice mailed or delivered at least 30 days before the effective date of the change? [§230.5(a)(1)]		
a. The maturity date? [§230.4(b)(6)(i)]			21. Are exceptions to the notice requirements limited to:		
b. Early withdrawal penalties? [§230.4(b)(6)(ii)]			a. variable-rate changes? [§230.5(a)(2)(i)]		
c. If compounding occurs and interest may be withdrawn during the term, a statement that the APY assumes interest remains on deposit until maturity and that a withdrawal will reduce earnings? [§230.4(b)(6)(iii)]			b. check printing fees? [§230.5(a)(2)(ii)]		
d. Information regarding renewal policies [§230.4(b)(6)(iv)]			c. short-term time accounts (one month or less)? [§230.5(a)(2)(iii)]		
• whether the account will renew automatically?			22. Are the proper subsequent disclosures provided for the following time accounts:		
• if it renews automatically, if a grace period exists and the length?			a. that renew automatically with maturities longer than one year? [§230.5(b)(1)]		
• If not renewed automatically, whether interest will be paid after maturity?			b. that renew automatically with maturities one year or less but longer than one month? [§230.5(b)(2)]		
			c. that renew automatically with maturities one month or less? [§230.5(c)]		



TRUTH IN SAVINGS ACT Checklist

	Yes	No		Yes	No
<p>d. that do not renew automatically with maturities longer than one year? [§230.5(d)]</p>			Advertising Requirements [§230.8]		
<i>Periodic Statement Disclosures [§230.6]</i>					
23. a. Is the annual percentage yield earned, using that term, disclosed on the periodic statement?			31. a. Do the advertisements refrain from misleading or inaccurate statements and do they accurately represent the deposit contract?		
b. Is the APY earned calculated in accordance with Appendix A? [§230.6(a)(1)]			b. Do the advertisements refrain from using the terms "free" or "no cost" if any maintenance or activity fee may be imposed?		
24. Is the amount of interest earned during the statement period accurately disclosed? [§230.6(a)(2)]			c. Do the advertisements refrain from using the word "profit" when referring to interest paid on an account? [§230.8(a)]		
25. Are fees required to be disclosed under §230.4(b) (that were debited to the account during the statement period) itemized by dollar and type? [§230.6(a)(3)]			32. a. If the institution advertises rates on accounts, are the rates stated as an "annual percentage yield"?		
26. Is the total number of days in the statement period, or the beginning and ending dates of the period disclosed? [§230.6(a)(4)]			b. If the institution uses the abbreviation "APY", has the term annual percentage yield" been stated at least once in the advertisement?		
<i>Payment Of Interest [§230.7]</i>			c. If the institution states the interest rate, using that term, in conjunction with the APY, is it not more conspicuous than the APY? [§230.8(b)]		
27. If the bank uses the average daily balance method, and calculates interest for a period other than the statement period, was the APY earned and the amount of interest earned based on that period rather than the statement period? [§230.6(b)]			d. Are the annual percentage yields and interest rates rounded to the nearest one-hundredth of one percentage point (.01%) and expressed to two decimal places? [§230.3(f)(1)]		
28. Does the institution calculate interest on the full amount of principal in the account each day by use of either the daily balance method or the average daily balance method? [§230.7(a)(1)]			33. If the institution advertises "tiered rate" accounts, does the institution state all of the APYs, for each tier, as well as the corresponding minimum balance requirements? [§230.8(b)]		
29. Does the bank use the same method to determine any minimum balance required to earn interest as it uses to determine the balance on which interest is calculated? [§230.7(a)(2)]			34. If the institution advertises "stepped rate" accounts, does the institution accurately disclose the APY? [§230.8(b)]		
30. a. Does interest begin to accrue not later than the business day specified for interest bearing accounts in section 606 of the Expedited Funds Availability Act?			35. If the deposit advertisements placed by the institution state the APY, are the following disclosures stated clearly and conspicuously to the extent applicable?		
b. Does interest accrue until the day the funds are withdrawn? [§230.7(c)]					



TRUTH IN SAVINGS ACT Checklist

		Yes	No			Yes	No
a. variable rate notice [§230.8(c)(1)]				b. time requirement to obtain the bonus [§230.8(d)(2)]			
b. time APY is offered [§230.8(c)(2)]				c. minimum balance required to obtain the bonus [§230.8(d)(3)]			
c. minimum balance to obtain the APY [§230.8(c)(3)]				d. minimum balance required to open the account (if it is greater than the minimum balance necessary to obtain the bonus) [§230.8(d)(4)]; and			
d. minimum opening deposit [§230.8(c)(4)]				c. when the bonus will be provided. [§230.8(d)(5)]			
e. effect of fees [§230.8(c)(5)]				37. Are exemptions to the advertisement requirements made for those media set forth under §230.8(e)?			
f. the following features of time accounts [§230.8(c)(6)]:				<i>Record Retention Requirements [§230.9]</i>			
• time requirements [§230.8(c)(6)(i)]				37. Has the institution maintained evidence of compliance for a minimum of 2 years after the date disclosures are required to be made or action is required to be taken? [§230.9(c)]			
• notice of early withdrawal penalties [§230.8(c)(6)(ii)]							
36. If a bonus is stated in an advertisement, does the advertisement state the following information, as applicable:							
a. the "annual percentage yield," using that term? [§230.8(d)(1)]							



UNFAIR OR DECEPTIVE ACTS Checklist

		Yes	No			Yes	No
1. Do the consumer contracts originated by the institution contain any of the following prohibited provisions:				d. Blanket security interests in household goods? [§ 535.2(a)(4)]			
	a. Confession of Judgment? [§ 535.2(a)(1)]			3. Does the institution take a nonpossessory security interest in household goods (as defined in § 535.1(g)), not purchased with the loan proceeds? (Review blank security agreement forms)			
	b. Waiver of statutory property exemption (unless the waiver applies solely to the property which will serve as security for the loan)? [§ 535.2(a)(2)]						
	c. Assignment of wages or other earnings (except where permitted)? [§ 535.2(a)(3)]						
	d. Blanket security interests in household goods? [§ 535.2(a)(4)]						
2. If the institution acquires loans originated by other creditors, does it attempt to enforce any of the following prohibited practices?				4. Has the institution attempted to enforce any prohibited practices with respect to the consumer credit contracts it has originated? [§ 535.2(a)]			
	a. Confession of Judgment? [§ 535.2(a)(1)]			5. Does the institution collect or attempt to collect late charges on a timely payment because of the consumer's failure to pay a late charge attributable to a prior delinquent payment? [§ 535.4(a)]			
	b. Waiver of statutory property exemption (unless the waiver applies solely to the property which will serve as security for the loan)? [§ 535.2(a)(2)]			6. Has the institution engaged in any prohibited cosigner practices (e.g., misrepresenting the cosigner's liability or obligating cosigners prior to providing the required notification)? [§ 535.3(a)(1)]			
	c. Assignment of wages or other earnings (except where permitted)? [§ 535.2(a)(3)]			7. Does the institution fail to provide each cosigner, prior to becoming contractually obligated, the required notice or one that is substantially similar (whether separate or contained in the credit documents)? [§ 535.3(b)]			

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INSURANCE CONSUMER PROTECTION Checklist

	Yes	No		Yes	No
<u>Policies and Procedures</u>					
<p>1. Has the board of directors consistent with its duties and responsibilities, adopted formal written policy and procedures addressing insurance and annuity sales activities that:</p> <ul style="list-style-type: none"> • Address program risks and ensures compliance with applicable laws, regulations, and institutional standards? • Address program risks and ensures compliance with applicable laws, regulations, and institutional standards? • Defines acceptable types of insurance products or annuities offered, solicited, advertised, or sold? • Establishes operating standards for product delivery in accordance with applicable laws, regulations, and institutional standards? • Assigns responsibilities for directly overseeing insurance and annuities sales activities, however conducted? • Establishes and defines reporting relationships, frequency and standards used to achieve and maintain accountability for execution of insurance and annuity sales program? • Defines the scope of any subsidiary, affiliate, or third party provider sales operations? • Ensure regular oversight and monitoring of any subsidiary, affiliates, or third party insurance or annuity sales operation? • Establishes regular monitoring (including periodic reviews) supported by detailed reports? • Ensures training programs or other means used by management to communicate and re-enforce procedures to appropriate levels of staff? • Establish consumer referral practices and fee arrangements? 	<div style="background-color: #cccccc; height: 100px; width: 100%;"></div>	<div style="background-color: #cccccc; height: 100px; width: 100%;"></div>			
			<ul style="list-style-type: none"> • Provides a consumer complaint monitoring and resolution process? 		
			<u>Sales Practices</u>		
			<p>1. Does the institution provide training and monitoring of sales representatives ensuring sales practices do not:</p> <ul style="list-style-type: none"> • Mislead a consumer to believe an extension of credit is conditional upon the purchase of an insurance product from the institution or any covered person. [§.30(a)(1)] • Mislead a consumer to believe they cannot purchase insurance from an unaffiliated entity; • Mislead any person concerning lack of FDIC insurance associated with insurance or annuities; or • Discriminate against victims of domestic violence. [§.30 (c)] 		
			<u>Disclosures</u>		
			<p>1. Does the institution or covered person provide a consumer, before the completion of the initial sale of an insurance product or annuity, the following insurance disclosures:</p> <ul style="list-style-type: none"> • Insurance product or annuity is not a deposit of or obligation of the institution or its affiliates. [§.40(a) (1)] • Insurance product or annuity is not insured by FDIC, or other agency of the United States, a savings association, or affiliate of a savings association. [§.40 (a)(2)] • Insurance product or annuity is subject to investment risk, including loss of value (when this disclosure is accurate). [§.40 (a)(3)] <p>2. If insurance or annuity sales are conducted by mail or telephone, does the institution provide insurance disclosures in the appropriate manner and within the appropriate period prescribed in the regulation? [§.40 (c) (2)(3) and (4)]</p>		



INSURANCE CONSUMER PROTECTION Checklist

		Yes	No			Yes	No
3. If insurance is offered or sold in connection with an application for credit, does the institution disclose to the consumer, orally and in writing, that it may not condition approval of the credit application on either:				<u>Advertising</u>			
<ul style="list-style-type: none"> • The consumer's purchase of an insurance product or annuity; [§.40 (b)(1)] or • The Consumer's agreement not to obtain or a prohibition on the consumer from obtaining, an insurance product, or annuity from an unaffiliated entity. [§.40 (b)(2)] 				1. Does the institution ensure that advertisements and/or promotional materials for marketing insurance products or annuities refrain from using misleading or inaccurate statements?			
4. If applications for credit are conducted by mail or telephone, does the institution or covered person provide credit disclosures (a) in the appropriate manner and (b) within the appropriate period prescribed in the regulation? [§.40 (c) (2)(3) and (4)]				2. If advertisements or promotional materials for insurance products or annuities are not of a general nature [§. 40 (d)], are the following disclosures stated in a readily understandable format:			
5. When disclosures are delivered in electronic format (a), does the consumer affirmatively consent to receiving them electronically and (b) are they provided in a format the consumer can retain or obtain later? [§. 40 (c) (4)]				<ul style="list-style-type: none"> • NOT A DEPOSIT • NOT FDIC INSURED • NOT INSURED BY ANY FEDERAL GOVERNMENT AGENCY • NOT GUARANTEED BY THE SAVINGS ASSOCIATION • MAY GO DOWN IN VALUE 			
6. Does the institution or covered person provide disclosures to consumers that are readily understandable, simple, conspicuous, direct and designed to call attention to the significance of the information provided? [§ .40 (c)(5) and (6)]				3. Does the institution or covered person use the short-form model language for insurance disclosures in advertising or promotional materials?			
<u>Consumer Acknowledgment</u>				4. Are the contents of advertising copy, promotional materials, and signage reviewed for accuracy, completeness, and compliance with laws and regulations before publication?			
1. When insurance and credit disclosures are given to a consumer, does the institution or covered person obtain a written acknowledgment of receipt from the consumer?				<u>Location of Sales Activities</u>			
2. If insurance or credit disclosures provided orally in telephone transaction, does the institution ensure the consumer's oral acknowledgment of receipt is documented and reasonable attempts are made to obtain a written acknowledgment? [§ .40 (c)(7)]				1. Are insurance or annuity sales activities conducted in an area of a branch or office, physically distinct and segregated from routine deposit taking areas (typically teller windows and teller lines)? [§ .50 (a)]			
				<u>Licensing and Referral Requirements</u>			
				1. Are sales representatives appropriately qualified and licensed to sell specific insurance products or annuities?			



INSURANCE CONSUMER PROTECTION Checklist

	Yes	No
2. When the institution compensates employees (for referring customers seeking to purchase insurance or annuities to a qualified, licensed sales representative), is the employee paid compensation ONLY when the following conditions occur:		
• Compensation paid for making the referral is no more than a one-time, nominal fee of a fixed-dollar amount; and		
• Compensation is paid regardless of whether a sale results.		
3. Does the institution's training program ensure that deposit-taking employees (typically tellers) understand the strict limitations of making consumer referrals?		

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PRIVACY Checklist

Yes	No	
		SUBPART A
		Initial Privacy Notice
		<p><i>(Note: no notice is required if nonpublic personal information is disclosed to nonaffiliated third parties only under an exception in Sections 14 and 15, and there is no customer relationship. [§4(b)] With respect to credit relationships, an institution establishes a customer relationship when it originates a consumer loan. If the institution subsequently sells the servicing rights to the loan to another financial institution, the customer relationship transfers with the servicing rights. [§4(c)]</i></p>
		1. Does the institution provide a clear and conspicuous notice that accurately reflects its privacy policies and practices to <u>all customers</u> not later than when the customer relationship is established, other than as allowed in paragraph (e) of section four (4) of the regulation? [§4(a)(1)]
		2. Does the institution provide a clear and conspicuous notice that accurately reflects its privacy policies and practices to <u>all consumers</u> , who are not customers, before any nonpublic personal information about the consumer is disclosed to a nonaffiliated third party, other than under an exception in §§14 or 15? [§4(a)(2)]
		3. Does the institution provide to <u>existing customers</u> , who obtain a new financial product or service, an initial privacy notice that covers the customer's new financial product or service, if the most recent notice provided to the customer was not accurate with respect to the new financial product or service? [§4(d)(1)]
		4. Does the institution provide initial notice <u>after establishing a customer relationship</u> only if:
		a. the customer relationship is not established at the customer's election; [§4(e)(1)(i)] or
		b. to do otherwise would substantially delay the customer's transaction (e.g. in the case of a telephone application), and the customer agrees to the subsequent delivery? [§4(e)(1)(ii)]
		5. When the subsequent delivery of a privacy notice is permitted, does the institution provide notice after establishing a customer relationship within a reasonable time? [§4(e)]
		Annual Privacy Notice
		6. Does the institution provide a clear and conspicuous notice that accurately reflects its privacy policies and practices at least annually (that is, at least once in any period of 12 consecutive months) to all customers, throughout the customer relationship? [§5(a)(1)and (2)]
		<i>(Note: annual notices are not required for former customers. [§5(b)(1)and (2)])</i>
		7. Does the institution provide an annual privacy notice to each customer whose loan the institution owns the right to service? [§5(c), 4(c)(2)]



PRIVACY Checklist

Yes	No	
		Content of Privacy Notices
		8. Do the initial, annual, and revised privacy notices include each of the following, as applicable:
		a. the categories of nonpublic personal information that the institution collects; [§6(a)(1)]
		b. the categories of nonpublic personal information that the institution discloses; [§6(a)(2)]
		c. the categories of affiliates and nonaffiliated third parties to whom the institution discloses nonpublic personal information, other than parties to whom information is disclosed under an exception in §14 or §15; [§6(a)(3)]
		d. the categories of nonpublic personal information disclosed about former customers, and the categories of affiliates and nonaffiliated third parties to whom the institution discloses that information, other than those parties to whom the institution discloses information under an exception in §14 or §15; [§6(a)(4)]
		e. if the institution discloses nonpublic personal information to a nonaffiliated third party under §13, and no exception under §14 or §15 applies, a separate statement of the categories of information the institution discloses and the categories of third parties with whom the institution has contracted; [§6(a)(5)]
		f. an explanation of the opt out right, including the method(s) of opt out that the consumer can use at the time of the notice; [§6(a)(6)]
		g. any disclosures that the institution makes under §603(d)(2)(A)(iii) of the Fair Credit Reporting Act (FCRA); [§6(a)(7)]
		h. the institution's policies and practices with respect to protecting the confidentiality and security of nonpublic personal information; [§6(a)(8)] and
		i. a general statement--with no specific reference to the exceptions or to the third parties--that the institution makes disclosures to other nonaffiliated third parties as permitted by law? [§6(a)(9), (b)]
		<i>(Note: sample clauses for these items appear in Appendix A of the Regulation.)</i>
		9. Does the institution list the following categories of nonpublic personal information that it collects, as applicable:
		a. information from the consumer; [§6(c)(1)(i)]
		b. information about the consumer's transactions with the institution or its affiliates; [§6(c)(1)(ii)]
		c. information about the consumer's transactions with nonaffiliated third parties; [§6(c)(1)(iii)] and
		d. information from a consumer reporting agency? [§6(c)(1)(iv)]



PRIVACY Checklist

Yes	No	
		10. Does the institution list the following categories of nonpublic personal information that it discloses, as applicable, and a few examples of each, or alternatively state that it reserves the right to disclose all the nonpublic personal information that it collects:
		a. information from the consumer;
		b. information about the consumer's transactions with the institution or its affiliates;
		c. information about the consumer's transactions with nonaffiliated third parties; and
		d. information from a consumer reporting agency? [§6(c)(2)]
		11. Does the institution list the following categories of affiliates and nonaffiliated third parties to whom it discloses information, as applicable, and a few examples to illustrate the types of the third parties in each category:
		a. financial service providers; [§6(c)(3)(i)]
		b. non-financial companies; [§6(c)(3)(ii)] and
		c. others? [§6(c)(3)(iii)]
		12. Does the institution make the following disclosures regarding service providers and joint marketers to whom it discloses nonpublic personal information under §13:
		a. as applicable, the same categories and examples of nonpublic personal information disclosed as described in paragraphs (a)(2) and (c)(2) of section six (6) (see questions 8b and 10); and [§6(c)(4)(i)]
		b. that the third party is a service provider that performs marketing on the institution's behalf or on behalf of the institution and another financial institution; [§6(c)(4)(ii)(A)] or
		c. that the third party is a financial institution with which the institution has a joint marketing agreement? [§6(c)(4)(ii)(B)]
		13. If the institution does not disclose nonpublic personal information, and does not reserve the right to do so, other than under exceptions in §14 and §15, does the institution provide a simplified privacy notice that contains at a minimum:
		a. a statement to this effect;
		b. the categories of nonpublic personal information it collects;
		c. the policies and practices the institution uses to protect the confidentiality and security of nonpublic personal information; and
		d. a general statement that the institution makes disclosures to other nonaffiliated third parties as permitted by law? [§6(c)(5)]
		<i>(Note: use of this type of simplified notice is optional; an institution may always use a full notice.)</i>



PRIVACY Checklist

Yes	No	
		14. Does the institution describe the following about its policies and practices with respect to protecting the confidentiality and security of nonpublic personal information:
		a. who is authorized to have access to the information; and [§6(c)(6)(i)]
		b. whether security practices and policies are in place to ensure the confidentiality of the information in accordance with the institution's policy? [§6(c)(6)(ii)]
		<i>(Note: the institution is not required to describe technical information about the safeguards used in this respect.)</i>
		15. If the institution provides a short-form initial privacy notice with the opt out notice, does the institution do so only to consumers with whom the institution does not have a customer relationship? [§6(d)(1)]
		16. If the institution provides a short-form initial privacy notice according to §6(d)(1), does the short-form initial notice:
		a. conform to the definition of "clear and conspicuous"; [§6(d)(2)(i)]
		b. state that the institution's full privacy notice is available upon request; [§6(d)(2)(ii)] and
		c. explain a reasonable means by which the consumer may obtain the notice? [§6(d)(2)(iii)]
		<i>(Note: the institution is not required to deliver the full privacy notice with the short-form initial notice. [§6(d)(3)])</i>
		17. Does the institution provide consumers who receive the short-form initial notice with a reasonable means of obtaining the longer initial notice, such as:
		a. a toll-free telephone number that the consumer may call to request the notice; [§6(d)(4)(i)] or
		b. for the consumer who conducts business in person at the institution's office, having copies available to provide immediately by hand-delivery? [§6(d)(4)(ii)]
		18. If the institution, in its privacy policies, reserves the right to disclose nonpublic personal information to nonaffiliated third parties in the future, does the privacy notice include, as applicable, the:
		a. categories of nonpublic personal information that the financial institution reserves the right to disclose in the future, but does not currently disclose; [§6(e)(1)] and
		b. categories of affiliates or nonaffiliated third parties to whom the financial institution reserves the right in the future to disclose, but to whom it does not currently disclose, nonpublic personal information? [§6(e)(2)]
		Opt Out Notice
		19. If the institution discloses nonpublic personal information about a consumer to a nonaffiliated third party, and the exceptions under §§13-15 do not apply, does the institution provide the consumer with a clear and conspicuous opt out notice that accurately explains the right to opt out? [§7(a)(1)]



PRIVACY Checklist

Yes	No	
		20. Does the opt out notice state:
		a. that the institution discloses or reserves the right to disclose nonpublic personal information about the consumer to a nonaffiliated third party; [§7(a)(1)(i)]
		b. that the consumer has the right to opt out of that disclosure; [§7(a)(1)(ii)] and
		c. a reasonable means by which the consumer may opt out? [§7(a)(1)(iii)]
		21. Does the institution provide the consumer with the following information about the right to opt out:
		a. all the categories of nonpublic personal information that the institution discloses or reserves the right to disclose; [§7(a)(2)(i)(A)]
		b. all the categories of nonaffiliated third parties to whom the information is disclosed; [§7(a)(2)(i)(A)];
		c. that the consumer has the right to opt out of the disclosure of that information; [§7(a)(2)(i)(A)] and
		d. the financial products or services that the consumer obtains to which the opt out direction would apply? [§7(a)(2)(i)(B)]
		22. Does the institution provide the consumer with at least one of the following reasonable means of opting out, or with another reasonable means:
		a. check-off boxes prominently displayed on the relevant forms with the opt out notice; [§7(a)(2)(ii)(A)]
		b. a reply form included with the opt out notice; [§7(a)(2)(ii)(B)]
		c. an electronic means to opt out, such as a form that can be sent via electronic mail or a process at the institution's web site, if the consumer agrees to the electronic delivery of information; [§7(a)(2)(ii)(C)] or
		d. a toll-free telephone number? [§7(a)(2)(ii)(D)]
		<i>(Note: the institution may require the consumer to use one specific means, as long as that means is reasonable for that consumer. [§7(a)(iv)])</i>
		23. If the institution delivers the opt out notice after the initial notice, does the institution provide the initial notice once again with the opt out notice? [§7(c)]
		24. Does the institution provide an opt out notice, explaining how the institution will treat opt out directions by the joint consumers, to at least one party in a joint consumer relationship? [§7(d)(1)]
		25. Does the institution permit each of the joint consumers in a joint relationship to opt out? [§7(d)(2)]
		26. Does the opt out notice to joint consumers state that either:
		a. the institution will consider an opt out by a joint consumer as applying to all associated joint consumers; [§7(d)(2)(i)] or



PRIVACY Checklist

Yes	No	
		b. each joint consumer is permitted to opt out separately? [§7(d)(2)(ii)]
		27. If each joint consumer may opt out separately, does the institution permit:
		a. one joint consumer to opt out on behalf of all of the joint consumers; [§7(d)(3)]
		b. the joint consumers to notify the institution in a single response; [§7(d)(5)] and
		c. each joint consumer to opt out either for himself or herself, and/or for another joint consumer? [§7(d)(5)]
		28. Does the institution refrain from requiring all joint consumers to opt out before implementing any opt out direction with respect to the joint account? [§7(d)(4)]
		29. Does the institution comply with a consumer's direction to opt out as soon as is reasonably practicable after receiving it? [§7(e)]
		30. Does the institution allow the consumer to opt out at any time? [§7(f)]
		31. Does the institution continue to honor the consumer's opt out direction until revoked by the consumer in writing, or, if the consumer agrees, electronically? [§7(g)(1)]
		32. When a customer relationship ends, does the institution continue to apply the customer's opt out direction to the nonpublic personal information collected during, or related to, that specific customer relationship (but not to new relationships, if any, subsequently established by that customer)? [§7(g)(2)]
		Revised Notices
		33. Except as permitted by §§13-15, does the institution refrain from disclosing any nonpublic personal information about a consumer to a nonaffiliated third party, other than as described in the initial privacy notice provided to the consumer, unless:
		a. the institution has provided the consumer with a clear and conspicuous revised notice that accurately describes the institution's privacy policies and practices; [§8(a)(1)]
		b. the institution has provided the consumer with a new opt out notice; [§8(a)(2)]
		c. the institution has given the consumer a reasonable opportunity to opt out of the disclosure, before disclosing any information; [§8(a)(3)] and
		d. the consumer has not opted out? [§8(a)(4)]
		34. Does the institution deliver a revised privacy notice when it:
		a. discloses a new category of nonpublic personal information to a nonaffiliated third party; [§8(b)(1)(i)]
		b. discloses nonpublic personal information to a new category of nonaffiliated third party; [§8(b)(1)(ii)] or
		c. discloses nonpublic personal information about a former customer to a nonaffiliated third party, if that former customer has not had the opportunity to exercise an opt out right regarding that disclosure? [§8(b)(1)(iii)]



PRIVACY Checklist

Yes	No	
		<p><i>(Note: a revised notice is not required if the institution adequately described the nonaffiliated third party or information to be disclosed in the prior privacy notice. [§8(b)(2)])</i></p>
		Delivery Methods
		35. Does the institution deliver the privacy and opt out notices, including the short-form notice, so that the consumer can reasonably be expected to receive actual notice in writing or, if the consumer agrees, electronically? [§9(a)]
		36. Does the institution use a reasonable means for delivering the notices, such as:
		a. hand-delivery of a printed copy; [§9(b)(1)(i)]
		b. mailing a printed copy to the last known address of the consumer; [§9(b)(1)(ii)]
		c. for the consumer who conducts transactions electronically, clearly and conspicuously posting the notice on the institution’s electronic site and requiring the consumer to acknowledge receipt as a necessary step to obtaining a financial product or service; [§9(b)(1)(iii)] or
		d. for isolated transactions, such as ATM transactions, posting the notice on the screen and requiring the consumer to acknowledge receipt as a necessary step to obtaining the financial product or service? [§9(b)(1)(iv)]
		<p><i>(Note: insufficient or unreasonable means of delivery include: exclusively oral notice, in person or by telephone; branch or office signs or generally published advertisements; and electronic mail to a customer who does not obtain products or services electronically. [§9(b)(2)(i) and (ii), and (d)])</i></p>
		37. For annual notices only, if the institution does not employ one of the methods described in question 36, does the institution employ one of the following reasonable means of delivering the notice such as:
		a. for the customer who uses the institution’s web site to access products and services electronically and who agrees to receive notices at the web site, continuously posting the current privacy notice on the web site in a clear and conspicuous manner; [§9(c)(1)] or
		b. for the customer who has requested the institution refrain from sending any information about the customer relationship, making copies of the current privacy notice available upon customer request? [§9(c)(2)]
		38. For customers only, does the institution ensure that the initial, annual, and revised notices may be retained or obtained later by the customer in writing, or if the customer agrees, electronically? [§9(e)(1)]
		39. Does the institution use an appropriate means to ensure that notices may be retained or obtained later, such as:
		a. hand-delivery of a printed copy of the notice; [§9(e)(2)(i)]
		b. mailing a printed copy to the last known address of the customer; [§9(e)(2)(ii)] or



PRIVACY Checklist

Yes	No	
		c. making the current privacy notice available on the institution's web site (or via a link to the notice at another site) for the customer who agrees to receive the notice at the web site? [§9(e)(2)(iii)]
		40. Does the institution provide at least one initial, annual, and revised notice, as applicable, to joint consumers? [§9(g)]
SUBPART B		
Limits on Disclosure to Nonaffiliated Third Parties		
		41. Does the institution refrain from disclosing any nonpublic personal information about a consumer to a nonaffiliated third party, other than as permitted under §§13-15, unless:
		a. it has provided the consumer with an initial notice; [§10(a)(1)(i)]
		b. it has provided the consumer with an opt out notice; [§10(a)(1)(ii)]
		c. it has given the consumer a reasonable opportunity to opt out before the disclosure; [§10(a)(1)(iii)] and
		d. the consumer has not opted out? [§10(a)(1)(iv)]
<p><i>(Note: this disclosure limitation applies to consumers as well as to customers [§10(b)(1)], and to all nonpublic personal information regardless of whether collected before or after receiving an opt out direction. [§10(b)(2)])</i></p>		
		42. Does the institution provide the consumer with a reasonable opportunity to opt out such as by:
		a. mailing the notices required by §10 and allowing the consumer to respond by toll-free telephone number, return mail, or other reasonable means (see question 22) within 30 days from the date mailed; [§10(a)(3)(i)]
		b. where the consumer opens an on-line account with the institution and agrees to receive the notices required by §10 electronically, allowing the consumer to opt out by any reasonable means (see question 22) within 30 days from consumer acknowledgement of receipt of the notice in conjunction with opening the account; [§10(a)(3)(ii)] or
		c. for isolated transactions, providing the notices required by §10 at the time of the transaction and requesting that the consumer decide, as a necessary part of the transaction, whether to opt out before the completion of the transaction? [§10(a)(3)(iii)]
		43. Does the institution allow the consumer to select certain nonpublic personal information or certain nonaffiliated third parties with respect to which the consumer wishes to opt out? [§10(c)]
<p><i>(Note: an institution may allow partial opt outs in addition to, but may not allow them instead of, a comprehensive opt out.)</i></p>		



PRIVACY Checklist

Yes	No	
		<p>Limits on Redisdisclosure and Reuse of Information</p> <p>44. If the institution receives information from a nonaffiliated financial institution under an exception in §14 or §15, does the institution refrain from using or disclosing the information except:</p> <p>a. to disclose the information to the affiliates of the financial institution from which it received the information; [§11(a)(1)(i)]</p> <p>b. to disclose the information to its own affiliates, which are in turn limited by the same disclosure and use restrictions as the recipient institution; [§11(a)(1)(ii)] and</p> <p>c. to disclose and use the information pursuant to an exception in §14 or §15 in the ordinary course of business to carry out the activity covered by the exception under which the information was received? [§11(a)(1)(iii)]</p> <p><i>(Note: the disclosure or use described in section c of this question need not be directly related to the activity covered by the applicable exception. For instance, an institution receiving information for fraud-prevention purposes could provide the information to its auditors. But “in the ordinary course of business” does not include marketing. [§11(a)(2)])</i></p> <p>45. If the institution receives information from a nonaffiliated financial institution other than under an exception in §14 or §15, does the institution refrain from disclosing the information except:</p> <p>a. to the affiliates of the financial institution from which it received the information; [§11(b)(1)(i)]</p> <p>b. to its own affiliates, which are in turn limited by the same disclosure restrictions as the recipient institution; [§11(b)(1)(ii)] and</p> <p>c. to any other person, if the disclosure would be lawful if made directly to that person by the institution from which the recipient institution received the information? [§11(b)(1)(iii)]</p>
		<p>Limits on Sharing Account Number Information for Marketing Purposes</p> <p>46. Does the institution refrain from disclosing, directly or through affiliates, account numbers or similar forms of access numbers or access codes for a consumer's credit card account, deposit account, or transaction account to any nonaffiliated third party (other than to a consumer reporting agency) for telemarketing, direct mail or electronic mail marketing to the consumer, except:</p> <p>a. to the institution's agents or service providers solely to market the institution's own products or services, as long as the agent or service provider is not authorized to directly initiate charges to the account; [§12(b)(1)] or</p> <p>b. to a participant in a private label credit card program or an affinity or similar program where the participants in the program are identified to the customer when the customer enters into the program? [§12(b)(2)]</p>



Yes	No	
		<p><i>(Note: an “account number or similar form of access number or access code” does not include numbers in encrypted form, so long as the institution does not provide the recipient with a means of decryption. [§12(c)(1)] A transaction account does not include an account to which third parties <u>cannot</u> initiate charges. [§12(c)(2)])</i></p>
		<p>SUBPART C</p>
		<p>Exception to Opt Out Requirements for Service Providers and Joint Marketing</p>
		<p>47. If the institution discloses nonpublic personal information to a nonaffiliated third party without permitting the consumer to opt out, do the opt out requirements of §7 and §10, and the revised notice requirements in §8, not apply because:</p>
		<p>a. the institution disclosed the information to a nonaffiliated third party who performs services for or functions on behalf of the institution (including joint marketing of financial products and services offered pursuant to a joint agreement as defined in paragraph (b) of §13); [§13(a)(1)]</p>
		<p>b. the institution has provided consumers with the initial notice; [§13(a)(1)(i)] and</p>
		<p>c. the institution has entered into a contract with that party prohibiting the party from disclosing or using the information except to carry out the purposes for which the information was disclosed, including use under an exception in §14 or §15 in the ordinary course of business? [§13(a)(1)(ii)]</p>
		<p>Exceptions to Notice and Opt Out Requirements for Processing and Servicing Transactions</p>
		<p>48. If the institution discloses nonpublic personal information to nonaffiliated third parties, do the requirements for initial notice in §4(a)(2), opt out in §§7 and 10, revised notice in §8, and for service providers and joint marketing in §13, not apply because the information is disclosed as necessary to effect, administer, or enforce a transaction that the consumer requests or authorizes, or in connection with:</p>
		<p>a. servicing or processing a financial product or service requested or authorized by the consumer; [§14(a)(1)]</p>
		<p>b. maintaining or servicing the consumer's account with the institution or with another entity as part of a private label credit card program or other credit extension on behalf of the entity; or [§14(a)(2)]</p>
		<p>c. a proposed or actual securitization, secondary market sale (including sale of servicing rights) or other similar transaction related to a transaction of the consumer? [§14(a)(3)]</p>
		<p>49. If the institution uses a Section 14 exception as necessary to effect, administer, or enforce a transaction, is it :</p>
		<p>a. required, or is one of the lawful or appropriate methods to enforce the rights of the institution or other persons engaged in carrying out the transaction or providing the product or service; [§14(b)(1)] or</p>
		<p>b. required, or is a usual, appropriate, or acceptable method to:[§14(b)(2)]</p>



PRIVACY Checklist

Yes	No	
		i. carry out the transaction or the product or service of which the transaction is a part, including recording, servicing, or maintaining the consumer's account in the ordinary course of business; [§14(b)(2)(i)]
		ii. administer or service benefits or claims; [§14(b)(2)(ii)]
		iii. confirm or provide a statement or other record of the transaction or information on the status or value of the financial service or financial product to the consumer or the consumer's agent or broker; [§14(b)(2)(iii)]
		iv. accrue or recognize incentives or bonuses; [§14(b)(2)(iv)]
		v. underwrite insurance or for reinsurance or for certain other purposes related to a consumer's insurance; [§14(b)(2)(v)] or
		vi. in connection with:
		(1) the authorization, settlement, billing, processing, clearing, transferring, reconciling, or collection of amounts charged, debited, or otherwise paid by using a debit, credit, or other payment card, check, or account number, or by other payment means; [§14(b)(2)(vi)(A)]
		(2) the transfer of receivables, accounts or interests therein; [§14(b)(2)(vi)(B)] or
		(3) the audit of debit, credit, or other payment information? [§14(b)(2)(vi)(C)]
Other Exceptions to Notice and Opt Out Requirements		
		50. If the institution discloses nonpublic personal information to nonaffiliated third parties, do the requirements for initial notice in §4(a)(2), opt out in §§7 and 10, revised notice in §8, and for service providers and joint marketers in §13, not apply because the institution makes the disclosure:
		a. with the consent or at the direction of the consumer; [§15(a)(1)]
		i. to protect the confidentiality or security of records; [§15(a)(2)(i)]
		ii. to protect against or prevent actual or potential fraud, unauthorized transactions, claims, or other liability; [§15(a)(2)(ii)]
		iii. for required institutional risk control or for resolving consumer disputes or inquiries; [§15(a)(2)(iii)]
		iv. to persons holding a legal or beneficial interest relating to the consumer; [§15(a)(2)(iv)] or
		v. to persons acting in a fiduciary or representative capacity on behalf of the consumer; [§15(a)(2)(v)]
		b. to insurance rate advisory organizations, guaranty funds or agencies, agencies rating the institution, persons assessing compliance, and the institution's attorneys, accountants, and auditors; [§15(a)(3)]



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Yes	No	
		c. in compliance with the Right to Financial Privacy Act, or to law enforcement agencies; [§15(a)(4)]
		d. to a consumer reporting agency in accordance with the FCRA or from a consumer report reported by a consumer reporting agency; [§15(a)(5)]
		e. in connection with a proposed or actual sale, merger, transfer, or exchange of all or a portion of a business or operating unit, if the disclosure of nonpublic personal information concerns solely consumers of such business or unit; [§15(a)(6)]
		f. to comply with Federal, state, or local laws, rules, or legal requirements; [§15(a)(7)(i)]
		g. to comply with a properly authorized civil, criminal, or regulatory investigation, or subpoena or summons by Federal, state, or local authorities; [§15(a)(7)(ii)] or
		h. to respond to judicial process or government regulatory authorities having jurisdiction over the institution for examination, compliance, or other purposes as authorized by law? [§15(a)(7)(iii)]
		<p><i>(Note: the regulation gives the following as an example of the exception described in section a of this question: “A consumer may specifically consent to [an institution’s] disclosure to a nonaffiliated insurance company of the fact that the consumer has applied to [the institution] for a mortgage so that the insurance company can offer homeowner’s insurance to the consumer.”)</i></p>