7535-

This document is scheduled to be published in the
Federal Register on 2026-11-16 and available online at
https://www.federalregister.gov/d/2026-23286, and on
https://govinfo.gov

NATIONAL CREDIT UNION ADMINISTRATION

12 CFR Part 716

RIN 3133-AG13

Privacy of Consumer Financial Information

AGENCY: National Credit Union Administration (NCUA).

ACTION: Final rule.

SUMMARY: The NCUA Board (Board) is issuing a final rule to make technical corrections to provisions of the NCUA's regulations. The technical amendments improve clarity by removing obsolete references to the privacy of consumer financial information regulation, which the NCUA no longer administers.

DATES: The final rule is effective on [INSERT DATE OF PUBLICATION IN THE FEDERAL REGISTER].

FOR FURTHER INFORMATION CONTACT: John H. Brolin, Senior Staff Attorney, Division of Regulations and Legislation, Office of General Counsel, at (703) 518-6540 or at 1775 Duke Street, Alexandria, VA 22314.

SUPPLEMENTARY INFORMATION:

I. Introduction

A. Background

Historically the NCUA, along with the Office of the Comptroller of the Currency, Treasury; Board of Governors of the Federal Reserve System; Federal Deposit Insurance Corporation; Office of Thrift Supervision, Treasury; and Farm Credit Administration (collectively, the Agencies) maintained regulations[1] implementing the privacy provisions of subtitle A of title V of the Gramm-Leach-Bliley Act (GLB Act). These rules required financial institutions to provide initial and annual privacy notices to their customers under section 728 of the Financial Services Regulatory Relief Act of 2006.

The Dodd-Frank Act was signed into law in 2010.[2] The Dodd-Frank Act substantially changed the federal legal framework for consumer financial protection regulation. Among the many changes, title X of the Dodd-Frank Act transferred the NCUA's GLB Act rulemaking authority to the Consumer Financial Protection Bureau (CFPB).[3] As a result, the NCUA rescinded its rule governing consumer financial information privacy, 12 CFR part 716.[4] CFPB republished consumer financial protection requirements as interim final rules at 12 CFR part 1016.[5]

To assist federally insured credit unions during the transition, the NCUA retained part 716 under its original heading and amended it to replace the requirements with a cross-citation to the CFPB's interim final rules as described above.[6]

The Board periodically issues rules as technical amendments to remove outdated information. Consistent with the treatment of other consumer financial protection laws,

---

[1] See, e.g., 74 FR 62890 (Dec. 1, 2009).
[2] Public Law 111-203, 124 Stat. 1376, 1955-2113 (2010).
[3] 12 U.S.C. 5101 *et seq.*
[4] 78 FR 32541 (May 31, 2013).
[5] *See* 76 FR 79028 (Dec. 21, 2011).
[6] 78 FR 32541.

this final rule removes obsolete cross-citations to the CFPB's regulations governing the privacy of consumer financial information because NCUA no longer has rulemaking authority in this area. Because these changes are technical in nature, the Board adopts these amendments as final rules without the opportunity for notice and comment typically required by the Administrative Procedure Act (APA).[7] This final rule makes technical amendments that do not require affected parties to adjust their behavior before the final rule takes effect.[8] Therefore, the Board is issuing this final rule to address the types of matters described in this paragraph with an immediate effective date and without notice and comment.

B. Legal Authority

The Board has the legal authority to issue this final rule pursuant to its plenary rulemaking authority under the Federal Credit Union Act and its specific rulemaking authority under the various acts the Board administers.[9]

II. Final Rule

The final rule amends current part 716 to remove the cross-citation to the CFPB's regulations governing the privacy of consumer financial information. The section currently provides that the NCUA's rule, formerly published at 12 CFR part 716, has been republished by the CFPB at 12 CFR part 1016, "Privacy of Consumer Financial Information (Regulation P)." As explained in the Background of this preamble, this part merely cross-references the applicable consumer financial protection regulation, which is maintained by the CFPB. Because this part, as amended in 2011, was intended only to assist credit unions with the 2011 transfer of NCUA's rules to the CFPB, this part is no longer necessary. Accordingly, this final rule removes current part 716 in its entirety and reserves the part.

---

[7] 5 U.S.C. 553(b)(A), (B).

[8] 5 U.S.C. 553(d)(3).

[9] 12 U.S.C. 1766, 1789.

III. Regulatory Procedures

A. Executive Orders 12866, 13563, 14192

Pursuant to Executive Order 12866 ("Regulatory Planning and Review"), a determination must be made whether a regulatory action is significant and therefore subject to review by the Office of Information and Regulatory Affairs (OIRA), within the Office of Management and Budget (OMB) in accordance with the requirements of the Executive Order.[10] Executive Order 13563 ("Improving Regulation and Regulatory Review") supplements and reaffirms the principles, structures, and definitions governing contemporary regulatory review established in Executive Order 12866.[11] This final rule was drafted and reviewed in accordance with Executive Order 12866 and Executive Order 13563. OIRA has determined that this final rule is not a "significant regulatory action" as defined by section 3(f) of Executive Order 12866.

Executive Order 14192 ("Unleashing Prosperity Through Deregulation") requires that any new incremental costs associated with new regulations shall, to the extent permitted by law, be offset by the elimination of existing costs associated with at least 10 prior regulations.[12] This final rule is not an Executive Order 14192 regulatory action because this rule is not significant under Executive Order 12866. This final rule is considered an Executive Order 14192 deregulatory action.

B. The Regulatory Flexibility Act

The Regulatory Flexibility Act requires the Board to prepare an analysis of any significant economic impact a regulation may have on a substantial number of small entities.[13] The Board has designated federally insured credit unions with less than $100

[10] 58 FR 51735 (Oct. 4, 1993).
[11] 76 FR 3821 (Jan.21, 2011).
[12] 90 FR 9065 (Feb. 6, 2025).
[13] 5 U.S.C. 601 – 612.

million in assets as small entities for this purpose.[14] As discussed previously, consistent with the APA,[15] the Board has determined for good cause that general notice and opportunity for public comment is unnecessary, and therefore the Board is not issuing a notice of proposed rulemaking. Rules for which notice and comment procedures are not required are not subject to the Regulatory Flexibility Act's requirements, including conducting a regulatory flexibility analysis. Accordingly, the Board has concluded that the Regulatory Flexibility Act's requirements relating to initial and final regulatory flexibility analyses do not apply.

Nevertheless, if these requirements applied, the Board would determine that the final rule does not have a significant economic impact on a substantial number of small entities because it does not impose or alter any rights or obligations on non-agency parties. The final rule simply removes certain obsolete regulations.

C. The Paperwork Reduction Act

The Paperwork Reduction Act of 1995 (PRA) generally provides that an agency may not conduct or sponsor, and not withstanding any other provision of law, a person is not required to respond to, a collection of information, unless it displays a currently valid Office of Management and Budget control number. The PRA applies to rulemakings in which an agency creates a new or amends existing information collection requirements. For purposes of the PRA, an information-collection requirement may take the form of a reporting, recordkeeping, or a third-party disclosure requirement. The NCUA has determined that the changes addressed in this notice do not create a new information collection or revise an existing information collection as defined by the PRA.

---

[14] NCUA Interpretive Ruling and Policy Statement 15–1, 80 FR 57512 (Sept. 24, 2015), *available at* https://ncua.gov/regulation-supervision/rules-regulations/interpretive-rulings-policy-statements.

[15] 5 U.S.C. 553(b)(3)(B).

D. Executive Order 13132 on Federalism

Executive Order 13132 encourages certain agencies to consider the impact of their actions on state and local interests.[16] The NCUA, an agency as defined in 44 U.S.C. 3502(5), voluntarily complies with the executive order to adhere to fundamental federalism principles. The final rule does not have substantial direct effects on the states, on the relationship between the national government and the states, or on the distribution of power and responsibilities among the various levels of government. The final rule does not create or alter existing rights or requirements that apply to federally insured, state-chartered credit unions or affect the ability of state regulatory agencies to examine, supervise, or regulate such credit unions. The NCUA has therefore determined that this final rule does not constitute a policy that has federalism implications for purposes of the executive order.

E. Assessment of Federal Regulations and Policies on Families

The NCUA has determined that this rule will not affect family well-being within the meaning of section 654 of the Treasury and General Government Appropriations Act.[17]

F. Congressional Review Act

Subtitle E of the Small Business Regulatory Enforcement Fairness Act of 1996 (also known as the Congressional Review Act or CRA) generally provides for congressional review of agency rules.[18] NCUA must submit a report to Congress and the Comptroller General when it issues a final rule, as defined by the CRA.[19] An agency rule, in addition to being subject to congressional oversight, may also be subject to a delayed effective date if the rule is a "major rule." OIRA has determined that this final rule is not

---

[16] "Federalism," E.O. 13,132 (Aug. 10, 1999).

[17] Pub. L. 105–277, sec. 654, 112 Stat. 2681, 2681-528 (1998).

[18] 5 U.S.C. 801-808.

[19] 5 U.S.C. 804(3).

a major rule as defined by the CRA.[20] The delayed effective date required by the CRA does not apply to any rule for which an agency for good cause finds (and incorporates the finding and a brief statement of reasons therefor in the rule issued) that notice and public procedure thereon are impracticable, unnecessary, or contrary to the public interest.[21] For the same reasons noted above with respect to forgoing notice and comment in adopting this final rule, NCUA is adopting the final rule without the delayed effective date generally prescribed under the CRA.

List of Subjects in 12 CFR Part 716

Consumer protection, Credit unions, Privacy, Reporting and recordkeeping requirements.

By the National Credit Union Administration Board, this 12th day of November, 2026.

Melane Conyers-Ausbrooks,
Secretary of the Board.

PART 716 [REMOVED AND RESERVED]

For the reasons discussed in the preamble, and under the authority of 15 U.S.C. 6801 *et seq.* and 12 U.S.C. 1751 *et seq.*, the Board removes and reserves 12 CFR part 716, which consists of § 716.1.

[FR Doc. 2026-23286 Filed: 11/13/2026 8:45 am; Publication Date: 11/16/2026]

[20] 5 U.S.C. 804(2).
[21] 5 U.S.C. 808.