

Summary of Proposed New 23 NYCRR 201.

Section 201.00 introduces the rule.

Section 201.01 defines terms used throughout the rule.

Section 201.02 requires that every consumer credit reporting agency that assembles, evaluates, or maintains a consumer credit report on any consumers located in New York State register with the Superintendent of Financial Services (“Superintendent”). Registrants shall be subject to examination by the Superintendent as necessary.

Section 201.03 prohibits any individual or entity from assembling, evaluating, or maintaining a consumer credit report on any consumers located in New York State without having registered with the Superintendent. The section further prohibits any Department of Financial Services (“DFS”) regulated entity from paying any fee or transmitting any information to any consumer credit reporting agency who fails to register as required.

Section 201.04 requires annual reporting of information requested by the Superintendent, and such other regular reporting as the Superintendent may require. Additionally, the Superintendent may address an inquiry to a consumer credit reporting agency in relation to its assembly, evaluation, or maintenance of any consumer credit report on any consumers located in New York. The information disclosed by consumer credit reporting agencies is deemed confidential and not subject to disclosure unless it is determined necessary for the Superintendent or DFS to carry out their powers and duties conferred by law.

Section 201.05 authorizes the Superintendent to refuse to renew, revoke, or suspend the registration of any consumer credit reporting agency if, after notice and hearing, the Superintendent determines that the registrant or any member, principal, officer, director, or controlling person of the registrant, has engaged in any of the enumerated improper conduct.

Section 201.06 sets forth certain conduct in which a consumer credit reporting agency may not engage.

Section 201.07 sets forth that consumer credit reporting agencies are deemed covered entities for the purpose of Part 500 of 23 NYCRR. The section further sets forth transition periods specific for consumer credit reporting agencies to come into compliance with Part 500.

Section 201.08 states that nothing in this Part can be construed to limit or affect the Superintendent's lawful authority.

Section 201.09 states that in the event a specific provision of the rule is adjudged invalid, such judgment shall not impair the validity of the remainder of the rule.