

## Appendix A

§ 603. Defini

- (i) report containing information solely as to transactions or experiences between the consumer and the person making the report;
  - (ii) communication of that information among persons related by common ownership or affiliated by corporate control; or
  - (iii) communication of other information among persons related by common ownership or affiliated by corporate control, if it is clearly and conspicuously disclosed to the consumer that the information may be communicated among such persons and the consumer is given the opportunity before the time that the information is initially communicated, to direct that such information not be communicated among such persons;
- (B) any authorization or approval of a specific extension of credit directly or indirectly by the issuer of a credit card or similar device;
- (C) any report in which a person who has been requested by a third party to make a specific extension of credit directly or indirectly to a consumer conveys his or her decision with respect to such request, if the third party advises the consumer of the name and address of the person to whom the request was made, and such person makes the disclosures to the consumer required under section 615 [§ 1681m] or



other information on consumers fo

- (1) The “overdue support” has the meaning given to such term in section 666(e) of title 42 [Social Security Act, 42 U.S.C. § 666(e)]
- (2) The term “State or local child support enforcement agency” means a State or local agency which administers a State or local program for establishing and enforcing child support obligations.

(k) Adverse Action

(1) Actions included. The term “adverse action”

(A) has the same meaning as in section 701(d)(6) of the Equal Credit Opportunity Act; and

(B) means

(i) a denial or cancellation of, a decrease in any charge for, or a reduction or other adverse or unfavorable change in the terms of coverage or amount of, any insurance existing or applied for in connection with the underwriting of insurance

(ii) a denial of employment or any other decision for employment purposes that adversely affects any current or prospective employee;

(iii) a denial or cancellation of, a decrease in any charge for, or any other adverse or unfavorable change in the terms of, any license or benefit described in section 604(a)(3)(D) [§ 1681b] and

(iv) an action taken or determination that is

(I) made in connection with an application that was made by or a transaction that was initiated by any consumer, in connection with a review of an account under section 604(a)(3)(F)(ii) [§ 1681b]; and

(II) adverse to the interests of the consumer

(2) Applicable findings, decisions, comments, and orders. For purposes of any determination of whether an action is an adverse action under paragraph (1)(A), all appropriate final findings, decisions, comments, and orders issued under section 701(d)(6) of the Equal Credit Opportunity Act by the Bureau or any court shall apply.

(I) The term "firm offer of credit or insurance" means any offer of credit or insurance to a consumer that will be honored if the consumer is determined, based on information in a consumer report on the consumer, to meet the specific criteria used to select the consumer for the offer, except that the offer may be further conditioned on one or more of the following:

(1) The consumer being determined, based on information in the consumer's application for the credit or insurance, to meet specific criteria bearing on credit worthiness or insurability, as applicable, that are established

(A) before selection of the consumer for the offer; and

(B) for the purpose of determining whether to extend credit or insurance pursuant to the offer.

(2) Verification



- (1) that, but for subsection (d)(2)(D), would be an investigative consumer report;
- (2) that is made to a prospective employer for the purpose of
  - (A) procuring an employee for the employer; or
  - (B) procuring an opportunity for a natural person to work for the employer;
- (3) that is made by a person who regularly performs such procurement;
- (4) that is not used by any person for any purpose other than a purpose described in subparagraph (A) or (B).

prospective employer of the consumer who is the subject of the communication would violate any applicable Federal or State equal employment opportunity law or regulation; and

(C) the person who makes the communication

(i) discloses in writing to the consumer who is the subject of the communication, not later than 5 business days after receiving any request from the consumer for such

disclosure, the nature and substance of all information in the consumer's file at the time of the request, except that the source of any information that is acquired solely for use in making the communication and is actually used for no other purpose need not be disclosed other than under appropriate discovery procedures in any court of competent jurisdiction in which an action is brought; and

(ii) notifies the consumer who is the subject of the communication, in writing, of the consumer's right to request the information described in clause (i).

(p) The term "consumer reporting agency that compiles and maintains files on consumers on a nationwide basis" means a consumer reporting agency that regularly engages in the practice of assembling or evaluating, and maintaining, for the purpose of furnishing consumer reports to third parties, information on a consumer's credit worthiness, credit standing, or credit capacity, each of the following regarding consumers residing nationwide:

- (1) Public record information.
- (2) Credit account information from persons who furnish that information

Bureau may prescribe, by regulation.

- (4) The term “identity theft report” has the meaning given that term by rule of the Bureau, and means, at a minimum, a report
- (A) that alleges an identity theft;
  - (B) that is a copy of an official, valid report filed by a consumer with an appropriate Federal, State, or local law enforcement agency, including the United States Postal Inspection Service or such other government agency deemed appropriate by the Bureau; and
  - (C) the filing of which subjects the person filing the report to criminal penalties relating to the filing of false information if, in fact, the information in the report is false.
- (5) The term “new credit plan” means a new account under an open end credit plan (as defined in section 103(i) of the Truth in Lending Act) or a new credit transaction not under an open end credit plan.

(r) Credit and Debit Related Terms

- (1) The term “card issuer” means –
- (A) a credit card issuer, in the case of a credit card; and
  - (B) a debit card issuer, in the case of a debit card.
- (2) The term “credit card” has the same meaning as in section 103 of the Truth in Lending Act.
- (3) The term “debit card” means any card issued by a financial institution to a consumer for use in initiating an electronic fund transfer from the account of the consumer at such financial institution, for the purpose of

transferring money between accounts or obtaining money property, labor, or services.

- (4) The terms "account" and "electronic fund transfer" have the same meanings as in section 903 of the Electronic Fund Transfer Act.
- (5) The terms "credit" and "creditor" have the same meanings as in section 702 of the Equal Credit Opportunity Act.
- (s) The term "Federal banking agency" has the same meaning as in section 3 of the Federal Deposit Insurance Act.
- (t) The term "financial institution" means a State or National bank, a State or Federal savings and loan association, a mutual savings bank, a State or Federal credit union, or any other person that, directly or indirectly, holds a transaction account (as defined in section 19(b) of the Federal Reserve Act) belonging to a consumer.
- (u) The term "reseller" means a consumer reporting agency that--
  - (1) assembles and merges information contained in the database of another consumer reporting agency or multiple consumer reporting agencies concerning any consumer for purposes of furnishing such information to any third party to the extent of such activities; and
  - (2) does not maintain a database of the assembled or merged information from which new consumer reports are produced.
- (v) The term "Commission" means the Federal Trade Commission.
- (w) The term "Bureau" means the Bureau of Consumer Financial Protection.



- (ii) to any Federal or State officer, agency, or department, or any officer, agency, or department of a unit of government