

**CONSUMER FINANCIAL PROTECTION BUREAU**

**12 CFR Part 1022**

**Fair Credit Reporting Act Disclosures**

**AGENCY:** Consumer Financial Protection Bureau.

**ACTION:** Final rule; official interpretation.

**SUMMARY:** The Consumer Financial Protection Bureau (CFPB) is issuing this final rule amending an appendix for Regulation V, which implements the Fair Credit Reporting Act (FCRA). The CFPB is required to calculate annually the dollar amount of the maximum allowable charge for disclosures by a consumer reporting agency to a consumer pursuant to section 609 of the FCRA; this final rule establishes the maximum allowable charge for the 2024 calendar year.

**DATES:** This final rule is effective January 1, 2024.

**FOR FURTHER INFORMATION CONTACT:** Anna Boadwee and Adrien Fernandez, Attorney-Advisors, Office of Regulations, at (202) 435-7700. If you require this document in an alternative electronic format, please contact *CFPB\_Accessibility@cfpb.gov*.

**SUPPLEMENTARY INFORMATION:**

The CFPB is amending Appendix O to Regulation V, which implements the FCRA, to establish the maximum allowable charge for disclosures by a consumer reporting agency to a consumer for 2024. The maximum allowable charge will be \$15.50 for 2024.

## **I. Background**

Under section 609 of the FCRA, a consumer reporting agency must, upon a consumer's request, disclose to the consumer information in the consumer's file.<sup>1</sup> Section 612(a) of the FCRA gives consumers the right to a free file disclosure upon request once every 12 months from the nationwide consumer reporting agencies and nationwide specialty consumer reporting agencies.<sup>2</sup> Section 612 of the FCRA also gives consumers the right to a free file disclosure under certain other, specified circumstances.<sup>3</sup> Where the consumer is not entitled to a free file disclosure, section 612(f)(1)(A) of the FCRA provides that a consumer reporting agency may impose a reasonable charge on a consumer for making a file disclosure. Section 612(f)(1)(A) of the FCRA provides that the charge for such a disclosure shall not exceed \$8.00 and shall be indicated to the consumer before making the file disclosure.<sup>4</sup>

Section 612(f)(2) of the FCRA also states that the \$8.00 maximum amount shall increase on January 1 of each year, based proportionally on changes in the Consumer Price Index, with fractional changes rounded to the nearest fifty cents.<sup>5</sup> Such increases are based on the Consumer Price Index for All Urban Consumers (CPI-U), which is the most general Consumer Price Index and covers all urban consumers and all items.

## **II. Adjustment**

For 2024, the ceiling on allowable charges under section 612(f) of the FCRA will be \$15.50, an increase of one dollar from 2023. The CFPB is using the \$8.00 amount set forth in section 612(f)(1)(A)(i) of the FCRA as the baseline for its calculation of the increase in the

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<sup>1</sup> 15 U.S.C. 1681g.

<sup>2</sup> 15 U.S.C. 1681j(a).

<sup>3</sup> 15 U.S.C. 1681j(b)-(d). The maximum allowable charge announced by the CFPB does not apply to requests made under section 612(a)-(d) of the FCRA. The charge does apply when a consumer who orders a file disclosure has already received a free annual file disclosure and does not otherwise qualify for an additional free file disclosure.

<sup>4</sup> 15 U.S.C. 1681j(f)(1)(A).

<sup>5</sup> 15 U.S.C. 1681j(f)(2).

ceiling on reasonable charges for certain disclosures made under section 609 of the FCRA. Since the effective date of section 612(a) was September 30, 1997, the CFPB calculated the proportional increase in the CPI-U from September 1997 to September 2023. The CFPB then determined what modification, if any, from the original base of \$8.00 should be made effective for 2024, given the requirement that fractional changes be rounded to the nearest fifty cents.

Between September 1997 and September 2023, the CPI-U increased by 90.936 percent from an index value of 161.2 in September 1997 to a value of 307.789 in September 2023.<sup>6</sup> An increase of 90.936 percent in the \$8.00 base figure would lead to a figure of \$15.27. However, because the statute directs that the resulting figure be rounded to the nearest \$0.50, the maximum allowable charge is \$15.50. The CFPB therefore determines that the maximum allowable charge for the year 2024 will increase to \$15.50.

### **III. Procedural Requirements**

#### *A. Administrative Procedure Act*

Under the Administrative Procedure Act (APA), notice and opportunity for public comment are not required if the CFPB finds that notice and public comment are impracticable, unnecessary, or contrary to the public interest.<sup>7</sup> Pursuant to this final rule, in Regulation V, Appendix O is amended to update the maximum allowable charge for 2024 under section 612(f). The amendments in this final rule are technical and non-discretionary, as they merely apply the method previously established in Regulation V for determining adjustments to the thresholds. For these reasons, the CFPB has determined that publishing a notice of proposed rulemaking and

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<sup>6</sup> The Bureau of Labor Statistics began reporting CPI-U with three decimal points instead of one decimal point in 2007.

<sup>7</sup> 5 U.S.C. 553(b)(B).

providing opportunity for public comment are unnecessary. The amendments therefore are adopted in final form.

#### *B. Regulatory Flexibility Act*

The Regulatory Flexibility Act (RFA) does not apply to a rulemaking where a general notice of proposed rulemaking is not required.<sup>8</sup> As noted previously, the CFPB has determined that it is unnecessary to publish a general notice of proposed rulemaking for this final rule. Accordingly, the RFA's requirement relating to an initial and final regulatory flexibility analysis does not apply.

#### *C. Paperwork Reduction Act*

The information collections contained in Regulation V, which implements the FCRA, are approved by the Office of Management and Budget under Control number 3170-0002. The current approval for this control number expires on October 31, 2025. In accordance with the Paperwork Reduction Act of 1995,<sup>9</sup> the CFPB reviewed this final rule. The CFPB has determined that this rule does not create any new information collections or substantially revise any existing collections.

#### *D. Congressional Review Act*

Pursuant to the Congressional Review Act (5 U.S.C. 801 *et seq.*), the CFPB will submit a report containing this rule and other required information to the United States Senate, the United States House of Representatives, and the Comptroller General of the United States prior to the rule taking effect. The Office of Information and Regulatory Affairs has designated this rule as not a "major rule" as defined by 5 U.S.C. 804(2).

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<sup>8</sup> 5 U.S.C. 603(a), 604(a).

<sup>9</sup> 44 U.S.C. 3506; 5 CFR part 1320.

## **List of Subjects in 12 CFR Part 1022**

Banks, banking, Consumer protection, Credit unions, Holding companies, National banks, Privacy, Reporting and recordkeeping requirements, Savings associations.

### **Authority and Issuance**

For the reasons set forth in the preamble, the CFPB amends Regulation V, 12 CFR part 1022, as set forth below:

### **PART 1022—FAIR CREDIT REPORTING (REGULATION V)**

1. The authority citation for part 1022 continues to read as follows:

**Authority:** 12 U.S.C. 5512, 5581; 15 U.S.C. 1681a, 1681b, 1681c, 1681c-1, 1681e, 1681g, 1681i, 1681j, 1681m, 1681s, 1681s-2, 1681s-3, and 1681t; Sec. 214, Pub. L. 108-159, 117 Stat. 1952.

2. Appendix O is revised to read as follows:

#### **Appendix O to Part 1022—Reasonable Charges for Certain Disclosures**

Section 612(f) of the FCRA, 15 U.S.C. 1681j(f), directs the Bureau to increase the maximum allowable charge a consumer reporting agency may impose for making a disclosure to the consumer pursuant to section 609 of the FCRA, 15 U.S.C. 1681g, on January 1 of each year, based proportionally on changes in the Consumer Price Index, with fractional changes rounded to the nearest fifty cents. The Bureau will publish notice of the maximum allowable charge each year by amending this appendix. For calendar year 2024, the maximum allowable charge is \$15.50. For historical purposes:

1. For calendar year 2012, the maximum allowable disclosure charge was \$11.50.
2. For calendar year 2013, the maximum allowable disclosure charge was \$11.50.
3. For calendar year 2014, the maximum allowable disclosure charge was \$11.50.
4. For calendar year 2015, the maximum allowable disclosure charge was \$12.00.

5. For calendar year 2016, the maximum allowable disclosure charge was \$12.00.
6. For calendar year 2017, the maximum allowable disclosure charge was \$12.00.
7. For calendar year 2018, the maximum allowable disclosure charge was \$12.00.
8. For calendar year 2019, the maximum allowable disclosure charge was \$12.50.
9. For calendar year 2020, the maximum allowable disclosure charge was \$12.50.
10. For calendar year 2021, the maximum allowable disclosure charge was \$13.00.
11. For calendar year 2022, the maximum allowable disclosure charge was \$13.50.
12. For calendar year 2023, the maximum allowable disclosure charge was \$14.50.
13. For calendar year 2024, the maximum allowable disclosure charge is \$15.50.

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/s/ Brian Shearer

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**Brian Shearer,**

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