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National Association of Federally-Insured Credit Unions

October 16, 2017

The Honorable Mike Crapo
Chairman
Committee on Banking, Housing,
and Urban Affairs
United States Senate
Washington, D.C. 20510

The Honorable Sherrod Brown
Ranking Member
Committee on Banking, Housing,
and Urban Affairs
United States Senate
Washington, D.C. 20510

Re: Tomorrow's Hearing "Consumer Data Security and the Credit Bureaus"

Dear Chairman Crapo and Ranking Member Brown:

On behalf of the National Association of Federally-Insured Credit Unions (NAFCU), the only trade association exclusively representing the federal interests of our nation's federally-insured credit unions, I write today in conjunction with tomorrow's hearing, "Consumer Data Security and the Credit Bureaus". We appreciate the Committee's continued focus on the Equifax data breach and the need for addressing consumer data security issues at national credit bureaus. As NAFCU has previously communicated to the Committee, there is a need for a national data security standard for entities that collect and store consumers' personal and financial information that are not already subject to the same stringent requirements as depository institutions.

Unfortunately, data breaches have become a constant concern of the American people. Major data breaches now occur with an unacceptable level of regularity. A recent Gallup poll found that 69 percent of U.S. adults are frequently or occasionally concerned about having their credit card information stolen by hackers. These staggering survey results speak for themselves and should demonstrate the need for greater national attention to this issue.

While credit reporting agencies, such as Equifax, are governed by data security standards set forth by the *Gramm-Leach-Bliley Act* (GLBA), they are not examined by a regulator for compliance with these standards in the same manner as depository institutions. Additionally, the recent Equifax breach reportedly occurred through a "known" security vulnerability that software companies had issued a patch to fix several weeks prior. If Equifax had acted to remedy the vulnerability in a reasonable period of time, this breach may not have occurred. When a breached entity knew or should have known about a threat, and fails to act to mitigate it, the negligent company must be held financially liable.

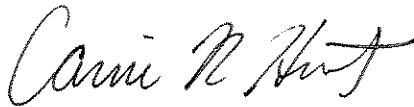
Credit unions suffer steep losses in re-establishing member safety after a data breach like the one at Equifax and are often forced to absorb fraud-related losses in its wake. Credit unions and their members are victims in this breach, as members turn to their credit union for answers and

support when such breaches occur. As not-for-profit cooperatives, credit union members are the ones that are ultimately impacted by these costs.

Negligent entities should be held financially liable for any losses that occurred due to breaches on their end so that consumers aren't left holding the bag. When a breach occurs at a credit bureau, depository institutions should be made aware of the breach as soon as practicable so they can proactively monitor affected accounts. Furthermore, compliance by credit bureaus with GLBA and these notification requirements should be examined for, and enforced by, a federal regulator. Finally, any new rules or regulations to implement these recommendations should recognize credit unions' compliance with GLBA and not place any new burdens on them.

On behalf of our nation's credit unions and their more than 110 million members, we thank you for your attention to this important matter. Should you have any questions or require any additional information please contact me or Brad Thaler NAFCU's Vice President of Legislative Affairs, at 703-842-2204 or bthaler@nafcu.org.

Sincerely,

A handwritten signature in black ink, appearing to read "Carrie R. Hunt". The signature is written in a cursive, flowing style.

Carrie R. Hunt

Executive Vice President of Government Affairs and General Counsel

cc: Members of the Committee on Banking, Housing, and Urban Affairs