

Thus, CSI includes any workpapers or other documentation that CFPB examiners have prepared in the course of an examination. CSI also includes supervisory information requests from the CFPB to a supervised financial institution, along with the institution's responses. In addition, any CFPB supervisory actions, such as memoranda of understanding between the CFPB and an institution, and related submissions and correspondence, are CSI.

### *C. Disclosure of Confidential Information Generally Prohibited*

Subject to limited exceptions, supervised financial institutions and other persons in possession of CSI of the CFPB may not disclose such information.<sup>14</sup>

### *D. Exceptions to General Prohibition on Disclosure of CSI*

There are certain exceptions to the general prohibition against disclosing CSI to third parties. A supervised financial institution may disclose CSI of the CFPB lawfully in its possession to:

- Its affiliates;
- Its directors, officers, trustees, members, general partners, or employees, to the extent that the disclosure of such CSI is relevant to the performance of such individuals' assigned duties;
- The directors, officers, trustees, members, general partners, or employees of its affiliates, to the extent that the disclosure of such CSI is relevant to the performance of such individuals' assigned duties;
- Its certified public accountant, legal counsel, contractor, consultant, or service provider.<sup>15</sup>

Supervised financial institutions may also in certain instances disclose CSI to others with the prior written approval of the Associate Director for Supervision, Enforcement, and Fair Lending, or his or her delegatee (Associate Director).<sup>16</sup> The recipient of CSI shall not, without the prior written approval of the Associate

Director, utilize, make, or retain copies of, or disclose CSI for any purpose, except as is necessary to provide advice or services to the supervised financial institution or its affiliate.<sup>17</sup> Moreover, any supervised financial institution or affiliate disclosing CSI shall take reasonable steps as specified in the regulations to ensure that the recipient complies with the rules governing CSI.<sup>18</sup>

Confidential information made available by the CFPB pursuant to 12 CFR part 1070 remains the property of the CFPB. There are other important requirements relating to the disclosure of confidential information, including disclosure pursuant to third-party legally enforceable demands, such as subpoenas or Freedom of Information Act requests. Among a number of other requirements, a recipient of a demand for confidential information must inform the CFPB's General Counsel of the demand.<sup>19</sup>

### *E. NDAs Do Not Supersede Federal Legal Requirements*

The CFPB recognizes that some supervised financial institutions may have entered into third-party NDAs that, in part, purport to: (1) Restrict the supervised financial institution from sharing certain information with a supervisory agency; and/or (2) require the supervised financial institution to advise the third party when the institution shares with a supervisory agency information subject to the NDA. However, such provisions in NDAs between supervised financial institutions and third parties do not alter or limit the CFPB's supervisory authority or the supervised financial institution's obligations relating to CSI.

A supervised financial institution should not attempt to use an NDA as the basis for failing to provide information sought pursuant to supervisory authority. The CFPB has the authority to require supervised financial institutions and certain other persons to provide it with reports and other information to conduct supervisory activities, pursuant to the Dodd-Frank Act.<sup>20</sup> Failure to provide information required by the CFPB is a violation of law for which the CFPB will pursue all available remedies.<sup>21</sup>

In addition, a supervised financial institution may risk violating the law if it relies upon provisions of an NDA to justify disclosing CSI in a manner not otherwise permitted. As noted above, any disclosure of CSI outside of the applicable exceptions would require the prior written approval of the Associate Director for Supervision, Enforcement, and Fair Lending (or his or her delegatee).<sup>22</sup>

Supervised financial institutions should contact appropriate CFPB supervisory personnel with any questions regarding this Bulletin.

## **III. Regulatory Requirements**

This compliance bulletin provides nonbinding guidance on matters including limitations on disclosure of CSI under applicable law. It is therefore exempt from the notice and comment rulemaking requirements under the Administrative Procedure Act pursuant to 5 U.S.C. 553(b). Because no notice of proposed rulemaking is required, the Regulatory Flexibility Act does not require an initial or final regulatory flexibility analysis.<sup>23</sup> In addition, the CFPB has determined that this bulletin summarizes existing requirements and does not establish any new nor revise any existing recordkeeping, reporting, or disclosure requirements on covered entities or members of the public that would be collections of information requiring OMB approval under the Paperwork Reduction Act.<sup>24</sup>

Dated: February 2015.

**Richard Cordray,**

*Director, Bureau of Consumer Financial Protection.*

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## **DEPARTMENT OF DEFENSE**

### **Office of the Secretary**

[Docket ID DoD-2015-OS-0021]

### **Proposed Collection; Comment Request**

**AGENCY:** Defense Security Cooperation Agency, DoD.

**ACTION:** Notice.

**SUMMARY:** In compliance with the *Paperwork Reduction Act of 1995*, the Defense Security Cooperation Agency announces a proposed public information collection and seeks public comment on the provisions thereof. Comments are invited on: (a) Whether

<sup>14</sup> See 12 CFR 1070.41(a) (providing that "[e]xcept as required by law or as provided in this part, no . . . person in possession of confidential information[] shall disclose such confidential information by any means (including written or oral communications) or in any format (including paper and electronic formats), to: (1) [a]ny person who is not an employee, contractor, or consultant of the CFPB; or (2) [a]ny CFPB employee, contractor, or consultant when the disclosure of such confidential information . . . is not relevant to the performance of the employee's, contractor's, or consultant's assigned duties"); see also 12 CFR 1070.42(b) (setting forth exceptions relating to the disclosure of "confidential supervisory information of the CFPB" which is "lawfully in [the] possession" of any "supervised financial institution").

<sup>15</sup> 12 CFR 1070.42(b).

<sup>16</sup> 12 CFR 1070.42(b)(2)(ii).

<sup>17</sup> 12 CFR 1070.42(b)(3)(i).

<sup>18</sup> 12 CFR 1070.42(b)(3)(ii).

<sup>19</sup> 12 CFR 1070.47.

<sup>20</sup> 12 U.S.C. 5514, 5515.

<sup>21</sup> See 12 U.S.C. 5536(a)(2) (making it unlawful for a supervised financial institution "to fail or refuse, as required by Federal consumer financial law, or any rule or order issued by the CFPB thereunder— (A) to permit access to or copying of records; . . . or (C) to make reports or provide information to the Bureau.").

<sup>22</sup> See 12 CFR 1070.42(b)(2)(ii).

<sup>23</sup> 5 U.S.C. 603(a), 604(a).

<sup>24</sup> 44 U.S.C. 3501 *et seq.*

the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed information collection; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the information collection on respondents, including through the use of automated collection techniques or other forms of information technology.

**DATES:** Consideration will be given to all comments received by April 27, 2015.

**ADDRESSES:** You may submit comments, identified by docket number and title, by any of the following methods:

- *Federal eRulemaking Portal:* <http://www.regulations.gov>. Follow the instructions for submitting comments.
- *Mail:* Federal Docket Management System Office, 4800 Mark Center Drive, East Tower, Suite 02G09, Alexandria, VA 22350-3100.

*Instructions:* All submissions received must include the agency name, docket number and title for this **Federal Register** document. The general policy for comments and other submissions from members of the public is to make these submissions available for public viewing on the Internet at <http://www.regulations.gov> as they are received without change, including any personal identifiers or contact information.

Any associated form(s) for this collection may be located within the same electronic docket and downloaded for reviewing/testing. Follow the instructions at <http://www.regulations.gov> for submitting comments. Please submit comments on any given form identified by docket number, form number, and title.

**FOR FURTHER INFORMATION CONTACT:** To request more information on this proposed information collection or to obtain a copy of the proposal and associated collection instruments, please write to: The Defense Security Cooperation Agency (DSCA) (ATTN: David Frasher, 220 12th Street South, Suite 203, Arlington VA, 22202-5408 or call (703) 601-4459 or Defense Institute of Security Assistance Management (DISAM), ATTN: Donald McCormick, 2475 K Street, Wright-Patterson AFB, OH 45433-7803, or call Director of Academic Support, at 937-713-3340.

**SUPPLEMENTARY INFORMATION:**

*Title;* *Associated Form;* and *OMB Number:* The DISAM Information Technology Mission System (DISM) Collection; DISAM Form GSI-001 and

Student Registration Form; OMB Control Number 0704-XXXX.

*Needs and Uses:* The DISAM Information Technology Mission System (DISM): Is a web based portal designed to hold several web applications for the purposes of efficient administration of U.S. and international students, and the effective management of DISAM personnel and guest lecturers. The portal provides DISAM personnel the ability to submit travel request and travel arrangements. Finally, the web based portal uses a relational database to record, manage and report information about students, personnel, travel. Reports of annual training of Foreign nationals to Congress as required by 22 U.S. Code 2394 (Foreign Assistance Act (FAA)) and 22 U.S. Code 2770A (Arms Export Control Act (AECA)).

*Affected Public:* Individuals and Households.

Disam Student Registration Form:  
*Annual Burden Hours:* 2388 hours.  
*Number of Respondents:* 4775.  
*Responses per Respondent:* 2.  
*Annual Responses:* 9551.  
*Average Burden per Response:* 15 minutes.

*Frequency:* On occasion.  
 Disam Guest Speaker Form: (Still in development).  
*Annual Burden Hours:* 62.  
*Number of Respondents:* 249.  
*Responses per Respondent:* 1.  
*Annual Responses:* 249.  
*Average Burden per Response:* 15 min.

*Frequency:* On occasion.  
*Average Totals:*  
*Annual Burden Hours:* 1884 hours.  
*Number of Respondents:* 5024.  
*Responses per Respondent:* 1.5.  
*Annual Responses:* 7536.  
*Average Burden per Response:* 15 min.

Respondents are contractor personnel, non-DOD U.S. Federal Government, Foreign Service nationals and industry students, guest speakers and lecturers involved in the Security Cooperation initiatives as prescribed by the President of the United States, Congress and Departments of State and Defense. Security Cooperation and Assistance programs as authorized by the Foreign Assistance Act (FAA), and the Arms Export Control Act (AECA) are required to be administered by qualified personnel receiving formal education through the Defense Institute of Security Assistance Management (DISAM) or other authorized Security Cooperation agencies. If the information collected on the student registration form is not collected, personnel looking to verify the qualifications of individuals in the

Security Cooperation workforce database on the SAN, DISAM Student Database or the DISAM Personnel Database would be unable to match personnel to training and ensure compliance with DepSecDef directive and federal law requiring the reporting of training of foreign nationals (ref. AECA). The DISAM Personnel Database in conjunction with the Travel Forms maintains records of the personnel TDY travel and reimbursement as required by federal law and DoD regulations.

Dated: February 19, 2015.

**Aaron Siegel,**

*Alternate OSD Federal Register, Liaison Officer, Department of Defense.*

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## DEPARTMENT OF DEFENSE

### Office of the Secretary

[Docket ID DoD-2014-HA-0146]

### Submission for OMB Review; Comment Request

**ACTION:** Notice.

**SUMMARY:** The Department of Defense has submitted to OMB for clearance, the following proposal for collection of information under the provisions of the Paperwork Reduction Act.

**DATES:** Consideration will be given to all comments received by March 27, 2015.

**FOR FURTHER INFORMATION CONTACT:** Fred Licari, 571-372-0493.

### SUPPLEMENTARY INFORMATION:

*Title, Associated Form and OMB Number:* Screening and Monitoring of DoD Personnel Deployed to Ebola Outbreak Areas; DD Form 2990, DD Form 2991; OMB Control Number 0720-0056.

*Type of Request:* Extension.  
*Number of Respondents:* 1,200.  
*Responses per Respondent:* 2.  
*Annual Responses:* 2,400.  
*Average Burden per Response:* 12 minutes.

*Annual Burden Hours:* 480.

*Needs And Uses:* The information collection requirement is necessary to ensure DoD personnel deployed in support of Operation UNITED ASSISTANCE are promptly evaluated for possible exposure(s) to the Ebola virus during deployment to, and within 12 hours prior to departing from, an Ebola outbreak country or region (West Africa). Ebola is a Quarantinable Communicable Disease as named in Executive Order 13295 and supported by several DoD regulations and Federal laws. This information will be used by