

instructions to each of the other reports is mandatory.

Certain information collected on the FR Y-9C and FR Y-9SP Reports is kept confidential by the Board. The following items may be kept confidential under exemption 4 of the Freedom of Information Act (FOIA) because these data items reflect commercial and financial information that is both customarily and actually treated as private by the respondent:<sup>16</sup>

- FR Y-9C, Schedule HI, memoranda item 7(g), “FDIC deposit insurance assessments;”

- FR Y-9C, Schedule HC-P, item 7(a) “Representation and warranty reserves for 1-4 family residential mortgage loans sold to U.S. government agencies and government sponsored agencies;”

- FR Y-9C, Schedule HC-P, item 7(b) “Representation and warranty reserves for 1-4 family residential mortgage loans sold to other parties;”

- FR Y-9C, Schedule HC-C, Part I, Memorandum items 16.a and 16.b, for eligible loan modifications under Section 4013 of the 2020 Coronavirus Aid, Relief, and Economic Security Act; and

- FR Y-9C, Schedule HC and FR Y-9SP, Schedule SC, Memoranda item 2.b., the name and email address of the external auditing firm’s engagement partner.<sup>17</sup>

In some circumstances, disclosing these data items may also reveal confidential examination and supervisory information protected from disclosure under exemption 8 of the FOIA.<sup>18</sup> The Board has previously assured submitters that these data items will be treated as confidential.

In addition, the Chief Executive Officer Contact Information section of both the FR Y-9C and FR Y-9SP may be kept confidential pursuant to FOIA exemption 6, which applies to personnel and medical files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy,<sup>19</sup> and exemption 8, which applies to information contained in or related to examination, operating, or condition reports prepared by, on behalf of, or for the use of an agency responsible for the regulation or supervision of financial institutions.<sup>20</sup>

Aside from the data items described above, data collected by the FR Y-9

reports generally are not accorded confidential treatment. As provided in the Board’s Rules Regarding Availability of Information,<sup>21</sup> however, a respondent may request confidential treatment for any data items the respondent believes should be withheld pursuant to a FOIA exemption. The Board will review any such request to determine if confidential treatment is appropriate and will inform the respondent if the request for confidential treatment has been granted or denied.

To the extent that the instructions to the FR Y-9 reports direct the financial institution to retain the workpapers and related materials used in preparation of each report, such material would only be obtained by the Board as part of the examination or supervision of the financial institution. Accordingly, such information may be considered confidential pursuant to exemption 8 of the FOIA.<sup>22</sup> In addition, the workpapers and related materials may also be protected by exemption 4 of the FOIA to the extent such financial information is customarily and actually treated as private by the respondent.<sup>23</sup>

*Consultation outside the agency:* The Board consulted with the FDIC and OCC regarding the proposed revisions on brokered deposits and SA-CCR check box.

Board of Governors of the Federal Reserve System, September 1, 2021.

**Michele Taylor Fennell,**

*Deputy Associate Secretary of the Board.*

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## FEDERAL RETIREMENT THRIFT INVESTMENT BOARD

### Senior Executive Service Performance Review Board

**AGENCY:** Federal Retirement Thrift Investment Board.

**ACTION:** Notice.

**SUMMARY:** This notice announces the appointment of the members of the Senior Executive Service Performance Review Board for the Federal Retirement Thrift Investment Board. The purpose of the Performance Review Board is to make written recommendations on each executive’s annual summary ratings, performance-based pay adjustment, and performance awards to the appointing authority.

**DATES:** This notice is applicable on September 8, 2021.

**FOR FURTHER INFORMATION CONTACT:** Kelly Powell, HR Specialist, at 202-942-1681.

**SUPPLEMENTARY INFORMATION:** Title 5, U.S. Code, 4314(c)(4), requires that the appointment of Performance Review Board members be published in the **Federal Register** before Board service commences. The following persons will serve on the Federal Retirement Thrift Investment Board’s Performance Review Board which will review initial summary ratings to ensure the ratings are consistent with established performance requirements, reflect meaningful distinctions among senior executives based on their relative performance and organizational results and provide recommendations for ratings, awards, and pay adjustments in a fair and equitable manner: Susan Crowder, Vijay Desai, Gisile Goethe, and Sean McCaffrey.

**Dharmesh Vashee,**

*General Counsel, Federal Retirement Thrift Investment Board.*

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## FEDERAL TRADE COMMISSION

[File No. 192 3003]

### Support King, LLC (SpyFone.com); Analysis of Proposed Consent Order To Aid Public Comment

**AGENCY:** Federal Trade Commission.

**ACTION:** Proposed consent agreement; request for comment.

**SUMMARY:** The consent agreement in this matter settles alleged violations of federal law prohibiting unfair or deceptive acts or practices. The attached Analysis of Proposed Consent Order to Aid Public Comment describes both the allegations in the draft complaint and the terms of the consent order—embodied in the consent agreement—that would settle these allegations.

**DATES:** Comments must be received on or before October 8, 2021.

**ADDRESSES:** Interested parties may file comments online or on paper by following the instructions in the Request for Comment part of the **SUPPLEMENTARY INFORMATION** section below. Please write “Support King, LLC (SpyFone.com); File No. 192 3003” on your comment, and file your comment online at <https://www.regulations.gov> by following the instructions on the web-based form. If you prefer to file your comment on paper, mail your comment to the following address: Federal Trade Commission, Office of the Secretary,

<sup>16</sup> 12 U.S.C. 552(b)(4).

<sup>17</sup> The Board has assured respondents that this information will be treated as confidential since the collection of this data item was proposed in 2004, under the assumption that the identity of the engagement partner is treated as private information by holding companies.

<sup>18</sup> 12 U.S.C. 552(b)(8).

<sup>19</sup> 5 U.S.C. 552(b)(6).

<sup>20</sup> 5 U.S.C. 552(b)(8).

<sup>21</sup> 12 CFR part 2.

<sup>22</sup> 5 U.S.C. 552(b)(8).

<sup>23</sup> 5 U.S.C. 552(b)(4).