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DEFENSE CREDIT UNION COUNCIL

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January 27, 2026

Melane Conyers-Ausbrooks
Secretary of the Board
National Credit Union Administration
1775 Duke Street
Alexandria, VA 22314-3428

Delivered electronically via: <https://www.regulations.gov>

RE: Guidance: Response Programs for Unauthorized Access to Member Information and Members Notice [NCUA-2025-1305]

Dear Ms. Conyers-Ausbrooks:

On behalf of the Defense Credit Union Council (DCUC),¹ thank you for the opportunity to comment on the National Credit Union Administration's (NCUA) proposal to remove Appendix B to part 748, Guidance on Response Programs for Unauthorized Access to Member Information and Member Notice, from the Code of Federal Regulations (CFR). DCUC represents credit unions that serve active-duty military, veterans, and their families worldwide.

DCUC strongly supports the NCUA's proposal to remove Appendix B from its regulatory text, as this section is guidance and not requirements subject to enforcement. Appendix B was issued in June 2005 to provide guidance to federally insured credit unions regarding the creation of programs to address and respond to instances of unauthorized access to member information. This was a further interpretation of the Gramm Leach Bliley Act's requirement that NCUA and other regulators adopt standards for safeguarding customer information that financial institutions could adopt.¹ The manner in which Appendix B is written is different from a regulatory requirement in that the provisions are lengthy descriptions of what processes and procedures credit unions can or should implement as part of response programs. It would therefore be clearer to credit unions if the section were not included in regulatory text signifying strict compliance.

DCUC also agrees with the NCUA that because this text is guidance and not a regulatory requirement subject to enforcement, it would be more appropriate to publish it in a Letter to Credit Unions. This would not alter any substantive compliance obligations for credit unions but would make it clear that the provisions are not intrinsically legally binding regulatory requirements. DCUC believes the NCUA's adoption of separate guidance is appropriate for

¹ The Defense Credit Union Council represents more than 200 defense-affiliated credit unions and over 40 million members—including active-duty servicemembers, Guard and Reserve personnel, veterans, Department of Defense civilians, and military families.

² See [15 U.S.C. 6801](#) et. seq. (Nov. 12, 1999).

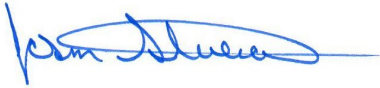
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communicating guidelines such as those in Appendix B, even if maintaining the status quo is consistent with the federal banking agencies whose guidance is also located in the CFR. While this change would not ensure that Appendix B is reviewed every three years as part of NCUA's one third regulatory review process, as the NCUA points out, we believe the NCUA can still review the text and make changes on an ad hoc basis. A less formal process is manageable and nimbler to subsequent revisions given these provisions are guidance and not specific regulatory requirements subject to enforcement.

Furthermore, DCUC agrees with this proposed rulemaking as it is consistent with the direction of presidential executive orders.¹ We encourage the agency to review all its regulations to ensure guidance provisions are not included in regulatory text, where they can inadvertently be interpreted as legal requirements instead of supervisory recommendations or guidance. And as the NCUA finalizes its proposed rulemakings, we encourage it to post summaries in a separate highlighted section on its website, so that credit unions can easily track and identify regulatory changes, update their policies and procedures, and effectively train their teams.

DCUC looks forward to reviewing additional efforts by the NCUA to streamline and update its regulations. The NCUA's current approach is encouraging and one that we greatly support. Please contact me at Jason.Stverak@dcuc.org with any questions on this rulemaking or other matters that impact the credit union industry.

Sincerely,



Jason Stverak
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DCUC