

# REFERENCE MATERIAL

(Statutes, Regulatory Guidance, Supervisory Memorandums, Select Legal Opinions)

## INFORMATION TECHNOLOGY

Includes Wire Transfer/ ACH / Account Takeover/ Cybersecurity

APPLICABLE TO:

CITE	ALL STATE BANKS	NON- FED MEM	STATE FED MEM	REF ONLY
<p><b>LAWS, RULES, AND REGULATION</b></p> <p><b>Texas Finance Code</b></p> <p><b>Texas Administrative Code</b></p> <p><b>FDIC Laws &amp; Regulations</b>  <i>FDIC Rules and Regulations, Part 364, Appendix B, Section III</i>  <i>FDIC Rules and Regulations, Part 364, Appendix B, Section II</i>  <i>FDIC Rules and Regulations, 304.3 “Notification of Performance of Bank Services”</i></p> <p><b>Federal Reserve Laws &amp; Regulations</b>  <i>12 CFR 233, Prohibition on Funding of Unlawful Internet Gambling (Regulation GG)</i></p> <p><b>U.S. Code</b>  <i>12 U.S.C. 1867, Section 7(c)(2), Bank Service Company Act (BSCA)</i></p>				
<p><b>POLICY ISSUANCES</b></p> <p><b>Department Policy Memorandum</b></p> <p><a href="#"><i>Industry Notice 2015-8</i></a> <i>Cybersecurity Assessments &amp; the FFIEC Cybersecurity Assessment Tool (8/15/2015)</i></p> <p><a href="#"><i>ECTF Bulletin 2013-02</i></a> <i>What Community Bankers Should Know about DDoS Attacks (5/6/13)</i></p> <p><i>SM 1020 - IT Examination Frequency and Ratings (Found in the Law &amp; Guidance Manual)</i></p> <p><i>Industry Notice 2013-03 - <a href="#"><i>Executive Officer Oversight of Cyber-crime Risks</i></a> (11/01/2012)</i></p> <p><a href="#"><i>ECTF Bulletin 2012-3</i></a> <i>Reporting Account Takeover Activity to FinCEN (04/5/12)</i></p> <p><i>Supervisory Memorandum 1029 – Standards for Risk Management of Corporate Account Takeovers (01/09/2012) (Found in the Law &amp; Guidance Manual) Includes <a href="#"><i>Best Practices for Reducing the Risks of Corporate Account Takeover</i></a></i></p>	✓			

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CITE	ALL STATE BANKS	NON- FED MEM	STATE FED MEM	REF ONLY
<i>Legal Opinion 95-53 - An out-of-state affiliate may conduct wire transfers as agent for a state bank without being considered a branch of the bank. (Found in the Law &amp; Guidance Manual)</i>	✓			
<b>FDIC Issuances</b>				
<a href="#"><u>FIL-68-2016</u></a> <i>FFIEC Cybersecurity Assessment Tool – Frequently Asked Questions (10/18/2016)</i>	✓			
<a href="#"><u>FIL-37-2016</u></a> <i>FFIEC Issues Statement on Safeguarding the Cybersecurity of Interbank Messaging and Payment Network (6/7/2016)</i>	✓			
<a href="#"><u>FIL-28-2015</u></a> <i>Cybersecurity Assessment Tool (7/2/2015)</i>	✓			
<a href="#"><u>FIL-49-2014</u></a> <i>Technology Alert: GNU Bourne-Again Shell (Bash) Vulnerability (09/29/2014)</i>	✓			
<a href="#"><u>FIL 16-2014</u></a> <i>Technology Alert: OpenSSL "Heartbleed" Vulnerability (04/11/2014)</i>	✓			
<a href="#"><u>PR-28-2014</u></a> <i>FDIC Urges Financial Institutions to Utilize Available Cyber Resources (04/10/2014)</i>	✓			
<a href="#"><u>FIL 13-2014</u></a> <i>Technology Outsourcing: Informational Tools for Community Bankers (04/07/2014)</i>	✓			
<a href="#"><u>FIL 10-2014</u></a> <i>ATM and Card Authorization Systems (04/02/2014)</i>	✓			
<a href="#"><u>FIL-11-2014</u></a> <i>Distributed Denial of Service (DDoS) Attacks (04/02/2014)</i>	✓			
<a href="#"><u>PR-84-2013</u></a> <i>Federal Regulators Issue Guidance on Reporting Financial Abuse of Older Adults (09/24/2013)</i>	✓			
<a href="#"><u>FIL 43-2013</u></a> <i>FDIC Supervisory Approach to Payment Processing Relationships With Merchant Customers That Engage in Higher-Risk Activities (09/27/2013)</i>	✓			
<a href="#"><u>FIL-46-2012</u></a> <i>Supervision of Technology Service Providers and Outsourcing Technology Services (11/06/2012)</i>	✓			
<a href="#"><u>FIL-3-2012</u></a> <i>Payment Processor Relationships- Revised Guidance (01/31/2012) <a href="#"><u>Guidance</u></a></i>	✓			

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CITE	ALL STATE BANKS	NON- FED MEM	STATE FED MEM	REF ONLY
<i>Supervisory Insights – Summer 2011 -<a href="#">Managing Risks in Third-Party Payment Processor Relationships</a> (06/21/2011)</i>	✓			
<i><a href="#">PR-111-2011</a> FFIEC Releases Supplemental Guidance on Internet Banking Authentication (06/28/2011)</i>	✓			
<i><a href="#">FIL-35-2010</a> Unlawful Internet Gambling Enforcement Act – Examination Guidance and Procedures (06/30/2010)</i>	✓			
<i><a href="#">PR-88-2009</a> Agencies Issue Frequently Asked Questions on Identity Theft Rules (<a href="#">FAQ</a>)(06/11/2009)</i>	✓			
<i><a href="#">FIL-4-2009</a> Risk Management of Remote Deposit Capture (01/14/2009)</i>	✓			
<i><a href="#">FIL 127-2008</a> Guidance on Payment Processors Relationships (11/07/2008)</i>	✓			
<i><a href="#">FIL-105-2008</a> Identity Theft Red Flags, Address Discrepancies, and Change of Address Regulations - Examination Procedures (10/16/2008)</i>		✓		
<i><a href="#">FIL-44-2008</a> Guidance for Managing Third Party Risk (06-06-2008)</i>		✓		
<i><a href="#">FIL 6-2008</a> Guidance for Minimizing a Pandemic’s Potential for Adverse Effects (02/06/2008)</i>		✓		
<i><a href="#">FIL 105-2007</a> Risk Management Program Revised IT Officer’s Questionnaire (12/04/2007)</i>		✓		
<i><a href="#">FIL-32-2007</a> Identity Theft – FDIC’s Supervisory Policy on Identity Theft (04/11/2007)</i>		✓		
<i><a href="#">PR-30-2006</a> Bank and Thrift Agencies Issue Advisory on Influenza Pandemic Preparedness (03/15/2006)</i>		✓		
<i><a href="#">FIL 81-2005</a> New Information Technology Examination Procedures (8/18/2005)</i>		✓		
<i><a href="#">FIL-27-2005</a>, Response Programs for Unauthorized Access to Customer Information and Customer Notice (4/01/2005)</i>		✓		
<i><a href="#">FIL-7-2005</a>, Fair and Accurate Credit Transactions Act of 2003, Guidelines Requiring the Proper Disposal of Consumer</i>		✓		

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CITE	ALL STATE BANKS	NON- FED MEM	STATE FED MEM	REF ONLY
<p><i>Information (02/2/2005)</i></p> <p><a href="#"><u>FIL-132-2004</u></a> <i>Study on "Account-Hijacking" Identity Theft and Suggestions for Reducing Online Fraud (12/14/2004)</i></p> <p><a href="#"><u>FIL-121-2004</u></a> <i>Computer Software Due Diligence Guidance on Developing an Effective computer Software Evaluation Program to Assure Quality and Regulatory Compliance (11/16/2004)</i></p> <p><a href="#"><u>FIL-43-2003</u></a> <i>Guidance on Developing an Effective Software Patch Management Program (05/29/2003)</i></p> <p><a href="#"><u>FIL-81-2000</u></a> <i>Risk Management of Technology Outsourcing (11/29/2000)</i></p> <p><a href="#"><u>FIL-12-1999</u></a> <i>Uniform Rating System for Information Technology (02/05/1999)</i></p> <p><b>Federal Reserve Issuances</b></p> <p><a href="#"><u>SR 15-9</u></a> <i>Cybersecurity Assessment Tool (7/2/2015)</i></p> <p><a href="#"><u>News Release</u></a> <i>Federal Reserve Survey Provides Information on Mobile Financial Services (03/25/2014)</i></p> <p><a href="#"><u>SR 13-19</u></a> <i>Guidance on Managing Outsourcing Risk (12/05/2013)</i></p> <p><a href="#"><u>News Release</u></a> - <i>FinCEN, Federal Reserve Finalize Rule Amending Definitions of "funds transfer" and "transmittal of funds" in the Bank Secrecy Act (12/3/2013)</i></p> <p><a href="#"><u>SR 13-1</u></a> <i>Supplemental Policy Statement on the Internal Audit Function and Its Outsourcing (1/23/13)</i></p> <p><a href="#"><u>Vendor Risk Management</u></a> – <i>from Consumer Compliance Outlook – First Quarter 2011 (4/2011)</i></p> <p><a href="#"><u>Reg GG Compliance Guide</u></a> – <i>Prohibition on Funding Unlawful Internet Gambling</i></p> <p><a href="#"><u>SR 10-11</u></a> <i>Interagency Examination Procedures for Reviewing Compliance With the Unlawful Internet Gambling Enforcement Act of 2006 (05/20/2010)</i></p>		<p>✓</p> <p>✓</p> <p>✓</p> <p>✓</p> <p>✓</p>	<p>✓</p> <p>✓</p>	<p>✓</p> <p>✓</p>

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CITE	ALL STATE BANKS	NON-FED MEM	STATE FED MEM	REF ONLY
<a href="#"><u>Press Release- Agencies Extend Compliance Date for Final Rule to Implement Unlawful Internet Gambling Enforcement Act (11/27/2009)</u></a>	✓			
<a href="#"><u>Board of Governors of the Federal Reserve System Payments System Risk (PSR) Policy (12/19/2008)</u></a>			✓	
<a href="#"><u>SR-08-7 Interagency Examination Procedures for the Identity Theft Red Flags and Other Regulations under the Fair Credit Reporting Act (10/10/2008)</u></a>	✓			
<a href="#"><u>Press Release – Final Rule Covering Payroll Card Accounts Under Regulation E (8/24/2006)</u></a>		✓		
<a href="#"><u>Press Release - Final Amendments to Regulation E (Electronic Fund Transfer Act) (12/30/2005)</u></a>	✓			
<b>FFIEC Issuances</b>				
<a href="#"><u>Press Release – FFIEC Issues Frequently Asked Questions Guide on the Cybersecurity Assessment Tool (10/17/2016)</u></a>	✓			
<a href="#"><u>Press Release - FFIEC Issues Statement on Safeguarding the Cybersecurity of Interbank Messaging and Payment Network (6/7/2016)</u></a>				
<a href="#"><u>Press Release – Financial Regulators Release Revised Management Booklet (11/10/2015)</u></a>	✓			
<a href="#"><u>Press Release – FFIEC Releases Statement on Cyber Attacks Involving Extortion (11/3/2015)</u></a>	✓			
<a href="#"><u>Press Release – FFIEC Releases Two Statements: Compromised Credentials and Destructive Malware (03/30/2015)</u></a>	✓			
<a href="#"><u>Press Release - Financial Regulators Release New Appendix to Business Continuity Planning Booklet Appendix J: Strengthening the Resilience of Outsourced Technology Services (2/6/2015)</u></a>	✓			
<a href="#"><u>Press Release - FFIEC Releases Cybersecurity Assessment Observations, Recommends Participation in Financial Services Information Sharing and Analysis Center (11/3/2014)</u></a>	✓			
<a href="#"><u>Press Release - FFIEC Launches Cybersecurity Web Page Promotes Awareness of Cybersecurity Activities (06/24/2014) New Web page: <a href="http://www.ffiec.gov/cybersecurity.htm">www.ffiec.gov/cybersecurity.htm</a></u></a>	✓			
<a href="#"><u>Press Release - FFIEC Promotes Cybersecurity Preparedness for Community Financial Institutions (05/07/2014)</u></a>	✓			

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<a href="#"><u>Press Release - Financial Regulators Issue Final Guidance on Social Media (12/10/2013)</u></a>	✓			
<a href="#"><u>Financial Regulators Release Statement on End of Microsoft Support for Windows XP Operating System (10/07/2013)</u></a>	✓			
<a href="#"><u>Press Release - Financial Regulators Release Guidance for the Supervision of Technology Service Providers (11/06/2012)</u></a>	✓			
<a href="#"><u>FFIEC Releases Statement on Outsourced Cloud Computing (07/10/2012)</u></a>	✓			
<a href="#"><u>FFIEC Releases Supplemental Guidance on Internet Banking Authentication (06/28/2011)</u></a>	✓			
<a href="#"><u>Financial Regulators Release Guidance on Risk Management of Remote Deposit Capture Activities (01/14/2009)</u></a>	✓			
<a href="#"><u>FFIEC IT Booklets (Various)</u></a>	✓			
<a href="#"><u>FFIEC Releases Guidance on Pandemic Planning( 12/12/2007)</u></a>	✓			
<a href="#"><u>Frequently Asked Questions on Authentication in an Internet Banking Environment (08/15/2006)</u></a>	✓			
<b>Comptroller of the Currency Issuances</b>				
<a href="#"><u>OCC Bulletin 2014-43 Electronic Fund Transfer Act – Comptroller’s Handbook Revision and Rescission (08/28/2014)</u></a>				✓
<a href="#"><u>OCC Bulletin 2014-41 Merchant Processing - Revised Comptroller’s Handbook Revision and Rescission (08/20/2014)</u></a>				✓
<a href="#"><u>OCC 2013-39 Social Media: Consumer Compliance Risk Management Guidance (12/17/13)</u></a>				✓
<a href="#"><u>OCC 2013-29 Third-Party Relationships – Risk Management Guidance (10/30/2013)</u></a>				✓
<a href="#"><u>OCC Bulletin 2011-27 Prepaid Access Programs – Risk Management Guidance and Sound Practices (06/28/2011)</u></a>				✓

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<p><a href="#"><u>OCC 2008-16</u></a> <i>Information Security: Application Security (05/08/2008)</i></p> <p><a href="#"><u>OCC 2008-12</u></a> <i>Risk Management Guidance: Payment Processors (04/24/2008)</i></p> <p><a href="#"><u>Bulletin 2006-39</u></a> <i>Automated Clearing House Activities: Risk Management Guidance (09/01/2006)</i></p>				<p>✓</p> <p>✓</p> <p>✓</p>
<b>OTHER RELATED MATERIAL</b>				
<p><a href="#"><u>NACHA Announces Approval of Rule that Establishes Third-Party Sender Registration Requirements</u></a> (8/22/2016)</p> <p>CSBS – <a href="#"><u>Cybersecurity 101 Resource Guide for Bank Executives</u></a> (12/2014)</p> <p>ECTF - <a href="#"><u>Executive Leadership of Cybersecurity – Table Top Exercise</u></a> (12/2014)</p> <p><a href="#"><u>Eighth Circuit Holds Bank That Complied with Reasonable Security Procedures Not Responsible for Loss of Funds From Fraudulent Payment - Choice Escrow and Land Title , LLC v. BancorpSouth Bank</u></a> (06/22/2014)</p> <p>FRB-<a href="#"><u>Community Banking Connections-First Quarter 2014</u></a> Features articles on Bank Strategies in the New Year, Cybersecurity, Mobile Banking and More (April 2014)</p> <p><a href="#"><u>Antitrust Policy Statement on Sharing Cybersecurity Information</u></a> (04/10/2014)</p> <p>Government and government-sponsored resources:</p> <ul style="list-style-type: none"> <li>• <a href="#"><u>United States Computer Emergency Readiness Team (US-CERT)</u></a></li> <li>• <a href="#"><u>U.S. Secret Service Electronic Crimes Task Force (ECTF)</u></a></li> <li>• <a href="#"><u>FBI InfraGard</u></a></li> <li>• <a href="#"><u>Regional Coalitions</u></a></li> <li>• <a href="#"><u>Information Sharing and Analysis Centers (ISACs)</u></a></li> </ul> <p>NIST Releases <a href="#"><u>Framework for Improving Critical Infrastructure Cybersecurity</u></a> (February 2014)</p>				<p>✓</p> <p>✓</p> <p>✓</p> <p>✓</p> <p>✓</p> <p>✓</p> <p>✓</p> <p>✓</p>
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<a href="#"><u>Mobility On Hold: Get Back on Track with Mobile Risk Mitigation</u></a> (10/2013)				✓
<a href="#"><u>FIN 2012-A010 - Risk Associated with Third Party Payment Processors</u></a> (10/22/2012)	✓			
<a href="#"><u>Fraud Alert – Cyber Criminals Targeting Financial Institution Employee Credentials to Conduct Wire Transfer Fraud</u></a> (09/17/2012)	✓			
Texas Bankers ECTF <a href="#"><u>Frequently Asked Questions – Practices to Reduce the Risks of Corporate Account Takeover</u></a> (1/2012)	✓			
“ <a href="#"><u>Practices for Reducing the Risks of Corporate Account Takeover</u></a> ” Webinar hosted by IBAT and TBA, Moderated by SWACHA on January 25, 2012 (1/2012)	✓			
<a href="#"><u>FDIC Supervisory Insights-Summer 2011 - "Managing Risks in Third-Party Payment Processor Relationships"</u></a> (07/21/2011)	✓			
<a href="#"><u>Fraud Advisory for Businesses: Corporate Account Takeover</u></a> (2009)				✓
<a href="#"><u>NACHA Corporate Account Takeover Resource Center</u></a>	✓			
<a href="#"><u>ACH Operations Bulletin - Corporate Account Takeovers Can Lead to Fraudulent Transactions</u></a> (December 2, 2009)	✓			
<a href="#"><u>ACH Operations Bulletin – Unlawful Internet Gambling Transactions</u></a> (01/12/2009)	✓			