

P 5000
* * * * *

AGL OH D Columbus, Ohio State University Airport, OH [Amended]

Columbus, Ohio State University Airport, OH (Lat. 40°04'47" N., long. 83°04'23" W.)

That airspace extending upward from the surface to and including 3,400 feet MSL within a 4-mile radius of Ohio State University Airport, excluding that airspace within the Port Columbus International Airport, OH, Class C airspace area. This Class D airspace area is effective during the specific dates and times established in advance by a Notice to Airmen. The effective dates and times will thereafter be continuously published in the Airport/Facility Directory.

P 6004
* * * * *

AGL OH E4 Columbus, Ohio State University Airport, OH [Removed]

P 6005
700
* * * * *

AGL OH E5 Columbus, OH [Amended]

Columbus, Port Columbus International Airport, OH (Lat. 39°59'49" N., long. 82°53'32" W.)
Columbus, Rickenbacker International Airport, OH (Lat. 39°48'50" N., long. 82°55'40" W.)
Columbus, Ohio State University Airport, OH (Lat. 40°04'47" N., long. 83°04'23" W.)
Columbus, Bolton Field Airport, OH (Lat. 39°54'04" N., long. 83°08'13" W.)
Columbus, Darby Dan Airport, OH (Lat. 39°56'31" N., long. 83°12'18" W.)
Lancaster, Fairfield County Airport, OH (Lat. 39°45'20" N., long. 82°39'26" W.)

That airspace extending upward from 700 feet above the surface within a 7-mile radius of Port Columbus International Airport, and within 3.3 miles either side of the 094° bearing from Port Columbus International Airport extending from the 7-mile radius to 12.1 miles east of the airport, and within a 7-mile radius of Rickenbacker International Airport, and within 4 miles either side of the 045° bearing from Rickenbacker International Airport extending from the 7-mile radius to 12.5 miles northeast of the airport, and within a 6.5-mile radius of Ohio State University Airport, and within a 7.4-mile radius of Bolton Field Airport, and within a 6.4-mile radius of Fairfield County Airport, and within a 6.5-mile radius of Darby Dan Airport, excluding that airspace within the London, OH, Class E airspace area.

Issued in Fort Worth, TX, on June 8, 2015.

Robert W. Beck,

FEDERAL TRADE COMMISSION

16 CFR Part 313

RIN 3084-AB42

Amendment to the Privacy of Consumer Financial Information Rule Under the Gramm-Leach-Bliley Act

AGENCY: Federal Trade Commission (FTC or Commission).

ACTION: Notice of proposed rulemaking; Request for public comment.

SUMMARY: The FTC proposes to amend the Privacy of Consumer Financial Information Rule (Privacy Rule or Rule), which among other things requires that certain motor vehicle dealers provide an annual disclosure of their privacy policies to their customers by hand delivery, mail, electronic delivery, or, alternatively through a Web site, but only with the consent of the consumer. The amendment would allow motor vehicle dealers instead to notify their customers that a privacy policy is available on their Web site, under certain circumstances. The amendment would also revise the scope and definitions in this rule in light of the transfer of part of the Commission's rulemaking authority to the Consumer Financial Protection Bureau (CFPB or the Bureau) in the Dodd-Frank Wall Street Reform and Consumer Protection Act, but retains certain examples for purposes of the FTC's Safeguards Rule. **DATES:** Comments must be received on or before August 31, 2015.

ADDRESSES: Interested parties may file a comment online or on paper, by following the instructions in the Request for Comment part of the **SUPPLEMENTARY INFORMATION** section below. Write "Amendment to the Privacy of Consumer Financial Information Rule, 16 CFR part 313, Project No. R411016" on your comment, and file your comment online at www.ftc.gov by following the instructions on the web-based form. If you prefer to file your comment on paper, write "Amendment to the Privacy of Consumer Financial Information Rule, 16 CFR part 313, Project No. R411016" on your comment and on the envelope, and mail your comment to the following address: Federal Trade Commission, Office of the Secretary, 600 Pennsylvania Avenue NW., Suite CC-5610 (Annex E), Washington, DC 20580, or deliver your comment to the following address: Federal Trade Commission, Office of the Secretary, Constitution Center, 400 7th

Street SW., 5th Floor, Suite 5610 (Annex E), Washington, DC 20024.

FOR FURTHER INFORMATION CONTACT: Steven Toporoff, (202) 326-3135, Attorney, Division of Privacy and Identity Protection, Federal Trade Commission, 600 Pennsylvania Avenue NW., Washington, DC 20580.

SUPPLEMENTARY INFORMATION:

I. Summary of the Proposed Rule

The Gramm-Leach-Bliley Act (GLBA) ¹ mandates that financial institutions provide their customers with initial and annual notices regarding their privacy policies. If financial institutions share certain customer information with particular types of third parties, the institutions are also required to provide an opportunity to opt out of the sharing. The Commission issued its rule implementing these provisions in 2000.² The Dodd-Frank Wall Street Reform and Consumer Protection Act transferred GLBA privacy notice rulemaking authority, in part, to the Bureau; however, the Commission retains rulemaking authority over any financial institution that is a motor vehicle dealer predominantly engaged in the sale and servicing of motor vehicles, the leasing and servicing of motor vehicles, or both, as described in Section 1029 of the Dodd-Frank Act, 12 U.S.C. 5519 (hereafter, motor vehicle dealers).

The Commission proposes to revise its Privacy Rule, 16 CFR part 313, in two ways. First, in light of the transfer of rulemaking authority for certain financial institutions to the Bureau, the Commission proposes to revise the explanation of the scope of the Rule and to tailor the examples provided in the Rule's section describing entities over which the Commission has retained rulemaking authority. The Commission believes that revising these provisions will eliminate extraneous information, clarify the Rule's applicability, and reduce confusion as to entities covered by the Rule. The Rule also retains several examples explaining the types of entities covered by the Safeguards Rule, 16 CFR part 314. Second, the Commission proposes to provide an alternative means for covered motor vehicle dealers to fulfill their obligation under the Privacy Rule to provide notice of their privacy policies. Under the proposal, motor vehicle dealers that do not engage in certain types of information-sharing activities would no longer be required to mail an annual privacy notice if they clearly and conspicuously convey, as

¹ 15 U.S.C. 6801.
² 65 FR 33646 (May 24, 2000).

This requirement governs the [redacted] of information by an affiliate, not the [redacted] of information among affiliates, and thus is distinct from the affiliate sharing opt-out discussed above. The Affiliate Marketing Rule permits (but does not require) motor vehicle dealers to incorporate any opt-out disclosures provided under section 624 of the FCRA and the Affiliate Marketing Rule into the initial and annual privacy notices required by the GLBA.²⁰

Finally, § 313.6(a)(8) of the Privacy Rule requires that the notices also briefly describe how motor vehicle dealers protect the nonpublic personal information they collect and maintain.

In December 2011, the Bureau issued a Request for Information seeking specific suggestions for streamlining regulations that were transferred to the Bureau from other Federal agencies (Streamlining RFI), including the annual privacy notice requirement.²¹

The Bureau received numerous comments from industry urging the Bureau to eliminate or reduce the annual notice requirement.²² Industry argued that most customers ignore annual privacy notices; the content of the disclosures provides little benefit

a Res proeyidoicee fnuanal

information they collect and bment to prexceptransfeticere requece tj 0 Tw 7.002 0 0 5.85 137.8959 617.9338 T.938mat289 0 0 9 167.3821 61

6.071ureau receiv thNAffreau scliss3ed briededucnttle (a Res prosó)Tjirredes little buana04410441rs ar* nd (a R85 13nnua)onspicu Td,044

Res

¹⁹ 77 FR 22200. The FTC also enforces the Bureau's Regulation V's Affiliate Marketing Rule, 12 CFR part 1022, subpart C, for other entities over which it has enforcement authority under the FCRA.

²⁰ 16 CFR 680.23(b).

²¹ 76 FR 75825, 75828 (Dec. 5, 2011).

²² 79 FR 27214 at 27217 (May 14, 2014) (Bureau Notice of Proposed Rulemaking).

²³ .

²⁴ .

²⁵ Consumer Financial Protection Bureau,

" [redacted] , P [redacted] ,

P [redacted] " (Nov. 2013),

201311_ [redacted] Information collected for the study may be used to assist the Bureau in its investigations of "the effects of a potential or existing regulation on the business decisions of providers." OMB Information Request—Control Number: 3170-0032.

²⁶ 15 U.S.C. 6803 (In its initial and annual privacy notices "a financial institution shall provide a clear and conspicuous disclosure"); 12 CFR 1016.3(b)(1) and 16 CFR 313.3(b)(1) (both defining "clear and conspicuous" as "reasonably understandable and designed to call attention to the nature and significance of the information in the notice.").

²⁷ 74 FR 62890, 62897-62898.

²⁸ 79 FR 64057 (Oct. 28, 2014).

²⁹ 15 U.S.C. 6804(1)(C).

³⁰ 16 CFR 314.2(a).

³¹ Because this disclosure must be provided annually, the proposal satisfies the statutory requirement that motor vehicle dealers provide annual notices about their privacy practices. Beyond the requirement to provide the notice annually, the GBLA allows agencies to prescribe the method of delivery. 15 U.S.C. 6803(a) (The GLBA allows annual notice to be delivered "in writing or in electronic form or other form permitted by the regulations . . .").

⁴⁸ 16 CFR 313.3(k)(4)(iii) and (iv).
⁴⁹ 16 CFR 313.9(b).

⁵⁰ 16 CFR 313.9(c).

⁵¹ Existing § 313.9(c) would be redesignated as § 313.9(c)(1) and its subparagraphs redesignated as

⁵⁶ 16 CFR 680.23(b).

⁵⁷ Certain requirements for the Affiliate Marketing notice and opt out differ, depending on whether it is included as part of the model privacy notice or issued separately. Where a motor vehicle dealer includes the Affiliate Marketing notice and opt-out on the model privacy notice, that opt-out must be of indefinite duration. See Appendix A to Part 313 at C.2(d)(6). In contrast, where a motor vehicle dealer provides the Affiliate Marketing notice and opt-out separately, the Affiliate Marketing Rule allows the opt-out to be offered for as little as five years, subject to renewal, and the disclosure of the duration of the opt-out must be included on the notice. See 16 CFR 680.22(b). 16 CFR

⁵² 15 U.S.C. 1681a(d)(2)(A)(iii).

⁵³ See 64 FR 35162, 35176 (June 1, 2000).

⁵⁴ 15 U.S.C. 1681s-3.

⁵⁵ 16 CFR 680.21(a).

statement. Motor vehicle dealers may not charge the customer for delivering the annual notice, given that delivery of the annual notice is required by statute and regulation.

The Commission invites comment on the cost associated with mailing privacy notices on request, and whether mailing of the privacy notice within ten calendar days of a request is feasible for motor vehicle dealers. The Commission further requests comment on whether requiring mailing within ten calendar days is sufficient to ensure that customers receive privacy notices in a timely manner.

9(c)(2)(iii)

Proposed § 313.9(c)(2)(iii) would provide an example of a notice of availability that satisfies § 313.9(c)(2)(ii)(A). The Commission intends this example to provide clear guidance on permissible content for the notice of availability to facilitate compliance. The content of the example notice of availability in proposed § 313.9(c)(2)(iii) draws from language in the existing model privacy notice in Part 313, App. A, which was previously subject to consumer testing.⁶⁷ The proposed example would include the heading "Privacy Notice" in boldface (or otherwise emphasized) on the notice of availability. The proposed example further would state that Federal law requires the motor vehicle dealer to tell customers how it collects, shares, and protects their personal information; this language mirrors the "Why" box on the model privacy notices.⁶⁸ The remaining portion of the proposed example would inform customers that the motor vehicle dealer's privacy notice has not changed, the address of the Web site at which customers can access the privacy notice, and the telephone number to call to request a free copy of the notice. The Commission notes that the proposed example contains certain elements that would satisfy proposed § 313.9(c)(2), but other language and formatting techniques could also satisfy that section. These elements include titling the notice of availability "Privacy Notice," including a statement that "Federal law requires the motor vehicle dealer to tell customers how it collects, shares, and protects their personal information," and stating that getting a copy of the notice is "free" to the consumer.

The Commission invites comment on whether the proposed example notice of availability for motor vehicle dealers should differ from that for financial

institutions covered by Regulation P. In particular, the Commission is interested in comment on: (1) Whether the proposed example notice of availability would make the alternative delivery method more feasible for motor vehicle dealers to implement, (2) whether the elements not specifically required by the rule should be so required, and (3) whether the proposed language would be effective in informing customers of the availability of the privacy notice.

V. Regulatory Flexibility Act

The Regulatory Flexibility Act (RFA), as amended by the Small Business Regulatory Enforcement Fairness Act of 1996, requires each agency to consider the potential impact of its regulations on small entities, including small businesses, small governmental units, and small not-for-profit organizations. The RFA generally requires an agency to conduct an initial regulatory flexibility analysis (IRFA) and a final regulatory flexibility analysis (FRFA) of any rule subject to notice-and-comment rulemaking requirements, unless the agency certifies that the rule will not have a significant economic impact on a substantial number of small entities.⁶⁹

An IRFA is not required here because the proposal, if adopted, would not have a significant economic impact on a substantial number of small entities. The Commission does not expect the proposal to impose costs on small entities. All methods of compliance under current law will remain available to small entities if the proposal is adopted. Thus, a small entity that is in compliance with current law need not take any different or additional action if the proposal is adopted. In addition, as discussed above, the Commission believes that the proposed alternative method would allow many motor vehicle dealers to reduce their costs.

Accordingly, the Commission certifies that this proposal, if adopted, would not have a significant economic impact on a substantial number of small entities.

VI. Paperwork Reduction Act

Under the Paperwork Reduction Act of 1995 (PRA),⁷⁰ Federal agencies are generally required to seek Office of Management and Budget (OMB) approval for information collection requirements prior to implementation. Under the PRA, the Commission may not conduct or sponsor, and, notwithstanding any other provision of law, a person is not required to respond to an information collection, unless the

information collection displays a valid control number assigned by OMB.

This proposal would amend 16 CFR part 313. The collections of information related to the Privacy Rule have been previously reviewed and approved by OMB in accordance with the PRA and assigned OMB Control Number 3084-0121.⁷¹

As explained below, the proposed amendments do not modify or add to information collection requirements that were previously approved by OMB.

Under this proposal, a motor vehicle dealer will be permitted, but not required, to use an alternative delivery method for the annual privacy notice if:

- It does not share information with nonaffiliated third parties other than for purposes covered by the exclusions allowed under the Privacy Rule;
- It does not include on its annual privacy notice an opt-out under section 603(d)(2)(A)(iii) of the FCRA;
- The annual privacy notice is not the only method used to satisfy the requirements of section 624 of the FCRA and 16 CFR part 680, if applicable;
- Certain information it is required to convey on its annual privacy notice has not changed since it provided the immediately prior privacy notice; and
- It uses the Privacy Rule model privacy form for its annual privacy notice.

Under the proposed alternative delivery method, the motor vehicle dealer would have to:

- Convey at least annually on another notice or disclosure that its privacy notice is available on its Web site and will be mailed upon request to a specified telephone number. Among other things, the dealer would have to include a specific web address that takes the customer directly to the privacy notice;
- Post its current privacy notice continuously on a page of its Web site that contains only the privacy notice, without requiring a login or any conditions to access the page; and
- Mail its current privacy notice to customers who request it by telephone within ten calendar days of such request.

Under the existing clearance, the FTC has attributed to itself the estimated burden regarding all motor vehicle dealers and then shares equally the remaining estimated PRA burden with the Bureau for other types of financial institutions for which both agencies have enforcement authority regarding the GLBA Privacy Rule.⁷²

⁷¹ The FTC has current clearance through October 31, 2017. 79 FR 55489 (Sept. 16, 2014).

⁷² 79 FR 55489.

⁶⁷ See Appendix A to 16 CFR part 313, at A.

⁶⁸ .

⁶⁹ 5 U.S.C. 603–605.

⁷⁰ 44 U.S.C. 3501 . . .

The Commission does not believe that this proposed rule would impose any new or substantively revised collections

minimal proposal notional ongoing 50 7vge deB.thataveosel notional e thnat8 associatedoG.7 rTw T* (a notice oamp twstimateducti9 0

this gs are ge a vehicle dealers to di 36 69(c)i9 008 Tw T* (protimate2in1002ough-0.00u BTed 1wBuilder is (7m]ls proporve.gov/nege deB.t

⁷⁶ 79 FR 55489 (Sept. 14, 2014).

⁷⁷ . at 55490–91 Table IIB.

⁷⁸ The 638,400 hours estimate is 80% of the previously published estimate of 798,000 hours, cumulatively, for established motor vehicle dealers to disseminate annual notices. . at 55490 (Table IIB). The estimated number of motor vehicle dealers that would use the alternative delivery method is 80% of the previously published estimate of the number of motor vehicle dealers, 60,000. . at Table IIA notes.

⁷⁹ This is the product of the above-noted costs to motor vehicle dealers to disseminate annual disclosures, \$18.4 million, multiplied by the assumed 80% reduction for the alternative delivery method. Estimates of ongoing savings are gross figures and do not take into account any ongoing costs associated with the alternative delivery method, which the Commission believes would be minimal. They would consist of additional text on a notice or disclosure the institution already provides, additional phone calls from consumers requesting that the model form be mailed, and the costs of mailing the forms prompted by these calls. The Commission currently believes that few consumers will request that the form be mailed in order to read it or to exercise any voluntary opt-out right, given the availability of the notices online. There would be minimal ongoing costs associated with the alternative delivery method from maintaining a Web page if a motor vehicle dealer already has a Web page dedicated to the annual privacy policy.

⁷³ 79 FR at 27226.

⁷⁴ . Only 18% of sampled banks with assets over \$10 billion could clearly use the proposed alternative delivery method, while 81% of sampled banks with assets of \$10 billion or less and 88% of sampled banks with assets of \$500 million or less could clearly use the proposed alternative delivery method. The Bureau also examined the privacy policies of 54 credit unions and found 62% of those with assets over \$500 million could use the alternative delivery method and 44% of those with \$500 million or less in assets could (though, due to inadequate information, the Bureau could not make the assessment for 48% of those credit unions with \$500 million or less in assets).

⁷⁵ 79 FR at 27229.

⁸⁰ This Online Form Builder is available at <http://www.regulations.gov/submitter/onlineFormBuilder/20100415>.

Because your comment will be made public, you are solely responsible for making sure that your comment doesn't include any sensitive personal information, such as Social Security number, date of birth, driver's license number or other state identification number or foreign country equivalent, passport number, financial account number, or credit or debit card number. You are also solely responsible for making sure that your comment doesn't include any sensitive health information, including medical records or other individually identifiable health information. In addition, do not include any "[t]rade secret or any commercial or financial information which . . . is privileged or confidential," as discussed in section 6(f) of the FTC Act, 15 U.S.C. 46(f), and FTC Rule 4.10(a)(2), 16 CFR 4.10(a)(2). In particular, do not include competitively sensitive information such as costs, sales statistics, inventories, formulas, patterns, devices, manufacturing processes, or customer names.

If you want the Commission to give your comment confidential treatment, you must file it in paper form, with a request for confidential treatment, and you have to follow the procedure explained in FTC Rule 4.9(c), 16 CFR 4.9(c).⁸¹ Your comment will be kept confidential only if the FTC General Counsel, in his or her sole discretion, grants your request in accordance with the law and the public interest.

Postal mail addressed to the Commission is subject to delay due to heightened security screening. As a result, we encourage you to submit your comments online. To make sure that the Commission considers your online comment, you must file it at

by following the instructions on the web-based form. If this Notice appears at

If you file your comment on paper, write "Amendment to the Privacy of Consumer Financial Information Rule, 16 CFR part 313, Project No. R411016" on your comment and on the envelope, and mail your comment to the following address: Federal Trade Commission, Office of the Secretary, 600 Pennsylvania Avenue NW., Suite CC-5610 (Annex E), Washington, DC 20580, or deliver your comment to the

following address: Federal Trade Commission, Office of the Secretary, Constitution Center, 400 7th Street SW., 5th Floor, Suite 5610 (Annex E), Washington, DC 20024. If possible, submit your paper comment to the Commission by courier or overnight service.

Visit the Commission Web site at to read this Notice and the news release describing it. The FTC Act and other laws that the Commission administers permit the collection of public comments to consider and use in this proceeding as appropriate. The Commission will consider all timely and responsive public comments that it receives on or before August 31, 2015. For information on the Commission's privacy policy, including routine uses permitted by the Privacy Act, see

List of Subjects in 16 CFR Part 313

Consumer protection, Motor vehicle dealers, Privacy, Reporting and recordkeeping requirements, Trade practices.

Authority and Issuance

For the reasons set forth in the preamble, the Commission proposes to amend 16 CFR part 313, as set forth below:

PART 313—PRIVACY OF CONSUMER FINANCIAL INFORMATION

■ 1. The authority citation for Part 313 is revised to read as follows:

Authority: 15 U.S.C. 6801, 12 U.S.C. 5519.

■ 2. In § 313.1, revise paragraph (b) to read as follows:

§ 313.1 Purpose and scope.

(b) This part applies only to nonpublic personal information about individuals who obtain financial products or services primarily for personal, family or household purposes from the institutions listed below. This part does not apply to information about companies or about individuals who obtain financial products or services for business, commercial, or agricultural purposes. This part applies to those "financial institutions" over which the Federal Trade Commission ("Commission") has rulemaking authority pursuant to section 504(a)(1)(C) of the Gramm-Leach-Bliley Act. An entity is a "financial institution" if its business is engaging in a financial activity as described in

1843(k), which incorporates by reference activities enumerated by the Federal Reserve Board in 12 CFR 211.5(d) and 12 CFR 225.28. The "financial institutions" subject to the Commission's rulemaking authority are any persons described in 12 U.S.C. 5519 that are predominantly engaged in the sale and servicing of motor vehicles, the leasing and servicing of motor vehicles, or both. They are referred to in this part as "

■ 3. In § 313.3, revise paragraphs (e), (i), (k), and (q) to read as follows:

§ 313.3 Definitions.

(e)(1) means an individual who obtains or has obtained a financial product or service from you that is to be used primarily for personal, family, or household purposes, or that individual's legal representative.

(2) 313—(i) An individual who applies to you for credit for personal, family, or household purposes is a consumer of a financial service, regardless of whether the credit is extended.

(ii) An individual who provides nonpublic personal information to you in order to obtain a determination about whether he or she may qualify for a loan to be used primarily for personal, family, or household purposes is a consumer of a financial service, regardless of whether the loan is extended.

(iii) If you hold ownership or servicing rights to an individual's loan that is used primarily for personal, family, or household purposes, the individual is your consumer, even if you hold those rights in conjunction with one or more other institutions. (The individual is also a consumer with respect to the other financial institutions involved.) An individual who has a loan in which you have ownership or servicing rights is your consumer, even if you, or another institution with those rights, hire an agent to collect on the loan.

(iv) An individual who is a consumer of another financial institution is not your consumer solely because you act as agent for, or provide processing or other services to, that financial institution.

(v) An individual is not your consumer solely because he or she is a participant or a beneficiary of an employee benefit plan that you sponsor or for which you act as a trustee or fiduciary.

(3) 314—(i) An individual who provides nonpublic personal information to you in connection with

⁸¹ In particular, the written request for confidential treatment that accompanies the comment must include the factual and legal basis for the request, and must identify the specific portions of the comment to be withheld from the public record. FTC Rule 4.9(c), 16 CFR 4.9(c).

(ix) An entity that provides real estate settlement services is a financial institution because providing real estate settlement services is a financial activity listed in 12 CFR 225.28(b)(2)(viii) and referenced in section 4(k)(4)(F) of the Bank Holding Company Act.

(x) A mortgage broker is a financial institution because brokering loans is a financial activity listed in 12 CFR 225.28(b)(1) and referenced in section 4(k)(4)(F) of the Bank Holding Company Act.

(xi) An investment advisory company and a credit counseling service are each financial institutions because providing financial and investment advisory services are financial activities referenced in section 4(k)(4)(C) of the Bank Holding Company Act.

(4) does not include:

(i) Any person or entity with respect to any financial activity that is subject to the jurisdiction of the Commodity Futures Trading Commission under the Commodity Exchange Act (7 U.S.C. 1 ...);

(ii) The Federal Agricultural Mortgage Corporation or any entity chartered and operating under the Farm Credit Act of 1971 (12 U.S.C. 2001 ...); or

(iii) Institutions chartered by Congress specifically to engage in securitizations, secondary market sales (including sales of servicing rights) or similar transactions related to a transaction of a consumer, as long as such institutions do not sell or transfer nonpublic personal information to a nonaffiliated third party other than as permitted by §§ 313.14 and 313.15 of this Part.

(iv) Entities that engage in financial activities but that are not significantly engaged in those financial activities.

(5) ... 16

313.314. A motor vehicle dealer is not a financial institution merely because it accepts payment in the form of cash, checks, or credit cards that it did not issue.

(6) ... 16

314. (i) A retailer is not a financial institution if its only means of extending credit are occasional “lay away” and deferred payment plans or accepting payment by means of credit cards issued by others.

(ii) A retailer is not a financial institution merely because it accepts payment in the form of cash, checks, or credit cards that it did not issue.

(iii) A merchant is not a financial institution merely because it allows an individual to “run a tab.”

(iv) A grocery store is not a financial institution merely because it allows individuals to whom it sells groceries to cash a check, or write a check for a higher amount than the grocery purchase and obtain cash in return.

* * * * *

(q) For purposes of 16 CFR part 313, includes each “financial institution” over which the Commission has rulemaking authority pursuant to section 504(a)(1)(C) of the Gramm-Leach-Bliley Act. For purposes of 16 CFR part 314, includes each “financial institution” (but excludes any “other person”) over which the Commission has enforcement jurisdiction pursuant to section 505(a)(7) of the Gramm-Leach-Bliley Act.

■ 4. In § 313.9, revise paragraph (c) to read as follows:

§ 313.9 Delivering privacy and opt out notices.

* * * * *

(c) ... (1) ... You may reasonably expect that a customer will receive actual notice of your annual privacy notice if:

(i) The customer uses your Web site to access financial products and services electronically and agrees to receive notices at the Web site, and you post your current privacy notice continuously in a clear and conspicuous manner on the Web site; or

(ii) The customer has requested that you refrain from sending any information regarding the customer relationship, and your current privacy notice remains available to the customer upon request.

(2) ... (i)

Notwithstanding paragraph (a) of this section, you may use the alternative method described in paragraph (c)(2)(ii) of this section to satisfy the requirement in § 313.5(a)(1) to provide a notice if:

(A) You do not disclose the customer’s nonpublic personal information with nonaffiliated third parties other than for purposes under §§ 313.13, 313.14, and 313.15;

(B) You do not include on your annual privacy notice pursuant to