

October 15, 2024

The Honorable Rohit Chopra
Director of the Consumer Financial Protection Bureau
1700 G St. NW
Washington, DC 20552

Via electronic mail: OpenBankingStandards@cfpb.gov

Re: Docket No. CFPB-2024-0048; ABA letter in support of Financial Data Exchange application for open banking standard setter recognition

Dear Director Chopra,

The American Bankers Association (ABA)¹ appreciates the opportunity to write in support of the Financial Data Exchange's (FDX) application for recognition pursuant to 12 CFR Part 1033.² Specifically, FDX applied to be recognized as an issuer of "data formats."³

In June 2024, the Consumer Financial Protection Bureau (CFPB or Bureau) finalized a portion of its 1033 rule related to a recognition process for standard-setting bodies to offer evidence of compliance with certain substantive regulatory requirements.⁴ The partial final rule includes an appendix providing a step-by-step guide on how organizations can apply for recognition under Part 1033.⁵

In order to receive recognition by the Bureau, the partial final rule codified at 12 CFR 1033.141 requires a standard-setting body to demonstrate that it satisfies the following attributes: openness, balance, due process and appeals, consensus, and transparency.⁶

¹ *The American Bankers Association is the voice of the nation's \$23.9 trillion banking industry, which is composed of small, regional and large banks that together employ approximately 2.1 million people, safeguard \$18.8 trillion in deposits and extend \$12.5 trillion in loans.*

² Financial Data Exchange application for open banking standard setter recognition, <https://www.regulations.gov/document/CFPB-2024-0048-0001>; *see also* <https://www.consumerfinance.gov/personal-financial-data-rights/applications-for-open-banking-standard-setter-recognition/>

³ Financial Data Exchange, *Application to the CFPB - 1033 Dodd-Frank Standard-Setting Body*; https://files.consumerfinance.gov/f/documents/cfpb_application-standard-setting-body-financial-data-exchange.pdf.

⁴ "Partial Final Rule" on Personal Financial Data Rights; Industry Standard-Setting, <https://www.federalregister.gov/documents/2024/06/11/2024-12658/required-rulemaking-on-personal-financial-data-rights-industry-standard-setting>

⁵ *See* Appendix A to Part 1033—Personal Financial Data Rights Rule: How To Apply for Recognition as a Standard Setter, <https://www.ecfr.gov/current/title-12/chapter-X/part-1033#Appendix-A-to-Part-1033>

⁶ Openness: The sources, procedures, and processes used are open to all interested parties, including: consumer and other public interest groups with expertise in consumer protection, financial services, community development, fair lending, and civil rights; authorized third parties; data providers; data recipients; data aggregators and other providers of services to authorized third parties; and relevant trade associations. Parties can meaningfully participate in standards development on a non-discriminatory basis.

The posted application amply demonstrates that FDX meets the above criteria.⁷ Moreover, the FDX API data format is currently used to connect over 94 million consumer accounts⁸ and is available “without charge for parties that accept the terms and conditions of the FDX API License Agreement.”⁹ The prevalence of the FDX API spec in the US market shows that FDX is a credible data format standard setter trusted by data providers, data aggregators, and third parties.

For those reasons, we support FDX’s application and urge the CFPB to recognize it as a standard setter for data formats.

Thank you for your kind attention to this matter. If you have any questions about this comment, please contact Ryan T. Miller via email at rmiller@aba.com or via telephone at (202) 663-7675.

Respectfully submitted,



Ryan T. Miller
Vice President & Senior Counsel, Innovation Policy

(2) Balance: The decision-making power is balanced across all interested parties, including consumer and other public interest groups, and is reflected at all levels of the standard-setting body. There is meaningful representation for large and small commercial entities within these categories. No single interest or set of interests dominates decision-making. Achieving balance requires recognition that, even when a participant may play multiple roles, such as data provider and authorized third party, the weight of that participant's commercial concerns may align primarily with one set of interests. The ownership of participants is considered in achieving balance.

(3) Due process and appeals: The standard-setting body uses documented and publicly available policies and procedures, and it provides adequate notice of meetings and standards development, sufficient time to review drafts and prepare views and objections, access to views and objections of other participants, and a fair and impartial process for resolving conflicting views. An appeals process is available for the impartial handling of procedural appeals.

(4) Consensus: Standards development proceeds by consensus, which is defined as general agreement, though not necessarily unanimity. During the development of consensus, comments and objections are considered using fair, impartial, open, and transparent processes.

(5) Transparency: Procedures or processes for participating in standards development and for developing standards are transparent to participants and publicly available. See <https://www.ecfr.gov/current/title-12/chapter-X/part-1033#1033.141>

⁷ Supra, note 3.

⁸ Id.

⁹ FAQ 9 on FDX website, available at <https://financialdataexchange.org/FDX/About/About-FDX.aspx?WebsiteKey=deae9d6d-1a7a-457b-a678-8a5517f8a474&hkey=dffb9a93-fc7d-4f65-840c-f2cfbe7fe8a6&a315d1c24e44=8#faq9>.