



VIA ELECTRONIC SUBMISSION

June 5, 2025

The Honorable Andy Barr
Chairman
Subcommittee on Financial Institutions
Committee on Financial Services
United States House of Representatives
2129 Rayburn House Office Building
Washington, DC 20515

The Honorable Bill Foster
Ranking Member
Subcommittee on Financial Institutions
Committee on Financial Services
United States House of Representatives
4340 O’Neill House Office Building
Washington, DC 20515

Dear Chairman Barr and Ranking Member Foster:

The Financial Data and Technology Association of North America (“FDATA North America”) appreciates the opportunity to submit a letter for the record in advance of the House Financial Services Committee’s Subcommittee on Financial Institutions’ hearing “Framework for the Future: Reviewing Data Privacy in Today’s Financial System.” As our financial services ecosystem continues to evolve and embrace new technologies and systems, ensuring that consumers are protected – and empowered – when accessing their financial data is critical. Through the Consumer Financial Protection Bureau’s (“CFPB” or “the Bureau”) Section 1033 rulemaking, finalized in October of 2024 as part of the Dodd-Frank Wall Street Reform and Consumer Protection Act (“Dodd-Frank”)¹, consumers have a legally binding financial data right to be able to share their data in a system that ensures robust consumer protections and data privacy restrictions on third parties who access that data. Recent efforts by Bureau leadership to undo the rights and protections afforded to consumers through the broadly supported Section 1033 rulemaking will be detrimental to the progress made to protect consumers as they engage with financial products and services that help them meet their financial needs. FDATA North America believes that the most efficient way to ensure financial data privacy protections is to allow the Section 1033 rulemaking to be implemented.

As the leading trade association advocating for consumer-permissioned, third-party access to financial data globally, we believe that the most effective way to ensure data privacy is to give consumers and small businesses complete access to, and full control and utility over, their financial data. Our members are united behind the principle that consumer electronic financial data access and protections are fundamental rights and a market-driven imperative. This concept was formalized in Section 1033, which assures consumers electronic access to their financial data. Section 1033 recognized that the deployment of financial technology applications in the financial ecosystem has fostered the ability of consumers and small business owners across the United States to use their own financial data to manage their budgets, access capital, increase their savings, and invest safely and securely, among other use cases. By placing consumers and

¹ <https://www.govinfo.gov/content/pkg/FR-2024-11-18/pdf/2024-25079.pdf>

small businesses – the owners of financial data – at the center of the framework, consumers are given complete control over their data. This construct provides them with the opportunity to improve their financial wellbeing by empowering them to use their data for the products and services of their choice, and to manage their own privacy, as they will control which entities have access to their financial data and how that data can be used.

As you are aware, on May 30, 2025, the CFPB submitted its summary judgement in the ongoing litigation around Section 1033, in which the administration requests that the courts vacate the entire rulemaking². Among the points outlined in the judgement for why the rule should be vacated, the Bureau states that Section 1033, as defined in Dodd-Frank, only allows the CFPB to write a rule granting individuals access to their financial data and does not allow for the sharing of that data with third parties. A common argument heard from opposers of the rulemaking is that the rulemaking does not go far enough to address data privacy concerns for third parties who access consumer’s data with their permission. In addition to the existential threat that this point imposes on the financial technology industry, and ultimately consumer choice, it fails to account for the robust privacy and security requirements that authorized third parties must adhere to.

The final rule implementing Section 1033 establishes robust data privacy, authorization, disclosure, and data security requirements for third parties who have been given permission to access a consumer’s financial data. The underlying premise of the rule is that in addition to providing consumers with control of their financial data, it also guards against abuse and misuse of their data. Under the rule, authorized third parties must protect covered data with an information security program that satisfies the Gramm-Leach-Bliley Act’s (“GLBA”) Safeguards Rule, which requires financial institutions and third parties to explain their information-sharing practices to customers and to safeguard sensitive customer data. Additionally, third parties are required to have written policies and procedures that are reasonably designed to ensure that covered data is accurately received from a data provider and, if applicable, accurately provided to other third parties. Regarding authorization, authorized third parties must provide the consumer with a copy of the authorization disclosure that the consumer has signed and contact information that enables a consumer to receive answers to questions about the third party’s access to the consumer’s covered data. There are requirements in place for third parties to provide written policies and procedures for making available information about the third party’s access to the consumer’s covered data and methods to revoke the third party’s authorization.

FDATA appreciates the opportunity to submit a letter for the record for the Subcommittee on Financial Institution’s hearing “Framework for the Future: Reviewing Data Privacy in Today’s Financial System.” As an expert voice on financial data sharing and customer-permissioned data access, FDATA North America and its member companies strongly believe in the ability of technological innovation to empower consumers by increasing competition and providing broader access to technology-based financial tools that improve their financial wellbeing, while adhering to best-in-class privacy and data security standards. Consumers should feel confident in the privacy and safeguarding of their data no matter where they receive service. Instead of vacating the Section 1033 rulemaking, Bureau leadership should recognize the years

² [Forcht-Bank-v-CFPB-CFPB-Memorandum-In-Support-Summary-Judgment-ECF-58-1-05302025.pdf](#)

of work done to meet these needs and uphold the rulemaking, which has received bipartisan support and industry praise.

Sincerely,

A handwritten signature in black ink, appearing to read 'SJB', with a long horizontal flourish extending to the right.

Steven Boms
Executive Director