Bank Name] FDIC Part 328 Compliance Policy

Effective Date: May 1, 2025

Version: 1.0

**1. Purpose**

The purpose of this policy is to ensure that the Bank complies with the updated FDIC regulations under Part 328, which governs the use of FDIC signs, advertising requirements, and the proper disclosure of insured and non-insured products. These rules are intended to provide clarity to customers about the FDIC-insured status of deposit products and prevent misleading or false representations about deposit insurance.

**2. Scope**

This policy applies to:

* All advertising and marketing materials.
* Signage at physical locations.
* Websites, mobile apps, and other digital channels.
* Any interactions where non-deposit products or services are offered alongside deposit products.
* Vendors and third-party platforms involved in marketing and customer communication.

**3. Requirements for Physical Signage**

**3.1 Branch Signage**

* Each insured depository institution (Bank) must prominently display official FDIC signs at every branch or office where deposits are accepted. This includes all teller windows and customer service stations.
* The sign must adhere to the size and design specifications provided by the FDIC, and no alterations are permitted.
* The sign must state: “FDIC Insured – Backed by the Full Faith and Credit of the U.S. Government.”

**3.2 ATM Signage**

* ATMs operated by the Bank must display FDIC signs where customers make deposits. This can either be physical signage near the ATM or a digital sign displayed on the ATM screen during deposit transactions.
* Non-deposit products (e.g., loans, investment services) advertised on ATMs must include disclaimers clarifying they are not FDIC-insured.

**4. Digital Channel Compliance**

**4.1 Website and Mobile App**



Under Part 328, the FDIC official digital sign must be displayed on “digital deposit taking channels,” which includes Banks’ “websites and web-based or mobile applications that offer the ability to make deposits electronically and provide access to deposits at insured depository institutions.” 12 CFR § 328.5(a). If the Bank’s website is purely informational, with no ability to make deposits or access deposits, it would not be a digital deposit-taking channel.

The FDIC official digital sign must be displayed on the

* initial or homepage of the Bank’s website or application,
* landing or login pages (a “landing or login page” generally refers to an insured depository institution’s (Bank’s) webpage or screen from which a customer is able to log into the Bank’s digital deposit taking channel. Specifically, the terms include pages where customers enter their credentials (e.g., username and password) or use other authentication methods (e.g., face identification) to access the Bank’s website or banking application. The terms are intended to cover various types of logins, whether with usernames and passwords, face IDs, thumbprints, etc.)
* pages where a customer may transact with deposits.
	+ Examples of “pages where the customer may transact with deposits” that require the display of the FDIC official digital sign include, but are not limited to: mobile application pages that allow customers to deposit checks remotely; and, pages where customers may transfer deposits between deposit accounts held within the same Bank (e.g., checking to savings or vice versa).
	+ The FDIC official digital sign should not be displayed on pages where a customer is transferring money from a deposit account to a non-deposit account.

The FDIC sign must appear near the **top** of the screen and must not be hidden in a footer or separate tab. It must state: “FDIC Insured – Backed by the Full Faith and Credit of the U.S. Government.”

* Non-Deposit Products Disclaimer: If the Bank offers non-deposit products (e.g., insurance, mutual funds) on the same digital platforms where deposit accounts are managed, a disclaimer must be included that states:

“These products are not FDIC-insured, not a deposit, not guaranteed by the bank, and may lose value.”

The disclaimer must be clearly visible and not in close proximity to the FDIC digital sign to avoid customer confusion*. If the image does not fit a particular device or screen, the official digital sign can be scaled, “wrapped,” or “stacked” to fit the relevant screen and may satisfy the “clear and conspicuous” requirement.*

The Bank will display the official digital sign in a clear, continuous, and conspicuous manner. In general, the FDIC expects to see official digital signs displayed on the applicable in a manner that is clearly legible to all consumers to ensure they can read it easily. The official digital sign could be displayed above the Bank’s name, to the right of the Bank’s name or below the Bank’s name, but under all circumstances, the official digital sign continuously displayed near the top of the relevant page or screen and in close proximity to the Bank’s name would meet the clear and conspicuous standard under the rule. Placing the official digital sign in a footer of the Bank’s webpage would not meet the clear, conspicuous, and continuous display requirement.

Downloadable content that is available from the Bank’s website would not likely be viewed as a page or screen where the official digital sign would be required.

**4.2 ATM Signage**

For the Bank’s ATM or like device that receives deposits but does not offer access to non-deposit products, except as described below, the final rule provides flexibility to meet the signage requirement by either (1) displaying the FDIC official digital sign electronically on ATM screens (consistent with the image as described in 12 CFR § 328.5), or (2) displaying the physical official sign by attaching or posting it to the ATM.

* ATMs or like devices that accept deposits and are put into service after January 1, 2025, must display the official digital sign electronically (with no option to satisfy the requirement through display of the physical official sign). 12 CFR § 328.4(e).

For ATMs currently in service, or that will be put into service on or before January 1, 2025, under 12 CFR § 328.4 (b), “an insured depository institution’s automated teller machine or like device that receives deposits” but “does not offer access to non-deposit products” may comply with the official sign requirement in one of two ways.

* Post or attach the physical official FDIC sign (as described in 12 CFR § 328.2) on the ATMs. Note that a “degraded or defaced physical official sign” would not satisfy the “clearly, continuously, and conspicuously” requirement.
* Display the FDIC official digital sign as described in § 328.5 on ATM home pages or screens and on each transaction page or screen relating to deposits.

The regulation does not provide an exhaustive list of what constitutes “each transaction page or screen relating to deposits.” However, to provide an example, if a customer is depositing funds at the Bank’s ATMs, then the final rule requires display of the FDIC official digital sign on pages related to that transaction. Similarly, if a customer is transferring funds between deposit accounts at their Bank’s ATM, then the digital official sign is required on those transaction pages or screens.

In contrast, if a customer is only checking their balance, those pages/screens are not “transaction” pages for purposes of Part 328; therefore, a digital official sign is not required on those non-transaction pages.

**Non-Customers Using [Bank Name] ATMs**: In some cases the Bank’s ATM may allow a non-customer to use a debit card or credit card from another financial institution (including other Banks, credit unions, or other financial entities), which allows the non-customer to check their balance, withdraw funds or add funds to their accounts. For such circumstances, the Bank’s ATM may be unable to identify or verify non-customer information, including whether the non-customer is accessing FDIC-insured deposit accounts, or non-deposit products. In this scenario, if the Bank is unable to identify or verify the non-customer information, the Bank’s ATM is not required to display the official FDIC digital sign or the non-deposit sign after the non-customer uses their card and PIN (or similar credential) to access the ATM (i.e., status as a non-customer is determined).

**4.3 Third-Party Platforms**

* If customers can access non-deposit products through third-party platforms linked from the Bank’s website or app, a one-time notification must appear before the customer is transferred to the non-deposit platform. This notice must state the customer is leaving the bank’s insured environment and may be interacting with non-FDIC-insured products.
* If a consumer is completing a transaction by using an embedded third-party payment platform that consumers: (a) access after logging into their Bank’s website; and (b) utilize to initiate payments/move funds out of the Bank, then the official digital sign should not be posted on those pages.

**5. Advertising Practices**

**5.1 General Advertisement Requirements**

The advertising statement (e.g., “Member FDIC”) must be displayed on advertisements, consistent with 12 CFR § 328.6. It is not intended to overlap with the official digital sign, and the advertising statement is not required on web pages where the Bank displays the official digital sign, such as the bank’s homepage. However, the Bank is not prohibited from displaying the advertising statement on a page that also includes the official digital sign, so long as the use of the advertising statement on that page is otherwise consistent with the official advertising statement requirements.

* Deposit Products: All advertisements for FDIC-insured deposit products must clearly state that the products are FDIC-insured. The advertisement must include the phrase: “FDIC Insured – Backed by the Full Faith and Credit of the U.S. Government.”
* Non-Deposit Products: All advertisements for non-deposit products (e.g., investment services, insurance, loans) must contain the disclaimer:
	+ “This product is not FDIC-insured, not a deposit, not guaranteed by the bank, and may lose value.”
* Non-deposit product advertisements must not use FDIC logos or other imagery that may imply they are insured or guaranteed by the FDIC.

**Social Media Advertisements**: Banks are not required to display the FDIC official digital sign on its social media advertisements. However, the Bank must ensure that social media advertisements are compliant with the official advertising statement requirements contained in 12 CFR § 328.6.

**5.2 Misrepresentation of FDIC Insurance and Monitoring Third-Party Activities**

5.2.1 Prohibition of Misrepresentation

* Internal Communications: the Bank and its employees must ensure that no materials, advertisements, or communications mislead customers into believing that non-deposit products (such as insurance, mutual funds, or securities) are FDIC-insured. This includes a strict prohibition on using the FDIC logo, name, or related imagery in any manner that could imply FDIC insurance for products not covered under federal deposit insurance.
* Third-Party Partners: When engaging third-party vendors to offer non-deposit products, the Bank must take proactive measures to prevent any misleading use of the FDIC’s name or logo by these partners. Marketing campaigns and product offerings made in conjunction with third parties must comply with the FDIC rules and the non-deposit disclaimer requirements.
* NDIPs: The Bank must clearly and conspicuously display a non-deposit sign on each page relating to non-deposit products if the Bank offers both access to deposits and non-deposit products. This signage must be displayed continuously on each page relating to non-deposit products. Regarding placement of the sign, an example of clear and conspicuous placement of the non-deposit sign is to place it in close proximity to where access to a non-deposit product is provided on each page relating to non-deposit products.
	+ If the Bank’s digital deposit-taking channel, such as a website, offers access to non-deposit products from a non-bank third party’s online platform, and a logged-in Bank customer attempts to access such non-deposit products, the Bank must provide a one-time per web-session notification on the Bank’s deposit-taking channel before the customer leaves the Bank’s digital deposit-taking channel.
	+ The one-time notification could include, for example, the Bank using a “pop-up”, “speedbump”, or “overlay” that must be dismissed by an action of the Bank’s customer before initially accessing the third party’s online platform. The notification must clearly and conspicuously indicate that the third party’s non-deposit products: are not insured by the FDIC; are not deposits; and may lose value. 12 CFR § 328.5(g)(2).
	+ The Bank may include additional disclosures in the notification that may help prevent consumer confusion, including, for example, that the Bank customer is leaving the Bank’s website.
	+ With respect to whether the non-deposit signs can be placed in the footer, although there is no requirement for the non-deposit sign to be displayed near the top of the relevant page or screen, placing the non-deposit sign in a footer of the Bank’s webpage would generally not meet the clear, conspicuous, and continuous display requirement. In addition, the non-deposit products sign may not be displayed in close proximity to the FDIC official digital sign. 12 CFR § 328.5(g)(1).

5.2.2 Third-Party Monitoring

To ensure full compliance with FDIC regulations, the Bank will monitor the activities of any third-party service providers, vendors, or marketing partners who offer products through the bank’s platforms or use the bank’s branding. The following controls will be implemented:

* Contractual Obligations: All contracts with third-party vendors must include clear clauses that:
	+ Prohibit the misuse of the FDIC logo or name.
	+ Require adherence to FDIC’s signage and disclosure requirements, particularly the accurate representation of which products are FDIC-insured.
	+ Require the third-party to display disclaimers that clarify non-deposit products are not insured, may lose value, and are not backed by the bank.
* Ongoing Audits and Reviews: the Bank will conduct quarterly audits of third-party materials, including websites, marketing campaigns, and other customer-facing communications, to ensure compliance with Part 328. These audits will assess:
	+ Placement and clarity of required FDIC signs and disclaimers on websites, mobile apps, and physical marketing materials.
	+ Use of appropriate disclaimers for non-deposit products, ensuring clear communication that these products are not FDIC-insured.
	+ Consistent and accurate branding that avoids any misrepresentation regarding deposit insurance.
	+ Reporting and Corrective Action: If a third-party vendor is found to be non-compliant with FDIC rules, the following steps will be taken:
* Immediate Notice: The third-party vendor will be notified of the specific issue and instructed to cease non-compliant activities.
* Corrective Plan: The vendor must submit a corrective action plan within 30 days detailing how they will amend their materials to comply with FDIC regulations.
* Escalation: Continued non-compliance or failure to address issues within a specified timeframe will result in contract termination and potential reporting to regulatory authorities, depending on the severity of the violation.
* Technological Safeguards: For digital platforms, the Bank will integrate monitoring tools that track third-party use of logos, branding, and disclaimers. These tools will automatically scan the content hosted on or linked to the bank’s website or apps, flagging any misrepresentations or omissions regarding FDIC insurance.

5.2.3 Training and Awareness for Third-Party Vendors

* Vendor Education: All third-party partners will receive compliance training as part of their onboarding process, with a focus on:
	+ Understanding the FDIC’s Part 328 requirements.
	+ Proper usage of FDIC logos, disclaimers, and non-deposit product language.
	+ How to communicate effectively with customers about what is, and what is not, insured by the FDIC.
* Ongoing Communication: the Bank will hold bi-annual compliance reviews with key third-party partners to reinforce FDIC Part 328 requirements and discuss any upcoming changes in the regulatory environment. This ensures that third-party vendors remain up to date with the latest compliance standards.

**6. Training and Oversight**

6.1 Employee Training

* All employees involved in customer-facing activities, marketing, or product development will undergo mandatory training on FDIC Part 328 requirements.
* Training will cover the correct use of FDIC signage, advertising standards, and how to disclose non-deposit products.

6.2 Audit and Monitoring

* The Compliance Department will conduct regular audits of both physical and digital channels to ensure that FDIC signs are properly displayed and that all marketing materials meet regulatory standards.
* Non-compliance incidents will be documented and reported to senior management for corrective action.

**7. Compliance with Technological Updates**

7.1 System Updates

* All digital platforms must be updated to support continuous, clear, and conspicuous display of the FDIC sign on transactional pages and home screens.
* Vendors involved in the bank’s online and mobile platforms must ensure compliance with these new FDIC guidelines. Failure to meet these standards may result in termination of the contract.

**8. Enforcement and Penalties**

Non-compliance with this policy can result in disciplinary action, including termination of employment. Serious violations may lead to regulatory penalties for the bank as outlined in the FDIC’s enforcement actions for Part 328 breaches.

Approved by:

[Name]

[Title]

[Date]