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## Title 12 – Banks and Banking

### Chapter III – Federal Deposit Insurance Corporation

#### Subchapter B – Regulations and Statements of General Policy

#### Part 345 – Community Reinvestment

#### Subpart D – Records, Reporting, Disclosure, and Public Engagement Requirements

**Authority:** 12 U.S.C. 1814-1817, 1819-1820, 1828, 1831u, 2901-2908, 3103-3104, and 3108(a).

**Source:** 89 FR 7205, Feb. 1, 2024, unless otherwise noted.

#### § 345.43 Content and availability of public file.

Link to an amendment published at [89 FR 7207, Feb. 1, 2024](#).

- (a) **Information available to the public.** A bank must maintain a public file, in either paper or digital format, that includes the following information:
- (1) All written comments received from the public for the current year (updated on a quarterly basis for the prior quarter by March 31, June 30, September 30, and December 31) and each of the prior two calendar years that specifically relate to the bank's performance in helping to meet community credit needs, and any response to the comments by the bank, if neither the comments nor the responses contain statements that reflect adversely on the good name or reputation of any persons other than the bank or publication of which would violate specific provisions of law;
  - (2) A copy of the public section of the bank's most recent CRA performance evaluation prepared by the FDIC. The bank must include this copy in the public file within 30 business days after its receipt from the FDIC;
  - (3) A list of the bank's branches, their street addresses, and census tracts;
  - (4) A list of branches opened or closed by the bank during the current year (updated on a quarterly basis for the prior quarter by March 31, June 30, September 30, and December 31) and each of the prior two calendar years, their street addresses, and census tracts;
  - (5) A list of retail banking services (including hours of operation, available loan and deposit products, and transaction fees) generally offered at the bank's branches and descriptions of material differences in the availability or cost of services at particular branches, if any. A bank may elect to include information regarding the availability of other systems for delivering retail banking services (for example, mobile or online banking, loan production offices, and bank-at-work or mobile branch programs);
  - (6) A map of each facility-based assessment area and, as applicable, each retail lending assessment area showing the boundaries of the area and identifying the census tracts contained in the area, either on the map or in a separate list; and
  - (7) Any other information the bank chooses.
- (b) **Additional information available to the public –**

- (1) **Banks subject to data reporting requirements pursuant to § 345.42.** A bank subject to data reporting requirements pursuant to § 345.42 must include in its public file a written notice that the CRA Disclosure Statement pertaining to the bank, its operating subsidiaries, and its other affiliates, if applicable, may be obtained on the FFIEC's website at: <https://www.ffiec.gov>. The bank must include the written notice in the public file within three business days after receiving notification from the FFIEC of the availability of the disclosure statement.
  - (2) **Banks required to report HMDA data –**
    - (i) **HMDA Disclosure Statement.** A bank required to report home mortgage loan data pursuant to 12 CFR part 1003 must include in its public file a written notice that the bank's HMDA Disclosure Statement may be obtained on the Consumer Financial Protection Bureau's (CFPB's) website at: <https://www.consumerfinance.gov/hmda>. In addition, if the FDIC considered the home mortgage lending of a bank's operating subsidiaries or, at a bank's election, the FDIC considered the home mortgage lending of other bank affiliates, the bank must include in its public file the names of the operating subsidiaries and the names of the affiliates and a written notice that the operating subsidiaries' and other affiliates' HMDA Disclosure Statements may be obtained at the CFPB's website. The bank must include the written notices in the public file within three business days after receiving notification from the FFIEC of the availability of the disclosure statements.
    - (ii) **Availability of bank HMDA data.** A large bank required to report home mortgage loan data pursuant to 12 CFR part 1003 must include in its public file a written notice that the home mortgage loan data published by the FDIC under § 345.42(j) are available at the FDIC's website.
  - (3) **Small banks.** A small bank, or a bank that was a small bank during the prior calendar year, must include in its public file the bank's loan-to-deposit ratio for each quarter of the prior calendar year and, at its option, additional data on its loan-to-deposit ratio.
  - (4) **Banks with strategic plans.** A bank that has been approved to be evaluated under a strategic plan must include in its public file a copy of that plan while it is in effect. A bank need not include information submitted to the FDIC on a confidential basis in conjunction with the plan.
  - (5) **Banks with less than "Satisfactory" ratings.** A bank that received a less than "Satisfactory" institution rating during its most recent examination must include in its public file a description of its current efforts to improve its performance in helping to meet the credit needs of its entire community. The bank must update the description quarterly by March 31, June 30, September 30, and December 31, respectively.
- (c) **Location of public information.** A bank must make available to the public for inspection, upon request and at no cost, the information required in this section as follows:
- (1) For banks that maintain a website, all information required for the bank's public file under this section must be maintained on the bank's website.
  - (2) For banks that do not maintain a website:
    - (i) All the information required for the bank's public file must be maintained at the main office and, if an interstate bank, at one branch office in each State; and
    - (ii) At each branch, the following must be maintained:

- (A) A copy of the public section of the bank's most recent CRA performance evaluation and a list of services provided by the branch; and
  - (B) Within five calendar days of the request, all the information that the bank is required to maintain under this section in the public file relating to the facility-based assessment area in which the branch is located.
- (d) **Copies.** Upon request, a bank must provide copies, either on paper or in digital form acceptable to the person making the request, of the information in its public file. The bank may charge a reasonable fee not to exceed the cost of copying and mailing (if not provided in digital form).
- (e) **Timing requirements.** Except as otherwise provided in this section, a bank must ensure that its public file contains the information required by this section for each of the previous three calendar years, with the most recent calendar year included in its file annually by April 1 of the current calendar year.