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Deposit Insurance

Questions and Answers Related to the FDIC's Part 328 Final Rule

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Below are answers to a collection of questions about the FDIC Official Signs and Advertising Requirements, False Advertising, Misrepresentation of Insured Status, and Misuse of the FDIC's Name or Logo Final Rule ("final rule"), 12 CFR part 328 ("part 328"). This collection of questions and answers will be periodically updated on the FDIC's website.

I. Physical Premises

A. FDIC Official Sign

1. With respect to the display of the physical FDIC official sign, does the rule require the FDIC official sign to be posted at a new accounts desk?



Answer: If a banker at a new accounts desk “usually and normally” receives and processes deposits (e.g., processes a check deposit at the new accounts desk), then the official sign must be posted at the new accounts desk. In a scenario where the banker at the new accounts desk always walks the initial deposit over to the teller line, then the teller is “receiving” the deposit and the official sign posted at the teller window is sufficient; therefore, in that situation, an official sign would not be required at the new accounts desk.

2. Are insured depository institutions (IDIs) required to provide any initial disclosures about FDIC insurance coverage, either orally or in writing, before opening an account? >

Answer: No. Part 328 does not require IDIs to provide “initial disclosures” about FDIC coverage before account opening.

3. Is the FDIC official sign required at night drop facilities? >

Answer: No. The official sign is required wherever deposits are usually and normally received. FDIC staff does not view that deposits are usually and normally received by the IDI when placed in a night depository.

4. The new FDIC official digital sign is generally required to be displayed in the colors navy blue and black. Does the final rule modify the physical FDIC official sign color requirements? >

Answer: No. The final rule does not modify color requirements for the physical FDIC official sign. The rule continues to require use of the standard, in-branch official FDIC sign, which is 7x3 inches in size with black lettering and gold background. Upon

request, the FDIC will continue to provide the official sign at no cost to IDIs. As has been the case traditionally, IDIs may, at their expense, procure from commercial suppliers signs that vary from the official sign in size, color, or material. An IDI may display signs that vary from the official sign in size, color, or material at any location where display of the official sign is required or permitted. However, any such varied sign that is displayed in locations where display of the official sign is required must not be smaller in size than the official sign, must have the same color for the text and graphics, and include the same content. 12 CFR § 328.3(b)(4).

B. Non-Deposit Signs

1. Is the non-deposit sign required to be displayed in the individual offices within IDIs where non-deposit products are offered? >

Answer: Yes. Under 12 CFR § 328.3(c)(2), an IDI must continuously, clearly, and conspicuously display the required non-deposit signage at each location within the premises where non-deposit products are offered. If non-deposit products are offered in individual offices, the non-deposit sign should be visible in those offices.

II. Digital Channels (e.g., Websites or Apps)

A. Placement and Display of Official Digital Sign

1. Are IDIs' websites considered deposit taking channels for purposes of the digital signage requirements? >

Answer: Under part 328, the FDIC official digital sign must be displayed on “digital deposit taking channels,” which includes IDIs’ “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 an IDI’s website is purely informational, with no ability to make deposits or access deposits, it would not be a digital deposit-taking channel.

2. Can the official digital sign appear only on the IDI’s “home page” and not on the other web pages that make up the website? >

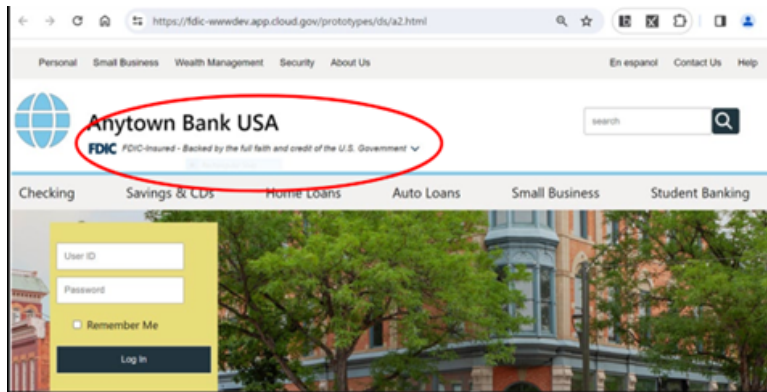
Answer: No. Under part 328, the FDIC official digital sign must be displayed on the (1) initial or homepage of the IDI’s website or application, (2) landing or login pages, and (3) pages where a customer may transact with deposits. For example, the FDIC official digital sign should be displayed where a mobile application allows customers to deposit checks remotely, because this electronic space is in effect a digital teller window. 12 CFR § 328.5(d).

3. Where are we required to place the official digital sign on a bank webpage or app to ensure compliance with the “clear,” “continuous,” and “conspicuous” placement of the digital sign? >

Answer: The final rule requires IDIs to display the official digital sign in a clear, continuous, and conspicuous manner. In general, the FDIC would expect to see official digital signs displayed on the applicable pages (see answer II. A. 2.above for the applicable pages) 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 IDI’s name, to the right of the IDI’s name or below the IDI’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 IDI's name would meet the clear and conspicuous standard under the rule.

Below is an example of the FDIC official digital sign near the top of the page and in close proximity to the IDI's name:



4. Can the official digital sign be dismissed once a customer logs in? >

Answer: No. The final rule requires that the official digital sign be displayed “in a continuous manner,” which means it must remain visible on the (1) initial page or homepage of the website or application, (2) landing or login pages, and (3) pages where the customer may transact with deposits. 12 CFR § 328.5(d). The final rule, however, does not require the official digital sign to continue to follow the user as they scroll up or down the screen.

5. Does the official digital sign need to be linked to the FDIC's website? >

Answer: No. Part 328 does not require the official digital sign to be linked to the FDIC's website. However, it may be helpful to consumers if IDIs link the official digital sign to the FDIC's optional online BankFind tool, so that consumers can more easily confirm that the bank is FDIC-insured. This would help consumers better differentiate IDIs from non-banks. Optional, downloadable versions of the FDIC official digital sign are accessible to, and available for, bankers on [FDICconnect](#), a secure website

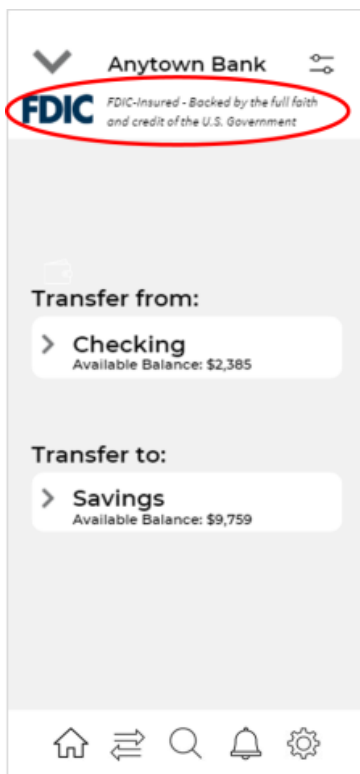
operated by the FDIC that FDIC-insured institutions can use to exchange information with the FDIC.

6. How should IDIs display the FDIC official digital sign on mobile devices with screen resolutions that do not support the ability to display the entirety of the digital sign on one line? >

Answer: Generally, the FDIC official digital sign should be displayed as presented (shown below) in the final rule at 12 CFR § 328.5(b), with no alteration to the text except for color variation as noted in the regulation text.

FDIC FDIC-Insured - Backed by the full faith and credit of the U.S. Government

However, 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.



7. If an IDI's name appears at the top of its website, and it also appears in the website's footer, does the new FDIC official digital sign need to be displayed at the top of the page and also in the footer? >

Answer: Under the final rule, IDIs are required to display the FDIC official digital sign "clearly and conspicuously" in a continuous manner; the official digital sign continuously displayed near the top of the relevant page or screen and in close proximity to the IDI's name would meet the clear and conspicuous standard under the rule. 12 CFR § 328.5(f). IDIs are not required to display the FDIC official digital sign every time the IDI's name appears, such as in the footer of the website.

8. To satisfy the final rule's official digital sign requirements, can the official digital sign be placed in the footer of the webpage? >

Answer: No. For purposes of satisfying the final rule, IDIs are required to display the official digital sign in a clear, continuous, and conspicuous manner. The official digital sign continuously displayed near the top of the relevant page or screen and in close proximity to the IDI's name would meet the clear and conspicuous standard under the rule. 12 CFR § 328.5(f). Therefore, placing the official digital sign in a footer of an IDI's webpage would not meet the clear, conspicuous, and continuous display requirement.

9. If an IDI displays the FDIC official digital sign on its mobile app's homepage and alongside the IDI's logo within the app, is it also necessary to include this signage on the transaction portal before a customer completes a transaction? >

Answer: It depends in part on what type of transaction is being completed. The FDIC official digital sign must be displayed on the (1) initial or homepage of the bank's

website or application, (2) landing or login pages, and (3) pages where a customer may transact with deposits. 12 CFR § 328.5(d). For example, the FDIC official digital sign should be displayed where an IDI's mobile application allows customers to deposit checks remotely, because this is an electronic space where a customer is transacting with deposits.

However, if a consumer is completing a transaction by using an embedded third-party payment platform that consumers: (a) access after logging into their IDI's website; and (b) utilize to initiate payments/move funds out of the IDI, then the official digital sign should not be posted on those pages.

10. What are examples of “pages where the customer may transact with deposits” that require the display of the FDIC official digital sign? >

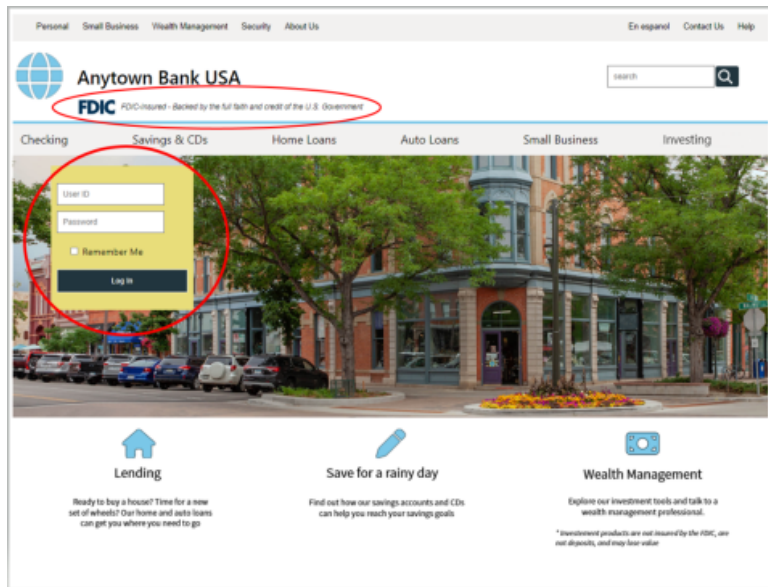
Answer: Examples of “pages where the customer may transact with deposits” that require the display of the FDIC official digital sign include, but are not limited to: mobile application pages that allow customers to deposit checks remotely; and, pages where customers may transfer deposits between deposit accounts held within the same IDI (e.g., checking to savings or vice versa). On the other hand, the FDIC would not expect an IDI to display the FDIC official digital sign on pages where a customer is transferring money from a deposit account to a non-deposit account.

11. What is the definition of “landing or login page”? >

For purposes of the final rule, a “landing or login page” generally refers to an insured depository institution's (IDI's) webpage or screen from which a customer is able to log into the IDI'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 an IDI's website or banking

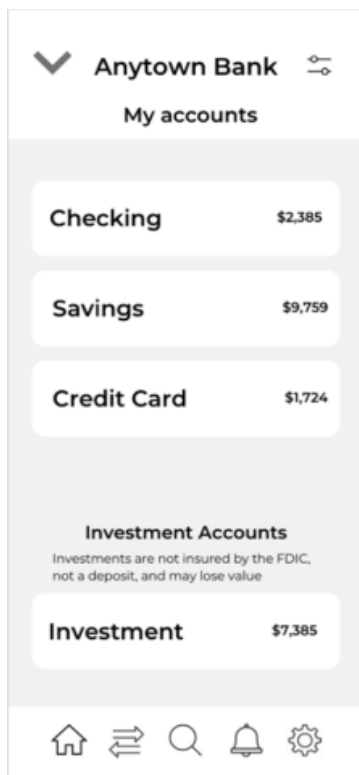
application. The terms are intended to cover various types of logins, whether with usernames and passwords, face IDs, thumbprints, etc.

Below is an example of a “landing or login page” of an IDI’s webpage where a customer is able to log in, and where the FDIC official digital sign is near the top of the page and in close proximity to the IDI’s name.



12. Is an IDI required to display the official FDIC digital sign on a dashboard or portal of an IDI’s website or app after the customer logs into the account? >

Answer: No. In general, a “dashboard” or “portal” is an account summary webpage or screen on an app that typically displays a customer’s financial information regarding various products after logging in but where a customer does not transact with deposits. For example, a dashboard may provide an overview of an IDI customer’s checking, savings, mortgage, investment, and retirement account balances. For the purposes of part 328, a dashboard or portal as described here is not an initial or homepage, landing or login page, or a page where a customer may transact with deposits. Accordingly, an IDI is not required to display the official FDIC digital sign on such a dashboard or portal. As shown in the example below, the official FDIC digital sign is not displayed in this app version of a dashboard:



13. Where should the official digital sign be placed if the IDI's app or website does not currently display the IDI's full name; it only displays the IDI's logo or a partial name? >

Answer: The final rule provides that an official digital sign be continuously displayed near the top of the relevant page or screen and in close proximity to the IDI's name would be considered clear and conspicuous. 12 CFR § 328.5(f)

If an IDI displays its full name, a partial name of the IDI, or the logo of the IDI (or any similar symbol used to identify the IDI) near the top of the page or screen, and continuously displays the official digital sign in close proximity to it, this approach would be considered clear and conspicuous.

14. How should IDIs incorporate the digital sign on mobile devices in accordance with part 328's requirements while also remaining ADA compliant? >

Answer: The final rule does not supersede or alter the requirements of IDIs to comply with ADA's digital accessibility rules. As IDIs implement the final rule's requirements, IDIs should take steps ensure that their web content is fully compliant with other laws and regulations.

15. Do the FDIC official digital sign requirements apply to downloadable content such as terms and conditions or other digital collateral available via an IDI's online channels? >

Answer: Part 328 requires IDIs to display the official digital sign on their digital deposit-taking channels on the following pages or screens: initial or homepage of the website or application, landing or login pages, and pages where the customer may transact with deposits. Downloadable content that is available from an IDI's website would not likely be viewed as a page or screen where the official digital sign would be required.

16. Is an IDI required to display the FDIC official digital sign in the app store where the IDI's app is available for download? >

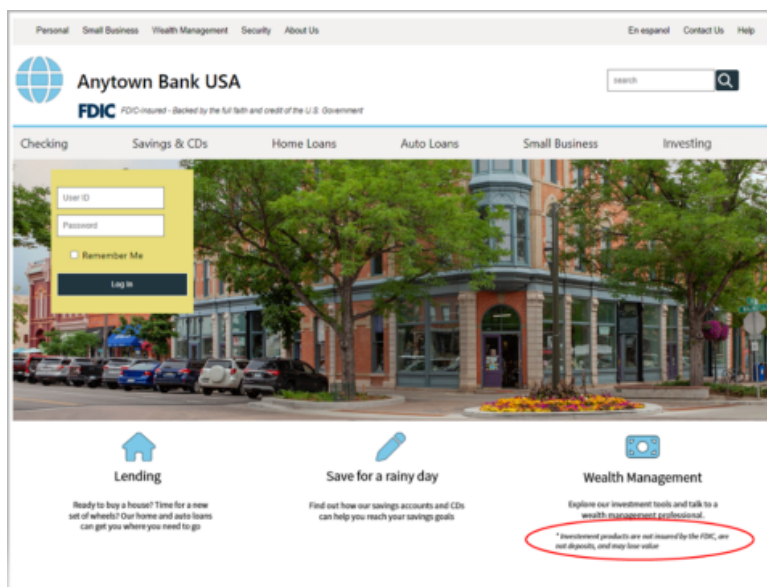
Answer: No. An IDI is not required to post the official digital sign in the app store where its app is available for download.

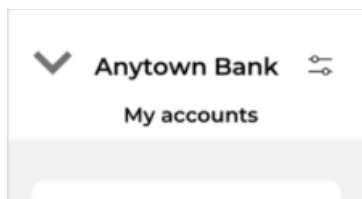
B. Non-Deposit Signs

1. On IDIs' webpages or apps where IDIs are required to display the non-deposit sign, where should the non-deposit sign be displayed? >

Answer: An IDI must clearly and conspicuously display a non-deposit sign on each page relating to non-deposit products if the IDI 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.





2. Would you explain the requirement for a “one-time notification” before a customer accesses a third-party website? >

Answer: If an IDI’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 IDI customer attempts to access such non-deposit products, an IDI must provide a one-time per web-session notification on the IDI’s deposit-taking channel before the customer leaves the IDI’s digital deposit-taking channel. The one-time notification could include, for example, an IDI using a “pop-up”, “speedbump”, or “overlay” that must be dismissed by an action of the IDI’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 IDI may include additional disclosures in the notification that may help prevent consumer confusion, including, for example, that the IDI customer is leaving the IDI’s website.

3. Does the requirement for a non-deposit “one-time notification” before a customer accesses a third-party website need to appear twice in the same session, if the customer clicks on the same link twice? >

Answer: No. If an IDI customer who is logged into an IDI’s digital deposit-taking channel (such as an IDI’s website and app) clicks on a hyperlink that takes them to a third-party’s website and then the customer clicks on the same hyperlink again in the same session, the IDI would only be required to provide the one-time notification the first time the customer clicks the link, and not each subsequent time that the customer clicks on the same link in the same session.

On the other hand, the notification should be given twice during the same session if a consumer clicks on a link to access a third-party website and then in the same session clicks on a different link that takes them to a different third party's website.

4. Would displaying a shortened version of the Interagency Statement on Retail Non-Deposit Investments disclosure as a footer on a webpage satisfy the requirements of the FDIC non-deposit sign? >

Answer: A shortened version of the Retail Non-Deposit Investments disclosure ("not FDIC insured; no bank guarantee; may lose value") can be substituted for the non-deposit sign ("are not insured by the FDIC; are not deposits; and may lose value"), as long as the language is displayed clearly, conspicuously, and continuously on each webpage relating to non-deposit products and other applicable requirements of the rule are adhered to.

For example, this signage may not be displayed in close proximity to the official FDIC digital sign. In addition, placing the sign in a footer of an IDI's webpage would not meet the clear, conspicuous, and continuous display requirement.

5. If an IDI identifies instances on its website where a consumer could be confused about a product offering or other issues, does the IDI have flexibility to provide additional clarifying information to consumers? >

Answer: Yes. If an IDI has satisfied the final rule's requirements, it may provide additional or supplemental clarifying disclosures to consumers on its digital channels.

6. On which webpages should IDIs include non-deposit signs and are we in compliance if we place the non-deposit signs in the footer of the webpage? >

Answer: With respect to which specific webpages the non-deposit signs must be displayed, when an IDI offers both access to deposits and non-deposit products on its digital deposit-taking channels, it must display a non-deposit sign indicating that non-deposit products: are not insured by the FDIC; are not deposits; and may lose value. This non-deposit sign must be displayed clearly, conspicuously, and continuously on *each page* relating to non-deposit products.

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 an IDI'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).

C. Use of Advertising Statement on Digital Channels

1. Should IDIs include the "Member FDIC," "Member of FDIC," or "FDIC-Insured" advertising statement on every page of their digital platforms? >

Answer: 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 an IDI displays the official digital sign, such as the bank's homepage. However, an IDI 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 in 12 CFR § 328.6.

2. If a customer clicks on a hyperlink on an IDI's webpage to get marketing information about specific deposit products, would such a marketing page that a customer subsequently views require the FDIC official digital sign? ➤

Answer: Advertising pages (i.e., commercial messages, in any medium, that is designed to attract public attention or patronage to a product or business) must adhere to the requirements of 12 CFR § 328.6, which requires the inclusion of an official advertising statement, either "Member of the Federal Deposit Insurance Corporation", or a short title of "Member of FDIC", "Member FDIC", "FDIC-insured", or a reproduction of the FDIC's symbol. IDIs are not required to display the official FDIC digital sign on advertising pages.

D. Automated Teller Machines or Like Devices

1. When implementing new official digital signage on ATMs, are IDIs required to remove existing physical signs, or can both types of signage be displayed simultaneously? ➤

Answer: IDIs are not required to take down physical FDIC official signs attached to ATMs. For an IDI'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.

However, IDIs' 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).

2. If an IDI's ATM accepts deposits but does not accept non-deposit products, on what pages or screens are IDIs required to post or display official FDIC signs? >

Answer: 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.

The first option is to post or attach the physical official FDIC sign (as described in 12 CFR § 328.2) on the ATMs. For IDIs that select this option, it is worth noting that a “degraded or defaced physical official sign” would not satisfy the “clearly, continuously, and conspicuously” requirement for purposes of 12 CFR § 328.4(b)(1). See 12 CFR § 328.4(f).

The second option is to display the FDIC official digital sign as described in § 328.5 on its ATMs 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 an IDI’s customer is depositing funds at the IDI’s ATMs, then the final rule requires display of the FDIC official digital sign on pages related to that transaction. Similarly, if an IDI’s customer is transferring funds between deposit accounts at their IDI’s ATM, then the digital official sign is required on those transaction pages or screens.

In contrast, if an IDI 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.

3. For an IDI's deposit taking ATM, is the IDI required to post the FDIC official digital sign or the non-deposit sign when an ATM or debit card from > another institution is used to log into an ATM?

Answer: In general, an IDI's ATM or like device that receives deposits and offers access to non-deposit products must clearly, continuously, and conspicuously display the official FDIC digital sign (as described in 328.5) on its home page or screen and on each transaction page or screen relating to deposits. An insured depository institution's ATM or like device that receives deposits and does not offer access to non-deposit products may comply with the official sign requirement by either: (1) displaying the physical official sign on the ATM; or (2) displaying the FDIC official digital sign.

However, in some cases an IDI's ATM may allow a non-customer to use a debit card or credit card from another financial institution (including other IDIs, 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 IDI'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 IDI is unable to identify or verify the non-customer information, the IDI'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. Is the FDIC official digital sign required at the top of all ATM screens? >

Answer: In general, under 12 CFR § 328.4(c), an IDI's ATM or like device that receives deposits for an IDI and offers access to non-deposit products must clearly,

continuously, and conspicuously display the FDIC official digital sign as described in § 328.5 on its homepage or screen and on each transaction page or screen relating to deposits. As noted in 12 CFR § 328.5(f), an official digital sign “continuously displayed near the top of the relevant page or screen and in close proximity to the IDI's name would be considered clear and conspicuous.”

If the ATM does not offer access to non-deposit products, the final rule provides flexibility to meet the signage requirement, allowing the IDI to display the physical FDIC official sign by physically attaching it to the ATM instead of using the electronic sign on its homepage or screen. This is only an option for deposit taking ATMs or like devices, which do not offer access to non-deposit products, and that were put into service before January 1, 2025.

E. Social Media

1. Are IDIs required to post the new official digital sign on its social media advertisements? >

Answer: No. IDIs are not required to display the FDIC official digital sign on its social media advertisements. IDIs should ensure that social media advertisements are compliant with the official advertising statement requirements contained in 12 CFR § 328.6.

III. Technical Assistance

1. Where can IDI's obtain additional information about the final rule to support compliance efforts? >

Answer: The FDIC posted the slides from the FDIC's banker webinar on Part 328 on its [website](#).

The FDIC issued a [Financial Institutions Letter](#) and [press release](#) addressing the issuance of the final rule.

The final rule was published in the [Federal Register](#) [↗](#) on January 18th, 2024.

2. Where can IDIs obtain downloadable versions of the digital official sign? >

Answer: The FDIC has made optional versions of the official digital sign available for IDIs on [FDICconnect](#) [↗](#), a secure website operated by the FDIC that FDIC-insured institutions can use to exchange information with the FDIC. The requirement to display the new FDIC official digital sign only applies to IDIs. Display of the FDIC official digital sign by any non-bank third party would improperly imply that the non-bank is FDIC-insured and would constitute a misrepresentation under part 328 subpart B.

3. Where can an IDI obtain the FDIC's consent to use non-English translations for the advertising statement? >

Answer: The non-English equivalent of the FDIC's official advertising statement (Member of FDIC, Member FDIC, FDIC-Insured) may be used in an advertisement only if the translation has received the prior written approval of the FDIC. 12 C.F.R. 328.6(f).

IDIs can send an email requesting prior written approval to translate the FDIC's advertising statement to DepositInsuranceBank@FDIC.gov [✉](#).

IV. Compliance and Effective Dates

1. Are there any changes that had to have been implemented by the final rule's April 1, 2024 effective date, or do IDIs have until January 1, 2025, to comply with all requirements? >

The compliance date for the amendments made to the final rule is January 1, 2025. No changes had to be implemented by April 1, 2024, but IDIs can begin posting the official digital sign and implementing other aspects of the regulation prior to January 1, 2025. For example, some IDIs have already posted the new official digital sign on their websites. Similarly, some non-bank entities have updated their disclosures consistent with the amendments to part 328 subpart B.

V. Advertising for Non-Deposit Products

1. In marketing materials that feature safe deposit boxes or credit products alongside insured products like checking accounts, should IDIs include a disclosure stating that these products are not FDIC-insured? v

Answer: For the purposes of part 328, safe deposit boxes and credit products are excluded from the definition of "non-deposit product." Therefore, there is no requirement under part 328 for an IDI to include such a disclosure in marketing material for these products.

Resources

[FDIC Official Signs and Advertising Requirements, False Advertising, Misrepresentations of Insured Status, and Misuse of the FDIC's Name or Logo](#)

[FDIC Finalizes Rule to Modernize Official Signs and Advertising Statement Requirements](#)

Consumer Deposit Insurance Information

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Last Updated: August 16, 2024

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Financial Products That Are Not Insured by the FDIC

Deposit Insurance for Accounts Held by Government Depositors

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