

**Third-Party Sender Roles and Responsibilities**

**Request for Comment**

***ACH Participant Survey***

***May 21, 2021***

**Comments Due by Thursday, July 1, 2021**

Nacha requests feedback on a proposal to further clarify the roles and responsibilities of Third-Party Senders in the ACH Network. Questions are provided to explore the impact of this proposal on ACH Network participants. Comments are due by **Thursday, July 1, 2021**.

The survey should be completed online at <https://www.nacha.org/rules/proposed> by **July 1, 2021**. For convenience, the survey questions are also provided within this document to assist respondents in gathering information from within their organizations.

Please provide responses to the respondent information section at the end of the survey. If responding to the online survey, this information will be gathered at the start of the survey.

**Nacha Staff Contacts**

Administrative questions: Maribel Bondoc, Manager, Network Rules

 Fax (703) 787-0996

 E-mail: mbondoc@nacha.org

Questions: Cari Conahan, AAP, Senior Director, ACH Network Rules & Enforcement

 E-mail: cconahan@nacha.org

**Section 1 – Proposal**

**Nested Third-Party Senders**

|  |
| --- |
| Please indicate your organization’s level of agreement with the following statements related to Nested Third-Party Senders.  |
|  | Strongly Agree | Agree | Neutral | Disagree | Strongly Disagree | Don’t know |
| 1. A Nested Third-Party Sender (TPS) relationship should be defined within the Nacha Operating Rules.
 |  |  |  |  |  |  |
| 1. The proposed definition of Nested Third-Party Sender appropriately covers the scenario.
 |  |  |  |  |  |  |
| 1. ODFIs with TPS customers should know whether the TPS allows Nested Third-Party Sender relationships.
 |  |  |  |  |  |  |
| 1. ODFIs with TPS customers should address Nested Third-Party Sender relationships within their ACH Origination Agreements.
 |  |  |  |  |  |  |
| 1. A Nested Third-Party Sender relationship should have an ACH Origination Agreement between the TPS and the Nested TPS.
 |  |  |  |  |  |  |
| 1. A Third-Party Sender should disclose to the ODFI information about a Nested Third-Party Sender before originating entries for that Nested TPS.
 |  |  |  |  |  |  |
| 1. ODFIs should be required to identify Third-Party Senders that allow Nested Third-Party Senders in the Risk Management Portal’s TPS Registration.
 |  |  |  |  |  |  |
| 1. The Rules should address the “chain of agreements” and responsibilities in Nested TPS relationships.
 |  |  |  |  |  |  |
| 1. The Rules should address the number of levels that can exist in a Nested TPS chain.
 |  |  |  |  |  |  |

|  |
| --- |
| If you indicated that you disagree with any of the above statements (1-9), please explain: |

**Third-Party Senders and Risk Assessments**

|  |
| --- |
| Please indicate your organization’s level of agreement with the following statements related to Third-Party Senders and Risk Assessments.  |
|  | Strongly Agree | Agree | Neutral | Disagree | Strongly Disagree | Don’t know |
| 1. The Rules currently are clear about whether Third-Party Senders are required to conducted ACH Risk Assessments.
 |  |  |  |  |  |  |
| 1. The Rules should be explicit that TPSs must conduct ACH Risk Assessments.
 |  |  |  |  |  |  |
| 1. The Rules should not attempt to prescribe specific topics or methods for Third-Party Sender risk assessments.
 |  |  |  |  |  |  |
| 1. The Rules should require Risk Assessments (by any participant) to be periodically reviewed.
 |  |  |  |  |  |  |

|  |
| --- |
| If you indicated that you disagree with any of the above statements, please explain: |

**Part 2 – Impacts and Effective Date**

|  |
| --- |
| Please indicate your organization’s level of agreement with the following statements related to impacts of these proposals.  |
|  | Strongly Agree | Agree | Neutral | Disagree | Strongly Disagree | Don’t know |
| 1. The proposed changes would improve the management of Nested Third-Party Senders.
 |  |  |  |  |  |  |
| 1. The proposed changes would improve the risk management practices of Third-Party Senders.
 |  |  |  |  |  |  |
| 1. The proposed changes would improve transaction quality of the ACH Network.
 |  |  |  |  |  |  |
| 1. The proposed changes to an Origination Agreements should be effective on a going-forward basis (i.e., should apply to new Origination Agreements with TPSs after the effective date).
 |  |  |  |  |  |  |

|  |
| --- |
| If you indicated that you disagree with any of the above statements, please explain: |

|  |
| --- |
| 1. Please indicate the estimated impact of the proposed changes to your organization in various areas:
 |
|  | No impact | Minimal impact | Moderate impact | Large impact | Extensive impact | Don’t know |
| **Nested Third-Party Senders** |
| Systems and software |  |  |  |  |  |  |
| Staffing resources and training |  |  |  |  |  |  |
| ACH operations |  |  |  |  |  |  |
| Risk management systems |  |  |  |  |  |  |
| Other |  |  |  |  |  |  |
| **TPS Risk Assessments** |
| Systems and software |  |  |  |  |  |  |
| Staffing resources and training |  |  |  |  |  |  |
| ACH operations |  |  |  |  |  |  |
| Risk management systems |  |  |  |  |  |  |
| Other |  |  |  |  |  |  |
| For any “others” identified in any section of this question, please identify: |

|  |  |  |
| --- | --- | --- |
| 1. Does your organization support the proposed effective date of June 30, 2022?
 |  | Yes |
|  | No |
|  | Don’t know |
| If No, what effective date would you support?  |  | March 30, 2022 |
|  | September 30, 2022 |
|  | Other (please identify): |
| 1. Does your organization support a 6-month grace period (through Dec 31, 2022) for ODFIs with TPS customers to meet the new registration requirement?
 |  | Yes |
|  | No |
|  | Don’t know |
| 1. Does your organization support a 6-month grace period (through Dec 31, 2022) for Third-Party Senders that have not conducted a Risk Assessment to do so?
 |  | Yes |
|  | No |
|  | Don’t know |

|  |
| --- |
| 1. Please provide any other comments on this proposal:
 |

Section 2 - Respondent Information

***All Respondents***

|  |  |
| --- | --- |
| Name |  |
| Title |  |
| Organization |  |
| City, State |  |
| Phone:  |  | Email:  |  |

|  |
| --- |
| Please indicate your organization’s role(s) in the ACH Network: |
|  | ODFI |  | Payments Association |
|  | RDFI |  | Nacha Direct FI Member |
|  | ACH Operator |  | Government |
|  | Non-FI end-user |  | Third Party Service Provider |
|  | Industry association |  | Software/Technology provider |
|  | Other:  |

|  |
| --- |
| What areas of your organization provided input for the responses to this survey? |
|  | Operations |  | Retail/online banking |
|  | Product management |  | Customer service |
|  | Legal |  | Compliance |
|  | Information Technology/software |  | Wholesale/corporate banking/treasury mgt |
|  | Executive/strategy |  |  |
|  | Other:  |

***Financial Institution Respondents***

|  |  |  |
| --- | --- | --- |
| Asset Size |  | less than $500 million |
|  |  | $500 million - $5 billion |
|  |  | $5 billion - $25 billion  |
|  |  | $25 billion - $100 billion |
|  |  | Greater than $100 billion |