



Instructions for Submitting an Acknowledgment of Noncompliance for Entities

Pursuant to 23 NYCRR § 500.17(b)(1)(ii)

(as of February 25, 2025)

Step 1: Sign into the DFS Portal.

Visit the DFS Portal online at myportal.dfs.ny.gov or use the yellow “DFS Portal” button at the top right corner of any page on the DFS website.

You will be prompted to sign in:

A screenshot of the DFS Portal sign-in page. The page has a dark blue header with the "Department of Financial Services" logo and several navigation links: "Consumer Information", "Applications & Filings", "Industry Guidance", "Reports & Publications", and "Contact Us". Below the header, the "DFS Portal" logo is displayed. The main content area is white and contains the "Sign In to the DFS Portal" heading. There are two input fields: "Your Email" (with a sub-label "Email") and "Your Password" (with a sub-label "Password"). Below these fields is a checkbox labeled "Remember Me". A dark blue "Sign In" button is positioned below the password field. At the bottom of the form, there are two links: "Forgot your password?" with a "Forgot Password" button, and "Need an account?" with a "Create Account" button.

If you have a DFS Portal account, enter your email address and password and click the “Sign In” button and go to Step 3.

If you do not have a DFS Portal account, use the “Create Account” button at the bottom of the page to create one.

Step 2: Create a Portal Account. Enter the required information, complete the text verification, and click “Create Account”.

The screenshot shows the 'Sign Up for the DFS Portal' page. At the top is a navigation bar with links: Department of Financial Services, Consumer Information, Applications & Filings, Industry Guidance, Reports & Publications, and Contact Us. Below this is the 'DFS Portal' header. The main content area is titled 'Sign Up for the DFS Portal' with the subtext 'Create an account using your email.' It contains several input fields: 'Your Email' (labeled 'Email'), 'Your First Name' (labeled 'First Name'), 'Your Middle Name' (labeled 'Middle Name'), 'Last Name' (labeled 'Last Name'), and a 'Suffix' dropdown. There is a 'minute' CAPTCHA image and a 'Return CAPTCHA' link. Below these is a 'Text Verification' field. At the bottom left is a 'Create Account' button. At the bottom right are links for 'Forgot your password?', 'Forgot Password', 'Remember Your Password?', and 'Sign In'.

You will receive an email containing a password at the email address you provided. Use that password and your email address to sign into the DFS Portal.

Step 3: Access the Application. Once you have signed into the DFS Portal, click “Cybersecurity” under the header “APP NAME” to enter the DFS cybersecurity filing system.

The screenshot shows the 'My Apps' page in the DFS Portal. The top navigation bar is the same as in the previous screenshot. Below it is a user profile section with 'My account' and a 'Sign Out' button. The main content area has a header with 'My Apps', 'Delegated Admin', and 'Internal Apps'. Below this is a table with two columns: 'APP NAME' and 'DESCRIPTION'. The table contains one row with 'Cybersecurity' in the 'APP NAME' column. Below the table is a button labeled 'REQUEST APPS' and a button labeled 'ALERTS'. At the bottom of the page is a footer that says 'Click "Request Apps" to access more DFS Portal Apps'.

Step 4: Choose a Section. You will see three options: Submit an Exemption Filing, Submit a Compliance Filing, and Report a Cybersecurity Incident. Under **Submit a Compliance Filing**, select “Begin Acknowledgment of Noncompliance.”

The screenshot shows the DFS Portal homepage. At the top is a navigation bar with links: Department of Financial Services, Consumer Information, Applications & Filings, Industry Guidance, Reports & Publications, and Contact Us. Below this is the 'DFS Portal' header with a user account icon and 'My account' / 'Sign Out' links. The main content area has three columns:

- Submit an Exemption Filing:** Includes links for 'Submit Notice of Exemption', 'Amend previously filed Notice of Exemption', and 'Terminate previously filed Notice of Exemption'. A button at the bottom says 'Begin Exemption Submission'.
- Submit a Compliance Filing:** Includes links for 'Submit a Certification of Material Compliance' and 'Submit an Acknowledgment of Noncompliance'. Buttons below are 'Begin Certification of Material Compliance' and 'Begin Acknowledgment of Noncompliance'.
- Report a Cybersecurity Incident:** Includes links for 'Report Cybersecurity Incident' and 'Report Extortion Payment'. Buttons below are 'Begin Cybersecurity Incident Report' and 'Begin Extortion Payment Report'.

Step 5: Identify the Entity. You will be provided with options to identify the entity on whose behalf you are filing.

Select one of the option boxes and click “Next.”

If you do not have an identifying number for any of the listed options, go to Step 7.

The screenshot shows the 'Acknowledge Noncompliance' form. At the top is a 'Back to Main Menu' button. Below is a navigation bar with tabs: 'Find My Entity', 'Find My Entity (Cont)', 'Signatory Info', 'Submitter Info', 'Acknowledgment', 'Acknowledgment (Cont)', 'Other Cyber Contacts', and 'Done'. The main section is titled 'Identify Entity Information' and contains the instruction: 'Choose one of the following options to identify the individual or entity on whose behalf you are filing. If you do NOT have a number for any of the listed options, select "Help find the entity or individual on whose behalf you are filing."'

There are four option boxes, each with a checkbox and a list of entities:

- DFS License Number:** Includes links for 'Advisors', 'Real Estate Agents', 'Brokers', 'Budget Planners', 'Check Cashers', 'Licensed Agents', 'Licensed Lenders', 'Life Settlement Brokers', 'Money Transmitters', 'Premium Finance Agencies', 'Sales Finance Companies', 'Senior Contact Providers', 'Trust Companies', and 'Virtual Currency'.
- NAC/NT Entity Number:** Includes links for 'Continuing Care Retirement Community', 'Employee Welfare Funds and Retirement Systems', 'Fiduciary Benefit Services', 'Health Maintenance Organizations', 'Managed Long Term Care Plans', 'DFS Licensed Insurance Companies', 'Municipal Cooperative Health Benefit Plan', 'Private Health Services Plan', 'State Service Organizations', and 'Student Health Plan'.
- NMLS Number:** Includes links for 'Budget Planners', 'Check Cashers', 'Licensed Lenders', 'Money Transmitters', 'Mortgage Institution/Lender Originators', 'Premium Finance Agencies', 'Sales Finance Companies', 'Student Loan Services', and 'Virtual Currency Business'.
- Institution Number:** Includes links for 'All Banking Institutions', 'Consumer Credit Reporting Agencies', and 'Trust Companies'.

At the bottom, there is a link 'Help find the entity or individual on whose behalf you are filing' and 'Back' / 'Next' buttons.

Step 6: Enter the Identifying Number. Enter the identifying number for the entity and click “Search.”

← Back to Main Menu

Acknowledge Noncompliance

Find My Entity Find My Entity (Cont) Signatory Info Submitter Info Acknowledgment Acknowledgment (Cont)

Other Cyber Contacts Done

Enter Entity Information

Please provide your entity's Identification #

Search

Help find the entity or individual on whose behalf you are filing

← Back Next →

When the name of the entity on whose behalf you are filing appears in the bottom half of the screen, click “Next.”

← Back to Main Menu

Acknowledge Noncompliance

Find My Entity Find My Entity (Cont) Signatory Info Submitter Info Acknowledgment

Acknowledgment (Cont) Other Cyber Contacts Done

Enter Entity Information

Please provide your entity's Identification #

Search

The following entity or individual has been found, and if you are filing on their behalf, you may continue by clicking 'Next'. Please carefully review the entity information listed below to ensure you select the correct information.

ENTITY NAME

Help find the entity or individual on whose behalf you are filing

← Back Next →

Step 7: Help Find the Entity. If you do not have an identifying number associated with any of the four options provided, select “Help find the entity or individual on whose behalf you are filing” located at the bottom of the page.

A set of searchable fields will appear.

Enter the name of the entity on whose behalf you are filing OR the first and last name of the individual on whose behalf you are filing.

Entity name: All or part of the name

OR (If Individual)

First Name:

Last Name:

 Search

If you cannot find the individual or entity on whose behalf you are filing by performing a search and do not know their identifying number, then please reach out to your DFS contact. Insurance agents and brokers can visit <https://myportal.dfs.ny.gov/myinwest/eisearch.alice> to find their DFS license number.

Enter the name of the entity in the first text box and click “Search.”

There may be more than one entity with all or part of the name you enter; so, you may see more than one choice, as shown in the screen below. The image below shows two results, but there may be more depending on the name entered.


Enter the name of the entity on whose behalf you are filing OR the first and last name of the individual on whose behalf you are filing.

Entity name:

OR (If Individual)

First Name:

Last Name:

 Search

Please carefully review the search results before making a selection.

Entity Name	Identification #
Entity Name	Identification #
Entity Name	Identification #

Showing 2 results

Choose the name of the entity on whose behalf you are filing.

Step 8: Signatory Info. Once you have filled out all of the requested information, click “Next.” (Please note: A red asterisk on the screen indicates it is a required field.)

The screenshot shows the 'Acknowledge Noncompliance' form at the 'Signatory Info' step. The navigation bar includes 'Back to Main Menu', 'Find My Entity', 'Find My Entity (Cont)', 'Signatory Info' (active), 'Submitter Info', 'Acknowledgment', 'Acknowledgment (Cont)', 'Other Cyber Contacts', and 'Done'. The form contains two radio button options: 'Highest-Ranking Executive and CISO/Senior Officer' (selected) and 'Individual Licensee functionally acting as the Highest-Ranking Executive and the Senior Officer responsible for my Cybersecurity Program'. Below these are two columns of input fields for 'Highest-Ranking Executive' and 'CISO, or if there is no CISO, the Senior Officer responsible for the Cybersecurity Program'. Each column has fields for Name, Title, Email, and Phone Number, all marked with a red asterisk to indicate they are required. At the bottom are 'Back' and 'Next' buttons.

Step 9: Submitter Info. Fill out the requested information and click “Next.” You can change the name and email address that automatically appears in the “Submitter Name” and “Submitter Email Address” fields. (Please note: The submitter does not need to be the same individual as the signatory.)

The screenshot shows the 'Acknowledge Noncompliance' form at the 'Submitter Info' step. The navigation bar is similar to Step 8, but 'Submitter Info' is the active step. The form is titled 'Enter Submitter Information' and contains four input fields: 'Submitter Name', 'Submitter Title', 'Submitter Phone Number', and 'Submitter Email Address', all marked with a red asterisk. At the bottom are 'Back' and 'Next' buttons.

Step 10: Acknowledgment. Select whether your entity (1) is a Class A Company, (2) qualifies for a limited exemption, or (3) neither. If you are not sure what kind of entity you should select, you can find detailed information on DFS's Cybersecurity Resource Center at link: https://www.dfs.ny.gov/industry_guidance/cybersecurity to help you. (Please note: You must check one of the three options.)

← Back to Main Menu

Find My Entity Find My Entity (Cont) Signatory Info Submitter Info **Acknowledgment** Acknowledgment (Cont)

Other Cyber Contacts Done

Highest Ranking Executive and CISO acknowledge that:

(1) **Covered Entity**

☐ qualifies as a Class A Company;

☐ does not qualify for an exemption to Part 500 or as a Class A Company, or

☐ qualifies for the following limited exemptions (check all applicable exemptions below)

☐ Section 500.09(a)(1)

☐ Section 500.09(a)(2)

☐ Section 500.09(a)(3)

☐ Section 500.09(b)

☐ Section 500.09(c)

When determining whether the Covered Entity qualifies as a Class A Company or for the Section 500.09 exemptions, you must take into account the number of employees, gross annual revenue, and assets of Affiliates. The definition of "Affiliate" is defined very broadly in Section 500.09 to include almost all related companies.

(2) **Covered Entity** did not materially comply with the requirements in Part 500 applicable to **Covered Entity** for **2024**

← Back Next →

If your entity qualifies for any limited exemptions, check all applicable boxes corresponding to the exemptions for which such entity qualifies. You can find detailed information about exemptions on DFS's Cybersecurity Resource Center at link: https://www.dfs.ny.gov/industry_guidance/cybersecurity#part-500-exemptions.

← Back to Main Menu

Find My Entity Find My Entity (Cont) Signatory Info Submitter Info **Acknowledgment** Acknowledgment (Cont)

Other Cyber Contacts Done

Highest Ranking Executive and CISO acknowledge that:

(1) **Covered Entity**

☐ qualifies as a Class A Company;

☐ does not qualify for an exemption to Part 500 or as a Class A Company, or

☒ qualifies for the following limited exemptions (check all applicable exemptions below)

☐ Section 500.09(a)(1)

☐ Section 500.09(a)(2)

☐ Section 500.09(a)(3)

☐ Section 500.09(b)

☐ Section 500.09(c)

When determining whether the Covered Entity qualifies as a Class A Company or for the Section 500.09 exemptions, you must take into account the number of employees, gross annual revenue, and assets of Affiliates. The definition of "Affiliate" is defined very broadly in Section 500.09 to include almost all related companies.

(2) **Covered Entity** did not materially comply with the requirements in Part 500 applicable to **Covered Entity** for **2024**

← Back Next →

Step 11: Acknowledgment (Cont). If you did not select any limited exemptions, a screen similar to the one below appears. If you selected limited exemptions, you will see fewer sections. Select the sections the entity did not materially comply with during calendar year 2024.

Acknowledge Noncompliance

← Back to Main Menu

Find My Entity Find My Entity (Cont) Signatory Info Submitter Info Acknowledgment **Acknowledgment (Cont)** Other Cyber Contacts

Done

Covered Entity did not comply with the following section(s) (or portions thereof):

Select all that apply, then complete the additional sections below:

- ☐ Section 500.2 Cybersecurity program
- ☐ Section 500.3 Cybersecurity policy
- ☐ Section 500.4 Cybersecurity governance
- ☐ Section 500.5 Vulnerability management
- ☐ Section 500.6 Audit trail
- ☐ Section 500.7 Access privileges and management
- ☐ Section 500.8 Application security
- ☐ Section 500.9 Risk assessment
- ☐ Section 500.10 Cybersecurity personnel and intelligence
- ☐ Section 500.11 Third-party service provider security policy
- ☐ Section 500.12 Multi-factor authentication
- ☐ Section 500.13 Asset management and data retention requirements
- ☐ Section 500.14 Monitoring and training
- ☐ Section 500.15 Encryption of nonpublic information
- ☐ Section 500.16 Incident response and business continuity management
- ☐ Section 500.17 Notices to superintendent

☐ By checking this box, the submitter certifies that they are authorized to submit this Acknowledgment on behalf of **Covered Entity** and the information above is accurate to the best of their knowledge.

← Back Next →

For each section the entity did not materially comply with, a text box similar to the one below appears. Describe the nature and extent of noncompliance in the text box. Then, indicate whether remediation was completed. Click “Yes” if remediation was completed. Otherwise, click “No.”

Section 500.2 Cybersecurity program

Describe the nature and extent of noncompliance for Section 500.2 Cybersecurity program

Has remediation been completed for Section 500.2 Cybersecurity program?

☐ Yes ☒ No

Provide the date you expect remediation to be completed for Section 500.2 Cybersecurity program. The Department may follow up with you to get a more detailed remediation timeline.

mm/dd/yyyy

If remediation was not completed, enter the date you expect remediation to be completed. Then, if you are authorized to submit the Acknowledgment of Noncompliance on behalf of your entity and the information you submitted is accurate, check the box at the bottom of the page and click “Next” to advance to the next screen.

Step 12: Other Cyber Contacts. From time to time, DFS sends updates with cybersecurity developments, recommendations, and compliance deadlines. Please enter contact information for any other individuals (besides the ones whose names and email addresses you have already entered) who should receive cybersecurity communications from DFS. If you do not have any additional contacts to enter, click “Submit” to proceed to the next screen.

The screenshot shows the 'Acknowledge Noncompliance' screen with the 'Other Cyber Contacts' tab selected. The navigation bar includes 'Back to Main Menu', 'Find My Entity', 'Find My Entity (Cont)', 'Signatory Info', 'Submitter Info', 'Acknowledgment', 'Acknowledgment (Cont)', 'Other Cyber Contacts', and 'Done'. The main content area contains a text prompt: 'Please enter contact information for any individuals (besides the ones whose names and email addresses you have already entered) who should receive cybersecurity communications – including alerts and guidance – from DFS.' Below this are four input fields labeled 'Title:', 'Name:', 'Phone:', and 'Email:'. An 'Add Another Contact' button is positioned below the fields. At the bottom of the screen are 'Back' and 'Submit' buttons.

You may add another contact by clicking “Add Another Contact.” The contact information you previously submitted on this screen will appear under “Add Another Contact.”

This screenshot shows the same 'Acknowledge Noncompliance' screen, but now with a list of contacts entered. The 'Add Another Contact' button is still present. Below it is a table with columns for 'Title', 'Name', 'Phone', and 'Email'. A 'Remove' button is located to the right of the table. The 'Back' and 'Submit' buttons remain at the bottom.

After you enter the information, click “Submit” to proceed to the next screen.

Step 13: Done. You will receive an online confirmation once the certification is successfully submitted. Please print the screen for your records.

The screenshot shows a web interface titled "Acknowledge Noncompliance". At the top, there is a "Back to Main Menu" button. Below it is a navigation bar with buttons: "Find My Entity", "Find My Entity (Cont)", "Signatory Info", "Submitter Info", "Acknowledgment", "Acknowledgment (Cont)", "Other Cyber Contacts", and a highlighted "Done" button. The main content area has a "Success" header and states: "You have successfully submitted an Acknowledgment of Noncompliance for [Covered Entity]". It displays a "Receipt number: NC-[REDACTED]". Below this, it says "Highest-Ranking Executive and CSO acknowledge that:" followed by two items: (1) "[Covered Entity] qualifies for the following limited exemption(s):" with a list containing "Section 500.9(a)(1)" and "Section 500.9(a)(2)"; and (2) "[Covered Entity] did not materially comply with all of the requirements in Part 500 applicable to [Covered Entity] for 2024" with "Section 500.2 Cybersecurity program" listed below. The bottom section shows "Signed by [Highest-Ranking Executive]", "Signed by [CSO]", "Submitted by [Submitter]", and "Date [REDACTED]". A note at the bottom states: "Please note: Covered Entities are required to maintain all documents that support this submission for 5 years pursuant to Section 500.17(b)(3)."

Step 14: Email Receipts. The person(s) whose email address(es) you provided in Steps 8 and 9 will receive an email with a receipt number.

The screenshot shows an email titled "NYS Department of Financial Services Cybersecurity Acknowledgment of Noncompliance Receipt". The sender is "noreply@dfs.ny.gov". The email body states: "[Submitter] submitted an Acknowledgment of Noncompliance for [Covered Entity] to the NYS Department of Financial Services. This is the only receipt and confirmation of this submission that you will receive. Please keep a copy of the below receipt number for your records." It includes the "Receipt Number: NC-[REDACTED]". Below this, it says: "Covered Entities are required to maintain all documents that support this submission for 5 years pursuant to Section 500.17(b)(3)." and "For support regarding the submission of your Cybersecurity documents and filings, please contact: CyberRegSupport@dfs.ny.gov".

IMPORTANT: SAVE A COPY OF YOUR EMAIL RECEIPT FOR YOUR RECORDS. THIS IS THE ONLY CONFIRMATION EMAIL THAT DFS WILL PROVIDE.

If you have questions regarding these instructions, you may send them to cyberregsupport@dfs.ny.gov.