



December 2017

Dear Valued Client,

At Buckley Technology Group, we pride ourselves on staying abreast of the ever-changing regulatory landscape to ensure that we continue to provide services and solutions that meet the needs of financial institutions nationwide. Over the last year, we have had an increase in client requests for ADA compliance services and website assessments; and we expect that this will continue to be an upward trend especially since more and more financial institutions are receiving demand letters alleging that their websites are in violation of Title III of the Americans with Disabilities Act (ADA).

We would like to share one question that we are often asked by our clients – “Is it a regulatory requirement that our website be ADA compliant?” While this may seem like a simple question, there is no simple answer. The entire banking industry has been long-awaiting for the U.S. Department of Justice (DOJ) to publish and finalize specific regulations that may help provide the answer to this question. As of July 20, 2017, the DOJ’s rulemakings under Title II and Title III of the ADA for websites have been placed on the Unified Regulatory Agenda’s Inactive Actions list with no further information offered related to anticipated deadlines.

In the absence of regulatory requirements, there is still much legal uncertainty as financial institutions continue to see a rise in lawsuits and demand letters claiming that websites are a form of “public accommodation” and must comply with ADA standards. In fact, ADA Title III lawsuits are up by 63% since 2015, making it no longer reasonable to wait until the DOJ finalizes rules and regulations specific to website accessibility.

While there are currently no regulatory requirements for financial institutions specific to website accessibility, we encourage you to take a proactive approach to ensure your site meets accessibility standards. For financial institutions who have made the decision to incorporate website accessibility into their risk management programs, Buckley Technology Group is pleased to provide ADA Website Compliance Assessment services that help achieve those strategic initiatives in mitigating reputation, legal, and financial risk:

- ⇒ We conduct assessments on your website against current Accessibility and Usability standards; including Web Content Accessibility Guidelines (WCAG) 2.0, W3C best practices, the U.S. Department of Health & Human Services (HHS) Usability guidelines, and Readability assessments.
- ⇒ Clear and actionable recommendations are provided to assist your financial institution and/or your website hosting, design, or development service provider(s) in remediating issues to ensure the websites can accommodate users with diverse abilities.

For more information on ADA Website Compliance Assessment services or for resources on website accessibility standards, please call me at (203) 745-3176 or email eesposito@buckleytechgroup.com.

Best,

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cc: Timothy Buckley, President & Principal