

RISK Alert

ACTIONABLE INSIGHTS FOR BOND POLICYHOLDERS.



Alert Type

Awareness

Watch

Warning

DOJ Withdraws Proposed Rulemaking on Website Accessibility

Credit unions have been anxiously awaiting the Department of Justice's (DOJ) final rule on website accessibility. However, the [DOJ announced on December 26, 2017](#) that it has officially withdrawn its 2010 Advance Notices of Proposed Rulemaking (ANPRM) on website accessibility pertaining to Title II (state and local government entities) and Title III (public accommodations). Despite the withdrawal, credit unions should strive to make their websites accessible to people with disabilities by using [WCAG 2.0](#).

Details

In [withdrawing](#) the 2010 ANPRM on website accessibility, the DOJ stated that it "is evaluating whether promulgating regulations about the accessibility of Web information and services is necessary and appropriate. Such an evaluation will be informed by additional review of data and further analysis. The Department will continue to assess whether specific technical standards are necessary and appropriate to assist covered entities with complying with the ADA."

Previously, all signs pointed to the DOJ adopting the Web Content Accessibility Guidelines (WCAG) 2.0 developed through the Web Accessibility Initiative of the World Wide Web Consortium (W3C). The goal in developing the WCAG is to provide a single international shared standard for web content accessibility.

The withdrawal of the 2010 ANPRM results in continued uncertainty of the benchmarks Title III entities must meet to comply with the Americans with Disabilities Act (ADA). Furthermore, we expect lawsuits and demand letters to continue despite the DOJ's withdrawal of the 2010 ANPRM

Risk Mitigation

Despite the DOJ's withdrawal of the 2010 ANPRM, credit unions should use the [WCAG 2.0](#) to assist in identifying and making web content accessible to individuals with disabilities.

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Date: January 9, 2018

Risk Category: Compliance, ADA, Web/Internet, E-commerce, Litigation

States: All

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Risk Prevention Resources:

Access CUNA Mutual Group's [Protection Resource Center](#) at [cunamutual.com](#) for exclusive risk and compliance resources to assist with your loss control. The Protection Resource Center requires a User ID and password. Review this resources to learn more:

- RISK Alert: [Law Firms Allege ADA Non-compliance Related to Website Accessibility](#)
- [Website Accessibility: Guidelines and Checklist](#)
- [Website Accessibility & ADA Video](#)