

FISCAL YEAR 2013

Annual FOIA Report

of the Consumer Financial Protection Bureau

Table of Contents

I.	Basic Information Regarding Report.....	3
II.	Making a FOIA Request	3
III.	Acronyms, Definitions, and Exemptions	4
IV.	Exemption 3 Statutes	8
V.	FOIA Requests	9
VI.	Administrative Appeals of Initial Determinations of FOIA Requests	14
VII.	FOIA Requests: Response Time for Processed and Pending Requests ...20	
VIII.	Requests for Expedited Processing and Requests for Fee Waiver	27
IX.	FOIA Personnel and Costs	29
X.	Fees Collected for Processing Requests	30
XI.	FOIA Regulations	31
XII.	Backlogs, Consultations, and Comparisons.....	32

I. BASIC INFORMATION REGARDING REPORT

1. Questions about this report may be directed to:

Martin Michalosky
FOIA Manager
Consumer Financial Protection Bureau (CFPB)
Attn: Chief FOIA Officer
1700 G Street, NW
Washington, DC 20530-0001
(202) 435-7198
Martin.Michalosky@cfpb.gov

2. This report may be downloaded from the [CFPB website](#).
3. A paper copy of this report is available, please contact Martin Michalosky (see contact information above).

II. MAKING A FOIA REQUEST

1. The CFPB's Disclosure of Records and Information (12 CFR Part 1070) final rule may be accessed on the [CFPB website](#). This final rule establishes the procedures for the public to obtain information from the CFPB under the FOIA, Privacy Act, and in legal proceedings. It also establishes the CFPB's rule regarding the confidential treatment of information obtained from persons in connection with the exercise of its authorities under the Federal consumer financial law.
2. In accordance with [12 CFR Part 1070](#), FOIA requests must be in writing to the CFPB. Requests may be submitted by any of the following means:
 - Mail: Consumer Financial Protection Bureau
Attention: Chief FOIA Officer
1700 G Street, NW
Washington, DC 20552
 - E-Mail: FOIA@cfpb.gov
 - Fax: (855) FAX-FOIA (329-2642)
3. The CFPB's FOIA Fee Schedule may be access on the [CFPB website](#). There is no initial fee for you to make a FOIA request. However, FOIA authorizes agencies to charge fees for processing FOIA requests. This Schedule provides guidance on fee categories, fee amounts (for duplication, search, and review), and other information.

4. The CFPB's FOIA and Privacy Act Request Guidebook may be access on the [CFPB website](#). This guidebook provides a brief explanation of the FOIA and how you can use it to access records of the CFPB. It explains how to submit a FOIA request and provides information about fees associated with processing requests. Additionally, this Guidebook outlines information to request records under the Privacy Act.

II. Acronyms, Definitions, and Exemptions

1. Acronyms and Definitions

- a. **Administrative Appeal:** A request to the CFPB asking that it review at a higher administrative level a FOIA determination made by the CFPB.
- b. **Average number:** The number obtained by dividing the sum of a group of numbers by the quantity of numbers in the group.
- c. **Backlog:** The number of requests or administrative appeals that are pending at an agency at the end of the fiscal year that are beyond the statutory time period for a response.
- d. **CFPB:** The Consumer Financial Protection Bureau.
- e. **Consultation:** The procedure whereby an agency responding to a FOIA request first forwards a record to another agency for its review because that other agency has an interest in the document. Once the agency in receipt of the consultation finishes its review of the record, it responds back to the agency that forwarded it. That agency, in turn, will then respond to the FOIA requester.
- f. **Exemption 3 Statute:** A federal statute that exempts information from disclosure and which the agency relies on to withhold under FOIA, 5 USC 552(b)(3).

- g. **FOIA Request:** A FOIA request is generally a request to a federal agency for access to records concerning another person (i.e., a "third-party" request), or concerning an organization, or a particular topic of interest. FOIA requests also include requests made by requesters seeking records concerning themselves (i.e., "first-party" requests) when those requesters are not subject to the Privacy Act, such as non-U.S. citizens. Moreover, because all first-party requesters should be afforded the benefit of both the access provisions of the FOIA as well as those of the Privacy Act, FOIA requests also include any first-party requests where an agency determines that it must search beyond its Privacy Act "systems of records" or where a Privacy Act exemption applies, and the agency looks to FOIA to afford the greatest possible access. All requests which require the agency to utilize the FOIA in responding to the requester are included in this Report. Additionally, a FOIA request includes records referred to the agency for processing and direct response to the requester. It does not, however, include records for which the agency has received a consultation from another agency.
- h. **Full Grant:** An agency decision to disclose all records in full in response to a FOIA request.
- i. **Full Denial:** An agency decision not to release any records in response to a FOIA request because the records are exempt in their entirety under one or more of the FOIA exemptions, or because of a procedural reason, such as when no records could be located.
- j. **Median number:** The middle, not average, number.
- k. **Multi-track processing:** A system in which simple requests requiring relatively minimal review are placed in one processing track and more voluminous and complex requests are placed in one or more other tracks. Requests in each track are processed on a first-in/first out basis. Requests granted expedited processing are placed in another track.
 - i. **Expedited Processing:** An agency will process a FOIA request on an expedited basis when a requester satisfies the requirements for expedited processing as set forth in the statute and in agency regulations.
 - ii. **Simple Request:** A FOIA request that an agency using multi-track processing places in its fastest (non-expedited) track based on the low volume and/or simplicity of the records requested.
 - iii. **Complex Request:** A FOIA request that an agency using multi-track processing places in a slower track based on the high volume and/or complexity of the records requested.
- l. **Partial Grant/Partial Denial:** In response to a FOIA request, an agency decision to disclose portions of the records and to withhold other portions that are exempt under the FOIA, or to otherwise deny a portion of the request for a procedural reason.

- m. **Pending Request or Pending Administrative Appeal:** A request or administrative appeal for which an agency has not taken final action in all respects.
- n. **Perfected Request:** A request for records which reasonably describes such records and is made in accordance with published rules stating the time, place, fees (if any) and procedures to be followed.
- o. **Processed Request or Processed Administrative Appeal:** A request or administrative appeal for which an agency has taken final action in all respects.
- p. **Range in Number of Days:** The minimum and maximum number of days to process requests or administrative appeals.
- q. **Time limits:** The time period in the FOIA statute for an agency to respond to a FOIA request (ordinarily 20 working days from proper receipt of a perfected FOIA request).

2. Definitions of the FOIA exemptions:

a. **Exemption 1 (Classified Information):** It is unlikely that CFPB possess classified records. Typical examples of classified information from other government agencies would include military plans related to readiness and confidential government intelligence sources.

b. **Exemption 2 (Internal Personnel Rules and Practices):** Includes information related solely to the internal personnel rules and practices of an agency. Examples of information that may be withheld include practices dealing with employee relations, rules associated with human resources, and hiring or firing procedures.

c. **Exemption 3 (Statute):** A statute requires that the information be withheld from the public in such a manner as to leave no discretion to the agency.

d. **Exemption 4 (Trade Secrets/Confidential Financial Information):** Relates to trade secrets and commercial or financial information obtained from a private source which is privileged or confidential. Information that could be protected as confidential or privileged commercial or financial information may include the marketing plans, unit prices, or other information that, if released, could impair the government's ability to obtain such information in the future or cause competitive harm to the entity or person who provided the information.

e. **Exemption 5 (Inter/Intra-Agency Communications):** Includes communications containing information subject to the attorney/client communications, attorney work product, and agency deliberative process privileges. For example, an internal government draft document that makes recommendations about a policy that has not been approved, or a memorandum from an agency employee to his supervisor

describing options for conducting agency business, may be exempt as deliberative process privilege material.

f. Exemption 6 (Personal Privacy): Protects personnel, medical, and similar information from disclosure if its release would represent a clearly unwarranted invasion of personal privacy. It requires agencies to balance an individual's right to privacy and the public's right to know. Information protected under this privacy exemption may include an individual's date of birth, social security number, and other personally identifiable information.

g. Exemption 7 (Law Enforcement): Enables agencies to withhold records in order to protect the law enforcement process from interference. There are six specific sub-categories within this exemption. For example, 7(D) protects the identities of confidential sources and 7(E) protects information from disclosure if doing so would reveal techniques and procedures for law enforcement investigations or prosecutions.

h. Exemption 8 (Financial Institutions): Protects information that is contained in or related to examination, operating, or condition reports prepared by or on behalf of, or for the use of, an agency responsible for the regulation or supervision of financial institutions (like the CFPB).

i. Exemption 9 (Geological/Geophysical Information): The CFPB does not possess geological or geophysical information.

IV. EXEMPTION 3 STATUTES

Statute	Type of Information Withheld	Case Citation	Agency / Component	Number of Times Relied upon by Agency / Component	Total Number of Times Relied upon by Agency Overall
41 U.S.C. § 4702(b)	Contractor proposals that are in the possession or control of an executive agency and that have not been set forth or incorporated by reference into contracts.	<i>Sinkfield v. HUD</i> , No. 10-885, 2012 U.S. Dist. LEXIS 35233, at *13-15 (S.D. Ohio Mar. 15, 2012); <i>Hornbostel v. U.S. Dep't of the Interior</i> , 305 F. Supp. 2d 21, 30 (D.D.C. 2003), <i>summary affirmance granted</i> , No. 03-5257, 2004 WL 1900562 (D.C. Cir. Aug. 25, 2004).	CFPB	4	4
5 U.S.C. App. § 107(a)	Financial disclosure information pertaining to certain government employees.	<i>Meyerhoff v. EPA</i> , 958 F.2d 1498 1500-02 (9th Cir. 1992); <i>Concepcion v. FBI</i> , 606 F. Supp. 2d 14, 33 (D.D.C. 2009), renewed motion for summary judgement granted in part on other grounds, 699 F. Supp. 2d 106 (D.D.C. 2010)	CFPB	1	1
5 U.S.C. § 574(j)	Administrative Dispute Resolution Act of 1996		CFPB	1	1

V.A. FOIA REQUESTS -- RECEIVED, PROCESSED AND PENDING FOIA REQUESTS

Agency / Component	Number of Requests Pending as of Start of Fiscal Year	Number of Requests Received in Fiscal Year	Number of Requests Processed in Fiscal Year	Number of Requests Pending as of End of Fiscal Year
CFPB OVERALL	16	204	209	11

V.B.(1). DISPOSITION OF FOIA REQUESTS -- ALL PROCESSED REQUESTS

Agency / Component	Number of Full Grants	Number of Partial Grants / Partial Denials	Number of Full Denials Based on Exemptions	Number of Full Denials Based on Reasons Other than Exemptions									TOTAL
				No Records	All Records Referred to Another Component or Agency	Request Withdrawn	Fee-Related Reason	Records not Reasonably Described	Improper FOIA Request for Other Reason	Not Agency Record	Duplicate Request	*Explain in Chart Below	
CFPB OVERALL	49	78	17	28	4	15	5	3	2	8	0	0	209

V.B.(2). DISPOSITION OF FOIA REQUESTS -- "OTHER" REASONS FOR "FULL DENIALS BASED ON REASONS OTHER THAN EXEMPTIONS"

Agency / Component	Description of "Other" Reasons for Denials from Chart B(1)	Number of Times "Other" Reason Was Relied Upon	TOTAL
CFPB OVERALL	N/A		0

V.B.(3). DISPOSITION OF FOIA REQUESTS -- NUMBER OF TIMES EXEMPTIONS APPLIED

Agency / Component	Ex. 1	Ex. 2	Ex. 3	Ex. 4	Ex. 5	Ex. 6	Ex. 7(A)	Ex. 7(B)	Ex. 7(C)	Ex. 7(D)	Ex. 7(E)	Ex. 7(F)	Ex. 8	Ex. 9
CFPB OVERALL	0	6	6	28	35	77	12	0	4	2	4	0	9	0

VI.A. ADMINISTRATIVE APPEALS OF INITIAL DETERMINATIONS OF FOIA REQUESTS -- RECEIVED, PROCESSED, AND PENDING ADMINISTRATIVE APPEALS

Agency / Component	Number of Appeals Pending as of Start of Fiscal Year	Number of Appeals Received in Fiscal Year	Number of Appeals Processed in Fiscal Year	Number of Appeals Pending as of End of Fiscal Year
CFPB OVERALL	4	16	20	0

VI.B. DISPOSITION OF ADMINISTRATIVE APPEALS -- ALL PROCESSED APPEALS

Agency / Component	Number Affirmed on Appeal	Number Partially Affirmed & Partially Reversed/Remanded on Appeal	Number Completely Reversed/Remanded on Appeal	Number of Appeals Closed for Other Reasons	TOTAL
CFPB OVERALL	12	3	3	2	20

VI.C.(1). REASONS FOR DENIAL ON APPEAL -- NUMBER OF TIMES EXEMPTIONS APPLIED

Agency / Component	Ex. 1	Ex. 2	Ex. 3	Ex. 4	Ex. 5	Ex. 6	Ex. 7(A)	Ex. 7(B)	Ex. 7(C)	Ex. 7(D)	Ex. 7(E)	Ex. 7(F)	Ex. 8	Ex. 9
CFPB OVERALL	0	0	0	1	4	10	1	0	0	0	0	0	0	0

VI.C.(2). REASONS FOR DENIAL ON APPEAL -- REASONS OTHER THAN EXEMPTIONS

Agency / Component	No Records	Records Referred at Initial Request Level	Request Withdrawn	Fee-Related Reason	Records not Reasonably Described	Improper Request for Other Reasons	Not Agency Record	Duplicate Request or Appeal	Request in Litigation	Appeal Based Solely on Denial of Request for Expedited Processing	Other *Explain in chart below
CFPB OVERALL	1	0	1	0	0	0	0	0	0	0	0

VI.C.(3). REASONS FOR DENIAL ON APPEAL -- "OTHER" REASONS

Agency / Component	Description of "Other" Reasons for Denial on Appeal from Chart C(2)	Number of Times "Other" Reason Was Relied Upon	TOTAL
CFPB OVERALL	N/A		0

VI.C.(4). RESPONSE TIME FOR ADMINISTRATIVE APPEALS

Agency / Component	Median Number of Days	Average Number of Days	Lowest Number of Days	Highest Number of Days
CFPB OVERALL	20	20	1	31

VI.C.(5). TEN OLDEST PENDING ADMINISTRATIVE APPEALS

Agency / Component		10th Oldest Appeal	9th	8th	7th	6th	5th	4th	3rd	2nd	Oldest Appeal
CFPB OVERALL	Date of Appeal	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
	Number of Days Pending	0	0	0	0	0	0	0	0	0	0

No pending appeals at end of year.

VII.A. FOIA REQUESTS -- RESPONSE TIME FOR ALL PROCESSED PERFECTED REQUESTS

Agency / Component	SIMPLE				COMPLEX				EXPEDITED PROCESSING			
	Median Number of Days	Average Number of Days	Lowest Number of Days	Highest Number of Days	Median Number of Days	Average Number of Days	Lowest Number of Days	Highest Number of Days	Median Number of Days	Average Number of Days	Lowest Number of Days	Highest Number of Days
CFPB OVERALL	6.5	8.36	<1	41	28	31.07	<1	128	N/A	N/A	N/A	N/A

VII.B. PROCESSED REQUESTS -- RESPONSE TIME FOR PERFECTED REQUESTS IN WHICH INFORMATION WAS GRANTED

Agency / Component	SIMPLE				COMPLEX				EXPEDITED PROCESSING			
	Median Number of Days	Average Number of Days	Lowest Number of Days	Highest Number of Days	Median Number of Days	Average Number of Days	Lowest Number of Days	Highest Number of Days	Median Number of Days	Average Number of Days	Lowest Number of Days	Highest Number of Days
CFPB OVERALL	9	9.95	<1	41	33.5	37.13	3	128	N/A	N/A	N/A	N/A

VII.C. PROCESSED SIMPLE REQUESTS -- RESPONSE TIME IN DAY INCREMENTS

Agency / Component	<1-20 Days	21-40 Days	41-60 Days	61-80 Days	81-100 Days	101-120 Days	121-140 Days	141-160 Days	161-180 Days	181-200 Days	201-300 Days	301-400 Days	401+ Days	TOTAL
CFPB OVERALL	9	125	5	1	0	0	0	0	0	0	0	0	0	140

VII.C. PROCESSED COMPLEX REQUESTS -- RESPONSE TIME IN DAY INCREMENTS

Agency / Component	<1-20 Days	21-40 Days	41-60 Days	61-80 Days	81-100 Days	101-120 Days	121-140 Days	141-160 Days	161-180 Days	181-200 Days	201-300 Days	301-400 Days	401+ Days	TOTAL
CFPB OVERALL	1	26	24	10	6	1	0	1	0	0	0	0	0	69

VII.C. PROCESSED REQUESTS GRANTED EXPEDITED PROCESSING -- RESPONSE TIME IN DAY INCREMENTS

Agency / Component	<1-20 Days	21-40 Days	41-60 Days	61-80 Days	81-100 Days	101-120 Days	121-140 Days	141-160 Days	161-180 Days	181-200 Days	201-300 Days	301-400 Days	401+ Days	TOTAL
CFPB OVERALL	0	0	0	0	0	0	0	0	0	0	0	0	0	0

VII.D. PENDING REQUESTS -- ALL PENDING PERFECTED REQUESTS

Agency / Component	SIMPLE			COMPLEX			EXPEDITED PROCESSING		
	Number Pending	Median Number of Days	Average Number of Days	Number Pending	Median Number of Days	Average Number of Days	Number Pending	Median Number of Days	Average Number of Days
CFPB OVERALL	4	4	9	7	10	17	0	N/A	N/A

VII.E. PENDING REQUESTS -- TEN OLDEST PENDING PERFECTED REQUESTS

Agency / Component		10th Oldest Request	9th	8th	7th	6th	5th	4th	3rd	2nd	Oldest Request
CFPB OVERALL	Date of Receipt	2013-09-26	2013-09-25	2013-09-25	2013-09-24	2013-09-23	2013-09-16	2013-09-05	2013-08-23	2013-08-21	2013-07-03
	Number of Days Pending	2	3	3	4	5	10	17	25	27	61

VIII.A. REQUESTS FOR EXPEDITED PROCESSING

Agency / Component	Number Granted	Number Denied	Median Number of Days to Adjudicate	Average Number of Days to Adjudicate	Number Adjudicated Within Ten Calendar Days
CFPB OVERALL	0	8	1	0.62	8

VIII.B. REQUESTS FOR FEE WAIVER

Agency / Component	Number Granted	Number Denied	Median Number of Days to Adjudicate	Average Number of Days to Adjudicate
CFPB OVERALL	1	3	1	1

IX. FOIA PERSONNEL AND COSTS

Agency / Component	PERSONNEL			COSTS		
	Number of "Full-Time FOIA Employees"	Number of "Equivalent Full-Time FOIA Employees"	Total Number of "Full-Time FOIA Staff"	Processing Costs	Litigation-Related Costs	Total Costs
CFPB OVERALL	5	0	5	\$579,122.00	\$5,000.00	\$584,122.00

X. FEES COLLECTED FOR PROCESSING REQUESTS

Agency / Component	Total Amount of Fees Collected	Percentage of Total Costs
CFPB OVERALL	\$3,086.80	0.53%

XI. FOIA REGULATIONS

DISCLOSURE OF RECORDS AND INFORMATION, FINAL RULE (12 CFR PART 1070)

XII.A. BACKLOGS OF FOIA REQUESTS AND ADMINISTRATIVE APPEALS¹

Agency / Component	Number of Backlogged Requests as of End of Fiscal Year	Number of Backlogged Appeals as of End of Fiscal Year
CFPB OVERALL	2	0

¹ This is the first annual FOIA report published by the CFPB. The U.S. Department of Treasury reported CFPB’s FOIA data for Fiscal Years 2011 and 2012. The U.S. Department of Treasury reports can be located at http://www.treasury.gov/FOIA/Pages/reports_index2.aspx

XII.B. CONSULTATIONS ON FOIA REQUESTS -- RECEIVED, PROCESSED, AND PENDING CONSULTATIONS

Agency / Component	Number of Consultations Received from Other Agencies that were <u>Pending</u> at the Agency as of <u>Start</u> of the Fiscal Year	Number of Consultations <u>Received</u> from Other Agencies During the Fiscal Year	Number of Consultations Received from Other Agencies that were <u>Processed</u> by the Agency During the Fiscal Year	Number of Consultations Received from Other Agencies that were <u>Pending</u> at the Agency as of <u>End</u> of the Fiscal Year
CFPB OVERALL	0	0	0	0

XII.C. CONSULTATIONS ON FOIA REQUESTS -- TEN OLDEST CONSULTATIONS RECEIVED FROM OTHER AGENCIES AND PENDING AT THE AGENCY

Agency / Component		10th Oldest Consultation	9th	8th	7th	6th	5th	4th	3rd	2nd	Oldest Consultation
CFPB OVERALL	Date	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
	Number of Days	0	0	0	0	0	0	0	0	0	0

No pending consultations at end of year.

XII.D.(1). COMPARISON OF NUMBERS OF REQUESTS FROM PREVIOUS AND CURRENT ANNUAL REPORT -- REQUESTS RECEIVED AND PROCESSED

Agency / Component	NUMBER OF REQUESTS <u>RECEIVED</u>		NUMBER OF REQUESTS <u>PROCESSED</u>	
	Number Received During Fiscal Year from Last Year's Annual Report	Number Received During Fiscal Year from Current Annual Report	Number Processed During Fiscal Year from Last Year's Annual Report	Number Processed During Fiscal Year from Current Annual Report
CFPB OVERALL	184	204	176	209

XII.D.(2). COMPARISON OF NUMBERS OF REQUESTS FROM PREVIOUS AND CURRENT ANNUAL REPORT -- BACKLOGGED REQUESTS

Agency / Component	Number of Backlogged Requests as of End of the Fiscal Year from Previous Annual Report	Number of Backlogged Requests as of End of the Fiscal Year from Current Annual Report
CFPB OVERALL	6	2

XII.E.(1). COMPARISON OF NUMBERS OF ADMINISTRATIVE APPEALS FROM PREVIOUS AND CURRENT ANNUAL REPORT -- APPEALS RECEIVED AND PROCESSED

Agency / Component	NUMBER OF APPEALS <u>RECEIVED</u>		NUMBER OF APPEALS <u>PROCESSED</u>	
	Number Received During Fiscal Year from Last Year's Annual Report	Number Received During Fiscal Year from Current Annual Report	Number Processed During Fiscal Year from Last Year's Annual Report	Number Processed During Fiscal Year from Current Annual Report
CFPB OVERALL	12	16	8	20

**XII.E.(2). COMPARISON OF NUMBERS OF ADMINISTRATIVE APPEALS FROM PREVIOUS AND CURRENT ANNUAL REPORT --
BACKLOGGED APPEAL**

Agency / Component	Number of Backlogged Appeals as of End of the Fiscal Year from Previous Annual Report	Number of Backlogged Appeals as of End of the Fiscal Year from Current Annual Report
CFPB OVERALL	0	0

