

Publication of Consumer Response Complaint Narratives

Does the CFPB use the information to benefit or make a determination about an individual? No

What is the purpose? Publish consumer complaint narratives and corresponding company response

Are there controls to enforce accountability? Yes, all standard CFPB privacy protections and security controls apply

What opportunities do I have for participation? Appropriate opportunities for notice consent, access, and redress.

Overview

The Dodd-Frank Wall Street Reform and Consumer Protection Act (the “Act”), Public Law No. 111-203, Title X, established the Consumer Financial Protection Bureau (“CFPB”). The CFPB administers, enforces, and implements federal consumer financial protection laws, and, among other powers, has authority to protect consumers from unfair, deceptive, and abusive practices when obtaining consumer financial products or services. The CFPB receives complaints, inquiries, and feedback about consumer financial products, services, and the entities providing them. The Consumer Response Complaint system is housed in a system called RightNow.

Consumer Response receives complaints and inquiries directly from consumers. The CFPB accepts complaints through its website and by telephone, mail, email, fax, and referral. Consumers submit complaints on the Bureau’s website using complaint forms tailored to specific products, and can also log on to a secure consumer portal to check the status of a complaint and review a company’s response. Consumer Response screens all complaints submitted by consumers based on several criteria. These criteria include whether the complaint should be sent to another regulator, whether the complaint is complete, whether it is submitted by a consumer (or the consumer’s authorized representative) with an authenticated commercial relationship with the identified company, and whether the complaint is a duplicate of a prior submission by the same consumer. Screened complaints are sent via a secure web portal to the appropriate company. The company reviews the information, communicates with the consumer as needed, and determines what action to take in response. The company reports back to the consumer and the CFPB via the secure “company portal.” The Bureau then invites the consumer to review the response and provide feedback.

The Bureau makes publicly available certain data that it collects as part of its complaint handling function, while continually striving to protect the sensitive information contained within that data. One way the Bureau currently accomplishes this is by sharing de-identified individual-level complaint data with the public through the Consumer Complaint Database. The Database, established pursuant to Sections 1012, 1013, 1016, 1021, 1022, and 1034 of the Act, was launched on June 19, 2012. It was initially only populated with credit card complaint data, but has since been expanded to

include complaint data about mortgages, bank accounts and services, student loans, vehicle and other consumer loans, credit reporting, money transfers, debt collection, and payday loans. More information on the Consumer complaint database and the Complaint system can be found in the 2014 Consumer Response Annual Report¹ and the Consumer Response System PIA.²

The Bureau now extends its existing practice of disclosing data associated with consumer complaints via the Consumer Complaint Database to include consumer complaint narratives and public-facing responses from companies. The Bureau will only disclose consumer narratives if it has received opt-in consumer consent. When submitting a complaint, consumers will be provided an opportunity to check a consent box giving the Bureau permission to publish the narrative. The opt-in consent states that: (a) whether or not consent is given will have no impact on how the Bureau handles the complaint, (b) the consumer may withdraw consent at any time and the narrative will be removed from the Consumer Complaint Database, and (c) the Bureau will take reasonable steps to remove personal information from the complaint to minimize (but not eliminate) the risk of re-identification. Where the consumer provides consent to publish their narrative, the related company will be given the opportunity to submit a response for inclusion in the Consumer Complaint Database.

The purpose of the Consumer Complaint Database is to provide consumers with timely and understandable information about consumer financial products and services, and to improve the functioning, transparency, and efficiency of markets for such products and services. The addition of this information to the Consumer Complaint Database promotes this purpose.

¹ <http://www.consumerfinance.gov/reports/2014-consumer-response-annual-report/>

² http://files.consumerfinance.gov/f/201303_CFPB_PIA-Consumer-Response-System.pdf

We de-identify, or “scrub,” personal information from complaint narratives that could identify an individual by using the Consumer Response Scrubbing Standard.³ This is done by using a three step procedure: (1) the narratives go through a computer program (“automated scrub”) that identifies and scrubs much of the personal information; (2) a trained Consumer Response employee reads the narrative and scrubs any additional personal information that the computer program may have missed; (3) a quality assurance specialist reviews the narrative for any personal information that may have made its way past the automated scrub and the previous review. If the quality assurance specialist determines that the personal information has been scrubbed, the narrative is ready for publication. If not, the narrative is reprocessed and corrected before publication.

If the consumer provides consent to publish their narrative, the related company has the opportunity to recommend a response for inclusion in the Consumer Complaint Database. Within the secure web portal that companies use to respond to the complaints, the Bureau has added a list of public company response options, giving companies the option to recommend a structured public response. The Bureau believes that this approach allows companies sufficient flexibility to assess legal, business, reputational, and other considerations relevant to the decision of whether to provide a public facing response.

The release of narratives will provide consumers with additional timely and understandable information about consumer financial products and services and improve the functioning, transparency, and efficiency of markets for such products and services. The release of the complaint narratives will facilitate research, review, and analysis of complaint data and enable greater engagement of the consumer and the financial institution in the review of complaints. The disclosure of consumer narratives will provide companies with greater insight into issues and challenges occurring across

³ http://files.consumerfinance.gov/a/assets/201503_cfpb_Narrative-Scrubbing-Standard.pdf

their markets, which can supplement their own company-specific perspectives and lend more insight into appropriate practices.

Consumer complaints received by the Bureau are subject to the System of Records Notice (“SORN”) “CFPB.005—Consumer Response System.”⁴ Pursuant to the Paperwork Reduction Act, the CFPB has received OMB approval under control number 3170-0011⁵ for collections associated with the Bureau’s consumer complaint database.

Privacy Risk Analysis

The primary privacy risks associated with this expansion of the Consumer Complaint Database are risks related to:

- Confidentiality
- Data Quality and Integrity
- Individual Participation
- Security

Confidentiality: In the event that an individual is re-identified from data which has been stripped of direct identifying PII, there would be risk of embarrassment or reputational harm. To minimize the risk to confidentiality, the Bureau will apply a robust scrubbing standard to remove personal identifiers and other personal information. If any personal information remains in a complaint, staff is trained on how to handle potential privacy incidents to minimize negative impacts.

Data Quality and Integrity: Prior to release in the database each complaint will be scrubbed and reviewed to ensure that personal information is removed from the complaint. The complaint will also be reviewed to ensure that the scrubbed complaint

⁴ <https://www.federalregister.gov/articles/2014/04/16/2014-08555/privacy-act-of-1974-as-amended>

⁵ http://www.reginfo.gov/public/do/PRAViewICR?ref_nbr=201504-3170-001

retains the basis of the complaint and to ensure the quality and integrity of the unstructured complaint narrative.

The commercial relationship between the company and the consumer is verified before disclosing it in the Consumer Complaint Database. The Bureau also verifies that the complaint is submitted by the identified consumer or by his or her specifically authorized representative before disclosure in the Database. The Bureau only forwards complaints to companies when they contain the required fields, including the complaint narrative, the consumer's requested resolution, and the consumer's contact information

Within the secure web portal that companies use to respond to complaints, the Bureau has added a set list of company responses, giving companies the ability to recommend a public-facing response addressing the substance of the consumer's complaint. Companies will be under no obligation to avail themselves of this opportunity.

Individual Participation: Every consumer who submits a complaint on the website is provided an option to consent to the release of their narrative in the Consumer Complaint Database. The Bureau does not intend to release a narrative until the consumer expressly consents to publication and the Bureau has determined that the narrative has been de-identified according to a robust scrubbing standard. If the consumer changes his mind there is an opportunity to withdraw consent at any time. When the database is updated, that information will be removed from the complaint database.

Security: The complaint narratives are taken out of the RightNow system and transferred to a CFPB system where the scrubbing takes place. After the narratives have been scrubbed they are put back into the RightNow system. There is a risk that transferring the data between the systems could create a hole in the security of the system. The CFPB has mitigated this risk by deploying an interconnection security agreement between RightNow system and CFPB that implements logical and physical access control mechanisms that limit data access only to authorized users. The connection has boundary protection provided by a firewall cluster and load balancers with Application Security Module installed. A Network Intrusion Detection System

(“NIDS”) device monitors for anomalous and/or malicious network activity and logs are reviewed by the CFPB’s Security Team.

Privacy Risk Management

1. Describe what information the CFPB collects, how the information is collected, and the sources from which the information is collected.

The information is collected directly from the individual or an authorized representative via a secure consumer portal on the Bureau’s website. It consists of:

- Name
- Address
- Social Security Number⁶
- Account number(s)
- Email address
- Phone Number
- Complaint type
- Name of company
- Description of what happened
- Desired Resolution

Much of this information is scrubbed prior to the release of a narrative in the Consumer Complaint Database.

⁶ Social Security Numbers are not submitted for all complaints, and submission is not required. For some complaints, submission of a Social Security Number can be helpful to validate the consumer’s identity and his or her association with a particular account, such as a credit report.

Every consumer who submits a complaint on the website is provided an option to consent to the release of their narrative in the Consumer Complaint Database. Consent to release the consumer narrative is opt-in, and it is collected at the time the complaint is submitted. The Bureau does not intend to publicly release a narrative until the consumer expressly consents to publication and the narrative has been scrubbed of personal information. If the consumer changes his or her mind, there is an opportunity to withdraw consent at any time.

2. Describe CFPB's objective for the information.

The purpose of disclosing information, including consumer complaint narratives, in the Consumer Complaint Database is to provide consumers and the public with timely and understandable information about consumer financial products and services, and to improve the functioning, transparency, and efficiency of markets for financial products and services.

3. Describe how CFPB shares any of the information with third parties with whom the CFPB shares the information for compatible purposes, e.g. federal or state agencies, the general public, etc.

The information in the Consumer Complaint Database is intended to be shared with the public. The Consumer Complaint Database will not directly identify any specific consumers in the database and their narrative will only be published if they provided explicit consent to publish the complaint narrative.

4. Describe what opportunities, if any, individuals to whom the information pertains have to (a) receive notice regarding the CFPB's use of the information; (b) consent to such use; (c) access the information that pertains to them; or (d) obtain redress.

Every consumer who submits a complaint on the website is provided an option to consent to the release of their narrative in the Consumer Complaint Database. Consent to release the consumer narrative is opt-in, and it is collected at the time the complaint is submitted. The Bureau does not intend to publicly release a narrative until the consumer expressly consents to publication and the Bureau has determined that the narrative has been de-identified according to a robust scrubbing standard. If the consumer changes his or her mind, there is an opportunity to withdraw consent at any time by calling the CFPB. If consent is withdrawn, the information from the database

will be removed from complaint database on the next update. However, data already downloaded by the public cannot be recalled by the Bureau. To help a consumer decide if they want their narrative published, there is a “Learn how it works” link⁷ on the complaint forms.

Finally, the CFPB gives individuals the ability to request access and amendment to their initial, unscrubbed complaints in accordance with the Privacy Act and the CFPB’s Privacy Act regulations at 12 C.F.R. 1070.50 *et seq.* For additional information regarding the CFPB’s receipt and use of consumer complaints generally, see http://files.consumerfinance.gov/f/201303_CFPB_PIA-Consumer-Response-System.pdf.

5. Explain the standards and relevant controls that govern the CFPB’s—or any third party contractor(s) acting on behalf of the CFPB—collection, use, disclosure, retention, or disposal of information.

The CFPB complies with the Privacy Act of 1974, Right to Financial Privacy Act, and E-Government Act of 2002; adopts Office of Management and Budget privacy-related guidance as best practice; and applies National Institute of Standards and Technology risk management processes for privacy.

The CFPB has taken a comprehensive and sophisticated approach to data scrubbing in order to protect the privacy of the consumer while still providing the public with useful data. The CFPB hired a third party contractor to assess and make recommendations on de-identifying the narratives. The contractor has recommended that the Bureau utilize this hybrid approach in which complaints are first checked through an automated process, and then further reviewed manually. This double “scrub” will help to ensure proper de-identification of all narratives that will be released.⁸

⁷ <https://help.consumerfinance.gov/app/mortgage/ask>. Click on the link “Learn how it works.”

⁸ See http://files.consumerfinance.gov/a/assets/201503_cfpb_Narrative-Scrubbing-Standard.pdf

The CFPB uses the following technical and administrative controls to secure the data and create accountability for the Bureau's appropriate collection, use, disclosure, and retention of the information:

- Audit Logs and Reviews
 - CFPB Personnel Privacy Training, including annual role-based training
 - CFPB Privacy Incident Response and Recovery Plan and contractual obligations for third parties to support CFPB Privacy Incident Response and Recovery Plan
 - Compliance with CFPB cybersecurity policy and procedures
 - Data Quality and Integrity Checks
 - Policy and Standard Operating Procedures such as the CFPB Narrative Scrubbing Standard
 - Role-based Access Controls
 - Guidelines for Ensuring and Maximizing the Quality, Objectivity, Utility, and Integrity of Information Disseminated by Federal Agencies
 - Records Schedule Submitted to/Approved by National Archives and Records Administration: The CFPB will maintain electronic and paper records for Consumer Response records under the National Archives and Records Administration (NARA) records schedule, N1-587-12-05 and N1-587-12-04
 - Personnel Security including background checks
6. Discuss the role of third party(ies) that collaborate or partner with the CFPB, if any. Identify any controls used to protect against inappropriate collection, use, disclosure, or retention of information.

The commercial relationship between the consumer and company is confirmed by the company before any complaint data is disclosed in the Consumer Complaint Database. To ensure that there is no fraudulent use of a company's identity: (1) companies have the ability to alert the Bureau via an administrative response of any suspected fraud; (2) if properly identified by the company, those complaints do not appear in the Database;

(3) if the Bureau finds any pattern of fraud by any entity within its jurisdiction, the Bureau can bring appropriate enforcement actions; and (4) in sending complaints to the company, the Bureau is assisting company operations in quickly identifying and addressing instances of potential fraud.

Document control

Approval

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Change control

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1.0	Original approval	all	June 25, 2015