

Labor and Employee Relations System PIA

Does the CFPB use the information to benefit or make a determination about an individual? Yes.

What is the purpose? Manage and Report labor and employee complaints and cases.

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 (Act), Public Law No. 111-203, Title X (2010), established the Consumer Financial Protection Bureau (CFPB or Bureau). The CFPB administers, enforces, and implements federal consumer financial protection laws, and, among other powers, has the authority to protect complainants from unfair, deceptive, and abusive practices when obtaining consumer financial products or services.

The CFPB is committed to providing a fair, equitable, and timely review and resolution of employee concerns regarding employment-related matters subject to the control of CFPB management. The CFPB intends to adopt a digital file management system to more effectively manage records pertaining to employee grievances, complaints, and reasonable accommodation requests (“Labor and Employee Relations System” or “LER System”). This system will replace existing paper-based files for future employee grievances, complaints, and reasonable accommodation requests.

The Bureau will collect information based on the following:

- **Statutory Requirements**
 - The No FEAR Act,
 - Equal Employment Opportunity (EEO) Commission – EEO Management Directive 715,
 - The Civil Rights Act,
 - 5 U.S.C. Chapters 43 (performance appraisal), 71 (labor-management relations), and 75 (discipline),
 - 28 U.S.C § 651 (Alternative Dispute Resolution),
 - 29 U.S.C. § 621 (Age Discrimination), and
 - 29 U.S.C. § 791 (Rehabilitation Act).
- **CFPB labor-management agreement stipulated negotiated grievance process**

Information will be collected from individuals making a complaint or grievance, or reasonable accommodation request; from individuals responding to a complaint or grievance; or from individuals knowledgeable about the details of the complaint or grievance, or the need for a reasonable accommodation request. The information will only be used to evaluate and make a decision on the employee complaint, grievance, or reasonable accommodation request. The information will be stored and accessed in the LER System during research and investigation of the complaint, grievance, or request. The information will remain in the system until it is required to be archived or destroyed in accordance with the applicable National Archives and Records Administration (“NARA”) records schedule.

This Privacy Impact Assessment (PIA) covers information collected specifically for evaluating and making a decision on employee complaints, grievances, and reasonable accommodation requests. The information was collected pursuant to system of records notice (SORN) CFPB.009 Employee Administrative Records (12 November 2013, 78 FR 68340) and the government-wide SORN OPM/GOVT-1 General Personal Records (April 8, 2002, 67 FR 16815).

There are currently no specific forms or other defined information collections that are required to be covered by the Paperwork Reduction Act.

Privacy Risk Analysis

The primary privacy risks associated with this implementation of the Labor and Employee Relations System are risks related to:

- Data minimization
- Confidentiality

Data Minimization: The information included in the Labor and Employee Relations System contains information collected directly from (1) the individual who is filing a complaint or grievance, (2) people responding to an individual’s complaint or grievance, or (3) people with knowledge of an individual’s complaint or grievance. Because the interactions that result in information collection are generally voluntary, the privacy risks associated with these collections are minimal. Complainants choose what and how much information they share with the Bureau, and they have opportunities to change or update information that is erroneous, inaccurate, or irrelevant. Direct identifying PII is generally limited to information (address, phone, date of birth, email, professional affiliation or employer) which is required in the complaint process.

Confidentiality: In the event of a breach of confidentiality, there is a risk of embarrassment or loss of reputation to both the individual and the Bureau. The Bureau minimizes this risk by enforcing access controls to minimize the number of individuals who have access to the data and by storing data on systems that have been accredited as secure for this type of data. Staff is also trained on how to handle potential breaches to minimize negative impacts.

The technical, physical, and administrative controls implemented to promote individual participation, minimization, and accountability are appropriate.

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 to process and facilitate the adjudication of labor and employee relations grievances, complaints, and reasonable accommodation requests. When the data is used by the Bureau for reporting and for statistical purposes, personal identifiers are removed.

Personnel information collected by the system may include:

- Name of employee, manager, Union representative, and other individuals with knowledge of the grievance, complaint, or request;
- Social Security number (SSN);
- Employee Number;
- Date of Birth;
- Contact information;
- Work Phone Number;
- Home Address;
- Home Phone Number;
- Medical information related to the grievance, complaint, or request;
- Employment Information;
- Case information related to the grievance, complaint, or request.

Information is collected directly from individuals submitting a grievance, complaint, or reasonable accommodation request; co-workers; supervisors; witnesses; Union representatives; medical personnel; legal representatives; or other individuals with knowledge of the grievance,

complaint, or request. Some information may be about, or from, individuals who are not CFPB employees.

2. Describe CFPB's objective for the information.

When an individual files a grievance, complaint, or request, the Bureau may conduct an investigation and/or research. Personal information may be collected in order to evaluate and act on the grievance, complaint, or reasonable accommodation request. The amount and specific type of information collected will vary based on the particulars of the case, but the investigator or specialist will strive to collect only the information required to address the particulars of that case.

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.

Information related to grievances, complaints, and reasonable accommodation requests may be shared with other federal and state authorities when necessary or required, such as the Office of Personnel Management (OPM), Equal Employment Opportunity Commission (EEOC), Federal Labor Relations Authority (FLRA), Merit Systems Protection Board (MSPB), arbitrators, courts and other tribunals, and Congress. Unless required to be provided, all identifying information is redacted from data before it is shared.

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.

This system operates under both the Bureau system of records notice (SORN) CFPB.009 Employee Administrative Records (12 November 2013, 78 FR 68340) and the government-wide SORN OPM/GOVT-1 General Personal Records (April 8, 2002, 67 FR 16815).

Individuals agree to the voluntary submission of information in support of their complaint, grievance, and or reasonable accommodation request. Individuals with knowledge of information pertinent to the complaint, grievance, or reasonable accommodation request

provide their information in support of the research or investigation. While witnesses are required to provide information in cases of misconduct or harassment, this information is minimized to that which is required to support the research or investigation. The CFPB gives individuals the ability to request access and amend their personal information in accordance with the Privacy Act and the CFPB's Privacy Act regulations at 12 C.F.R. § 1070.50 *et seq.* Individuals may also file a request under the Freedom of Information Act.

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 Bureau complies with the Privacy Act of 1974, Right to Financial Privacy Act, and E-Government Act of 2002; it voluntarily adopts Office of Management and Budget privacy-related guidance as a best practice;¹ and it applies the National Institute of Standards and Technology risk management processes for privacy.

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
- CFPB Privacy Incident Response and Recovery Plan
- Compliance with CFPB cybersecurity policy and procedures
- Policy and Standard Operating Procedures
- Role-based Access Controls
- Records Schedule Submitted to/Approved by National Archives and Records Administration: General Records Schedule 1

¹ Although pursuant to Section 1017(a)(4)(E) of the Consumer Financial Protection Act, Pub. L. No. 111-203, the CFPB is not required to comply with OMB-issued privacy guidance. The Bureau follows OMB privacy-related guidance as a best practice and to facilitate cooperation and collaboration with other agencies.

- Personnel Security including background checks

The personal information collected for employee and labor relations grievances and complaints and reasonable accommodation requests is only accessed by federal employees, and not by contractors.

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. (This does not include third parties acting on behalf of the CFPB, e.g., government contractors discussed in Question 5.)

Only CFPB employees acting on behalf of the CFPB will have access to the system. Information may be de-identified and provided to Congress or other federal agencies as required by law.

Document control

Approval

Ashwin Vasani

Chief Information Officer

January 4, 2016

Claire Stapleton

Chief Privacy Officer

January 4, 2016

Lisa Ratnavale

Human Capital

December 31, 2016

Change control

Version	Summary of material changes	Pages affected	Date of change