

Supervision, Enforcement, and Fair Lending Data

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

What is the purpose?

- Conduct the administrative, supervisory, enforcement, and other activities of the Division
- Manage contact, relationship, and input information from external stakeholders.

Are there controls to enforce accountability?

Yes, all standard CFPB privacy protections and security controls apply.

What opportunities do I have for participation?

Generally applicable: Appropriate opportunities for notice, consent, access, and redress.

Overview

The Dodd-Frank Wall Street Reform and Consumer Protection Act (Dodd-Frank Act or Act), Public Law No. 111-203, Title X, established the Consumer Financial Protection Bureau (CFPB or Bureau). Among other functions, the CFPB administers, enforces, and implements federal consumer financial law, supervises companies that offer or provide consumers with financial products or services, and protects consumers from unfair, deceptive, and abusive acts or practices when obtaining financial products and services. Many of the operational responsibilities required to carry out these functions are located within the Supervision, Enforcement, and Fair Lending (SEFL) Division of the Bureau.

SEFL collects a variety of information in order to fulfill its mission objectives. Much of the data collected does not contain personally identifiable information (PII), but collection of PII sometimes occurs either to fulfill SEFL's mission objectives or due to incidental receipt. PII may be collected directly from individuals or may be collected indirectly--for example, from supervised entities during an examination, or in the course of an enforcement action. The type of PII ranges greatly and can be very sensitive, involving information such as individuals' social security numbers (SSNs), financial account numbers, or consumer report scores, as well as more general information like name and contact information (*e.g.*, address, email, or phone number). This PIA will cover such collections.

More information about particular collections of SEFL data can be found in the Supervision and Examination System (SES) PIA, May 22, 2012, along with its November 2012 update; Compliance Analysis Toolkit (CAT) PIA, October 30, 2012; Litigation and Investigation Support Toolset (LIST) PIA, May 24, 2013; and Matters Management System (MMS) PIA, May 24, 2012, along with its update October 2012, all available at www.consumerfinance.gov/privacy. In addition, this PIA does not address use of SEFL data for market research purposes; additional information can be found in the Certain SEFL Data Used for Market Research PIA, July 14, 2014, available at www.consumerfinance.gov/privacy.

All information collection covered by the SEFL Data PIA is authorized by law, including Sections 1011-1013, 1021, 1022, 1024-1026, 1052-1054, and 1061 of the Dodd-Frank Act, codified at 12 U.S.C. §§ 5491-5493, 5511-5512, 5514-5516, 5562_5564, and 5581. This information must be collected in accordance with other applicable federal laws, including other provisions of the Dodd-Frank Act, the Paperwork Reduction Act, the Right to Financial Privacy Act, and the Privacy Act of 1974.

There is no single system supporting SEFL data collection. Information is maintained within the CFPB's authorized computing environments, including but not limited to the General Support System (GSS), with a number of Linux and Microsoft OS environments that host flat files or SQL databases. Information may also be contained in authorized contractor environments, where all system details are documented and reported to CFPB on a recurring basis.

Where records are retrieved by personal identifier, the information may be documented in one or more System of Records Notices (SORN), including: CFPB.002, Depository Institution Supervision Database, 76 FR 45765; CFPB.003, Non-Depository Institution Supervision Database, 76 FR 45761; CFPB.004, Enforcement Database, 76 FR 45757; CFPB.018, CFPB Litigation Files, 77 FR 27446, and CFPB.025, Civil Penalty Fund and Bureau-Administered Redress Program Records, 78 FR 34991.

In some scenarios, the CFPB may retain a third party to collect or work with information covered by the SEFL Data PIA. In such cases, the CFPB may use contracts, data sharing agreements, or other similar agreements or processes to ensure that the third party meets all applicable privacy and security requirements.

The CFPB may publish some information covered by the SEFL Data PIA in reports, press releases, or through its website or third-party hosted social media, subject to applicable law, including the Bureau's confidentiality regulations, 12 C.F.R. Part 1070, and applicable approval processes. These reports are available to the public and typically exclude PII. If they do include PII, this PII is either otherwise publicly available or will be released with that individual's

informed consent. **Privacy Risk Analysis**

The primary privacy risks associated with data covered by the SEFL Data PIA are risks related to:

- Data minimization, and
- Data quality.

Data Minimization: The Bureau receives much of these data from requests to entities over which we have supervisory or enforcement authority. Although the requests are crafted to try to minimize the amount of data to only that which is necessary to meet specific Bureau objectives, it is possible that the entity may provide additional information, some of which may be PII. The privacy risk is minimized by the fact that the Bureau limits access to the incoming data to those individuals who are authorized and legitimately require access to the data. Also, the Bureau has

implemented appropriate technical, physical, and administrative controls. These controls are discussed in more detail in the subsequent sections of this PIA.

Data Quality: In situations where the Bureau indirectly acquires PII from an entity subject to the Bureau's supervisory or enforcement authority, the Bureau generally relies upon the entity to provide current and accurate information. Where required by the Privacy Act individuals are given the opportunity to correct and update their information as appropriate.

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.

Information collected for SEFL is collected from a variety of sources, including entities or other persons subject to the Bureau's supervisory or enforcement authorities, other agencies with which the Bureau collaborates in the supervision or enforcement contexts, and public or private data sources that support supervision or enforcement activities. Impacted individuals vary based on the nature of the collection, but generally include:

- Current or former employees, agents, directors, or officers of financial companies and service providers;
- Current or former consumers, or potential consumers, of financial companies and service providers;
- Other persons subject to the Bureau's supervisory or enforcement authorities;
- Current and former CFPB employees and contractors; and
- Other individuals, including consumers, who interact with, submit feedback to, or otherwise share information with the CFPB at their own discretion.

The types of PII could vary greatly depending on the institution and the type of information that they collect, but it could include such information as:

- Name,
- Address,
- Phone Number (home, work, or mobile),
- E-mail Address,
- Employer/Professional Affiliation, including title,

- Input and feedback from the public including comments, videos, links, and images,
- Social Security number,
- Account number,
- Date of birth,
- Consumer report information,
- Financial transaction data, or
- Employment records.

Information collected under the SEFL Data PIA does not typically involve the use of forms or otherwise trigger the requirements of the PRA. However, in cases where the PRA requires it, the Bureau obtains approval of the Office of Management and Budget for such information collections.

2. Describe CFPB's objective for the information.

Information covered by this PIA is used to support the Bureau's missions to supervise financial companies, detect and assess risks to consumers and to markets, and administer and enforce federal consumer financial law. Much of the information that is required for these objectives is not PII, although it is sensitive information and consequently the Bureau protects it carefully. However, there are instances where the collection of PII is necessary in order to pursue these Bureau objectives, as well as other instances where the Bureau receives PII incidentally to its receipt of other information.

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

In some cases, the Bureau may share information collected by SEFL. The Bureau may at times collaborate with other government authorities on certain supervisory and enforcement activities. In such cases, the Bureau may share information with such authorities in accordance with applicable law and pursuant to any relevant information-sharing arrangements. In such cases, any PII shared is shared on the condition that it will be treated by all applicable agencies as confidential information and will be protected from disclosure and unauthorized release. The Bureau follows best practices on how data are to be transferred to, and then handled by, such third-party recipients.

The CFPB may publish some information covered by the SEFL Data PIA in reports, press releases, or through its website or third-party hosted social media, subject to applicable law, including the Bureau's confidentiality regulations, 12 C.F.R. Part 1070, and applicable approval processes. These reports are available to the public and typically exclude PII. If they do include PII, this PII is either otherwise publicly available, or will be released with the relevant individual's informed consent or as otherwise authorized by law or regulation.

Where applicable, the CFPB may share information as outlined in the Routine Uses of the relevant SORNs, CFPB.002, Depository Institution Supervision Database, 76 FR 45765; CFPB.003, Non-Depository Institution Supervision Database, 76 FR 45761; CFPB.004, Enforcement Database, 76 FR 45757; CFPB.018, CFPB Litigation Files, 77 FR 27446, and CFPB.025, Civil Penalty Fund and Bureau-Administered Redress Program Records, 78 FR 34991.

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.

In most cases, the information covered by the SEFL Data PIA is not collected directly from individuals. Where the information is not collected directly from individuals, notification is provided by PIAs and SORNs. Individuals will not have the opportunity to provide consent for use.

When such information is directly collected from an individual, either by the CFPB or by contractors acting on behalf of the CFPB, and the information may be retrieved by personal identifier, the individual is notified through a Privacy Act Statement, as required by the Privacy Act of 1974. The Privacy Act Statement is generally provided at the point where information is requested from the individual. Privacy Act Statements cite the applicable SORN; the authority under which the information is collected; whether disclosure of such information is mandatory or voluntary; the principal purpose or purposes for which the information is intended to be used; any routine uses which may be made of the information; and any effect of not providing all or any part of the requested information.

Where applicable, individuals may request access to or amendment of their 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 sometimes be able to directly update their information – for example, by contacting the Bureau to update contact or mailing information, or updating information provided for registration purposes for a Bureau-sponsored event.

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;¹ and applies National Institute of Standards and Technology risk management processes for privacy.

The CFPB uses the following technical and administrative controls to secure the information 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 and role-based training
- CFPB Personnel Training regarding handling of sensitive information
- 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
- Information Quality and Integrity Checks
- Policy and Standard Operating Procedures, such as *Policy on Information Governance at the CFPB*, June 3, 2014
- SEFL policies and procedures regarding the handling of sensitive information
- Role-based Access Controls
- Guidelines for Ensuring and Maximizing the Quality, Objectivity, Utility, and Integrity of Information Disseminated by Federal Agencies

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 Office of Management and Budget (OMB)-issued privacy guidance, it voluntarily follows OMB privacy-related guidance as a best practice and to facilitate cooperation and collaboration with other agencies.

- Records Schedule Submitted to/Approved by National Archives and Records Administration (NARA).
- Personnel Security supported through due diligence screening

The CFPB may use contractors to help support the collection, use, disclosure, or retention of information covered by the SEFL Data PIA, and those contractors are subject to similar controls. Contractor access to information must occur in accordance with the Bureau's Policy on Information Governance.

Contractors with access to direct identifying PII are required to report suspected or confirmed privacy incidents to the CFPB immediately and no later than one hour after discovery. Other requirements placed on contractors may, depending on the scope of duties, include training on privacy, and compliance with federal privacy requirements and Federal Acquisition Regulations.

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.)

The CFPB may collaborate with other government authorities in the collection and use of information in support of activities associated with the SEFL Data PIA. In these instances, controls are put in place to protect against inappropriate collection, use, disclosure, and retention. The specific controls will vary based on the specific information-sharing at issue.

Typical controls would include:

- Compliance with CFPB cybersecurity policy and procedures,
- Data Quality and Integrity Checks,
- Extract logging and 90-day reviews,
- Policy and Standard Operating Procedures, and
- Role-based Access Controls.

Document control

Approval

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January 26, 2016

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January 26, 2016

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January 26, 2016

Change control

Version	Summary of material changes	Pages affected	Date of change