

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 category.

Are there controls to enforce accountability?

Yes, all standard CFPB privacy protections and security controls.

What opportunities do I have for participation?

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



Consumer Financial
Protection Bureau

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.

One of the primary functions of the CFPB under the Dodd-Frank Act is collecting, investigating, and responding to consumer complaints.¹ The CFPB is also tasked with analyzing complaints to identify trends in service delivery to consumers. To fulfill these obligations, the CFPB created the Office of Consumer Response (Consumer Response) to answer consumers' questions, handle consumers' complaints, and analyze and share complaint data and insights.

Consumer Response engages directly with consumers to understand the challenges they face in the financial marketplace and responds to their inquiries about consumer financial products and services. Consumer Response accepts complaints about financial products and services from consumers via the CFPB's website, www.ConsumerFinance.gov/complaint/, by phone, and physical mail. In addition, the CFPB accepts complaints by referral from other government agencies, the White House, and Congressional offices.

In addressing a complaint or inquiry, Consumer Response may provide additional information to the consumer, send the complaint to the company or financial service provider that is the subject of the complaint, refer the complaint to another government agency, or direct the submission to other offices in the CFPB for further administrative action. The consumer complaints or inquiries themselves (including records about the complaint, details and supporting documents) are collected by Consumer Response and maintained in the Consumer Response System (CRS), which is the CFPB system of record for these interactions. The CRS is a database and information management system, which operates on a vendor-provided service and cloud platform².

¹ Consumer complaints are submissions that express dissatisfaction with, or communicate suspicion of wrongful conduct by, an identifiable entity related to a consumer's personal experience with a financial product or service.

² For more information, see the Consumer Response Privacy Impact Assessment (PIA) and Salesforce Platform (Cloud Environment) PIA on the CFPB website: www.consumerfinance.gov/privacy/privacy-impact-assessments.

The CFPB continually strives to protect sensitive complaint information from disclosure, while also making certain non-sensitive complaint data, which is collected as part of its complaint function, available to the public. One way the CFPB currently accomplishes this is by sharing de-identified individual-level complaint data with the public through the Consumer Complaint Database (or the 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 expanded to include complaint data about mortgages, bank accounts and services, student loans, vehicle and other consumer loans, credit reporting, money transfers, debt collection, payday loans, and other consumer financial products and services. The purpose of the Consumer Complaint Database is to provide consumers with timely and understandable information about consumer financial products and services via the complaints that consumers submit about these financial products and services, and to improve the functioning, transparency, and efficiency of markets for such products and services.

The CFPB discloses data associated with consumer complaints via the Consumer Complaint Database to include consumer complaint narratives and public-facing response categories companies select to categorize their response to each complaint. The CFPB only discloses consumer narratives if it has received specific consent from the consumer to be included via an “opt-in consumer consent” approach. When submitting a complaint, consumers are provided an opportunity to check a consent box giving the CFPB 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 CFPB 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 CFPB will take reasonable steps to remove personally identifiable information (PII) from the complaint to minimize, but not eliminate, the risk of re-identification.

The CFPB performs the following tasks to de-identify, or “scrub,” PII from complaint narratives following the Consumer Response Scrubbing Standard published on the CFPB’s website at www.consumerfinance.gov/complaint/data-use. At a high level, the CFPB follows a three-step procedure: (1) an automated process, called a script, reviews narrative content and identifies and removes PII; (2) a CFPB staff member then reviews the narrative and removes any additional PII that the script may not have identified and removed, and (3) another script reviews the narrative to ensure that the prior steps have not missed any PII. Once a narrative successfully completes these steps, the narrative is eligible for publication. Periodically, CFPB staff perform an additional quality assurance review on narrative content to validate that the

automated reviews and CFPB staff review are performed accurately. Any narratives identified with remaining PII will be reprocessed using the above steps. If process issues are identified during quality assurance reviews, then the Consumer Response Scrubbing Standard will be reviewed and corrected, as appropriate.

Whether or not the consumer provides consent to publish their narrative, the related company is given the opportunity to provide an optional public response for inclusion in the Consumer Complaint Database. Within the secure web portal that companies use to respond to the complaints, the CFPB provides a list of public company response options, giving companies the option to recommend a structured public response. The CFPB 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 provides consumers with additional timely and understandable information about consumer financial products and services and improves the functioning, transparency, and efficiency of markets for such products and services. The release of the complaint narratives facilitates research, review, and analysis of complaint data and provides companies with greater insight into issues and challenges occurring across their markets, which can supplement their own company-specific perspectives and lend more insight into appropriate practices.

The CFPB is updating this Privacy Impact Assessment (PIA) to discuss the privacy risks and mitigations associated with an updated approach to the scrubbing of the Consumer Response complaint narratives prior to publication. As mentioned above, the CFPB documents the collection and use of PII, and the associated privacy risks and mitigations for the Consumer Complaint Database and CRS in separate PIAs, found at:

www.consumerfinance.gov/privacy/privacy-impact-assessments.

Consumer complaints received by the CFPB are subject to the System of Records Notice (SORN) CFPB.005—Consumer Response System³. Pursuant to the Paperwork Reduction Act, the CFPB has received OMB approval under control number 3170-0011 for collections associated with the CFPB's Consumer Complaint Database.

³ For all CFPB SORNs, please visit: <https://www.consumerfinance.gov/privacy/system-records-notices>.

Privacy Risk Analysis

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

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

Data Minimization

When submitting a complaint, there is a risk that a consumer may disclose more information than necessary for the service they are seeking. To mitigate this risk, Consumer Response leverages processes and controls that limit the amount of information that a consumer is required to provide. Moreover, consumers are discouraged from including personal information in their complaint submission. For example, when a consumer submits a complaint through the Consumer Portal via the Consumer Resource Center (CRC), the consumer is reminded to provide only the necessary information to submit and route the complaint. For any PII provided with the complaint, the CFPB applies a robust scrubbing standard to remove personal identifiers and other personal information prior to publication in the Consumer Complaint Database. If any PII remains in a complaint that is published to the Consumer Complaint Database, staff are trained on how to report and handle suspected privacy breaches to mitigate harm to an impacted individual. In certain cases, if staff are unable to sufficiently de-identify a narrative, the narrative will not be published. For internal users, access to complaint information is limited to staff with a business justification to access PII.

In some cases—and in compliance with record management requirements to limit the amount of sensitive information held by the CFPB—the CFPB may not collect or will immediately delete certain sensitive information (e.g., account numbers) that a consumer provided to CRC systems, if it is not needed for that service.

Data Quality and Integrity

Prior to release in the database, Consumer Response scrubs and reviews each complaint to remove PII from the complaint. The complaint is also reviewed to ensure that the scrubbed complaint 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 and their authorized representative is verified before disclosing it in the Consumer Complaint Database. The CFPB 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 CFPB 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 (e.g., Company has responded to the consumer and the CFPB and chooses not to provide a public response, Company disputes the facts presented in the complaint). Companies are under no obligation to provide this public-facing response.

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 CFPB does not intend to release a narrative until the consumer expressly consents to publication and the CFPB has determined that the narrative has been de-identified according to a robust scrubbing standard. If the consumer changes their mind, they can withdraw consent at any time and, when the database is updated, the consumer's information is removed from the Consumer Complaint Database.

Security

The complaint narratives are transferred from the CRS to a CFPB system where PII is scrubbed from the narrative content. After the narratives have been scrubbed, they are put back into the CRS. There is a risk that transferring the data between the systems could create a vulnerability in the security of the system, allowing a bad actor to access the complaint data containing PII. The CFPB has mitigated this risk by deploying an interconnection security agreement (ISA) between these systems to implement logical and physical access controls that limit data access only to authorized CFPB users. For example, the data are protected by a firewall cluster and load balancers and a network intrusion detection system (NIDS) device monitors unusual and/or malicious network activity. When such activity is detected, logs are reviewed by the CFPB's Cybersecurity Team for investigation and further action as 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 may be collected directly from the individual or an authorized representative via the secure Consumer Portal on the CFPB's website. It consists of:

- Name;
- Contact information (e.g., address, email address, telephone number);
- Optional demographic information (e.g., consumers who provide their age; self-identify as servicemembers, veterans, or a spouse or dependent of a servicemember or veteran, military branch, rank, status, share their household size or combined annual household income, and other demographic characteristics);
- Social Security Number⁴ (SSN);
- Account, loan, and client numbers;
- Date of birth;
- Name of entity that is the subject of a complaint
- Description of what happened (i.e., a free-form narrative field in which consumers provide a description about what happened);
- Desired resolution to the complaint (i.e., a free-form narrative field in which consumers provide a description about their desired resolution);
- Information about consumer financial product or service, along with any related issues;
or
- Records or documents associated with complaints (e.g., emails, letters, transaction records, etc.).

Most of this PII is not eligible for publication in the Consumer Complaint Database. Narrative descriptions of what happened are scrubbed of PII prior to the release of a narrative in the Consumer Complaint Database. For a comprehensive list of PII collected, please reference the Consumer Response System PIA.

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

⁴ Social Security Numbers are not submitted for all complaints and is not required. For some complaints, submission of a Social Security Number can be helpful to validate the consumer's identity and their association with a particular account, such as a credit report.

consumer narrative is opt-in, and it is collected at the time the complaint is submitted. The CFPB does not intend to publicly release a narrative until the consumer expressly consents to publication and the narrative has been scrubbed of PII. If the consumer changes their mind, they can withdraw consent at any time though it may take time for their entry to be removed from the database, which generally should happen with the next database update.

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. The release of the complaint narratives facilitates research, review, and analysis of complaint data and provides companies with greater insight into issues and challenges occurring across their markets, which can supplement their own company-specific perspectives and lend more insight into appropriate practices.

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 public, etc.

The information published in the Consumer Complaint Database is intended to be shared with the public. Narratives that are published in the Consumer Complaint Database are searchable and able to be downloaded by the public. The Consumer Complaint Database does not directly identify any specific consumers in the database and their narratives are only 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 CFPB does not publicly release a narrative until the consumer expressly consents to publication and the narrative has been scrubbed. If the consumer changes their mind, they can withdraw consent at any time by contacting the CFPB. If consent is withdrawn, the narrative information is removed from the Consumer Complaint Database. However, data already downloaded by the public cannot be recalled by the CFPB. To help a consumer decide if they want their narrative published, the CFPB provides guidance on the complaint form about the consumer's option to consent to publish their narrative and the scrubbing and publishing process. The guidance also provides notice about the risk for potential reidentification, despite the CFPB's rigorous scrubbing process.

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 the Consumer Response System PIA.

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 takes a comprehensive and sophisticated approach to data scrubbing 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 recommended that the CFPB utilize this hybrid approach in which complaints are first checked through an automated process, then further reviewed manually by trained staff, and lastly verified by an additional computer check to spot any possible PII remaining for another review. This rigorous procedure will help to ensure proper de-identification of all narratives that will be released.

The CFPB uses the following technical and administrative controls to secure the data and

create accountability for the CFPB'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 Breach Response and Recovery Plan and contractual obligations for third parties to support CFPB Privacy Breach 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 on contractors and employees who have access to the data.

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 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 can alert the CFPB via an administrative response of any suspected fraud; (2) complaints closed with an administrative response do not appear in the Database; (3) if the CFPB finds any pattern of fraud by any entity within its jurisdiction, the CFPB can bring appropriate enforcement actions or refer the issue to the proper law enforcement authorities; and (4) in sending complaints to the company, the CFPB is assisting company operations in quickly identifying and addressing instances of potential fraud.

Document control

Approval

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Change control

Version	Summary of material changes	Pages affected	Date of change
1.0	Original approval	all	June 25, 2015
2.0	General updates to align with the updated Narrative Scrubbing Standard	all	June 2023