

2017

# Chief FOIA Officer Report

of the Consumer Financial Protection Bureau



Consumer Financial  
Protection Bureau

# Message from the CFPB Chief Operating Officer Sartaj Alag

The Consumer Financial Protection Bureau (CFPB) was established on July 21, 2010 under Title X of the Dodd-Frank Wall Street Reform and Consumer Protection Act Public Law No. 111-203 (Dodd-Frank Act). The CFPB consolidates most Federal consumer financial protection authority in one place. Our mission is to create an agency that helps consumer finance work by making rules more effective, by consistently and fairly enforcing those rules, and by empowering consumers to take more control over their economic lives.

It is our pleasure to submit our fourth annual report and highlight our accomplishments over the past calendar year. In submitting this report, I am satisfied with our average response time to FOIA requests and the effort of our FOIA professionals on customer service. For example, our FOIA professionals strive to quickly address clarification issues with newly received requests, provide updates on the status of requests in a timely manner, and maintain open-communications with requesters during the process. In addition to focusing on each request and requester's experience, our FOIA Office maintains a spotlight on FOIA throughout the CFPB by soliciting feedback from various stakeholders on how to continually improve the FOIA process. The CFPB has continued to promote transparency efforts by posting the calendars of our past and present leadership, budget information, various types of reports, and updates regarding our regulations and guidance. The CFPB continues to develop innovative ways to further transparency and improve FOIA in the federal government.

Inquiries about this report may be directed to the CFPB's FOIA Office at (855) 444-FOIA (3642) or [CFPB\\_FOIA@cfpb.gov](mailto:CFPB_FOIA@cfpb.gov).

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# I. Steps Taken to Apply the Presumption of Openness

A key mission of the CFPB is to make the financial products and services that consumers use more transparent. Transparency is at the core of our agenda and an essential part of how the CFPB operates. The public deserves to know what the CFPB is doing and how we are doing it. Therefore, our commitment to openness starts with creating a high level of awareness of FOIA among employees as well as focusing on effective communication with the public.

## *FOIA Training:*

- 1. Did your FOIA professionals or the personnel at your agency who have FOIA responsibilities attend any FOIA training or conference during the reporting period such as that provided by the Department of Justice?*

Yes.

- 2. If yes, please provide a brief description of the type of training attended and the topics covered.*

CFPB FOIA professionals attended the Department of Justice's Best Practices Workshop Series – Best Practices for Small Agencies, the American Society of Access Professionals 8th Annual National Training Conference, and the AINS FOIA Users Group Conference.

- 3. Provide an estimate of the percentage of your FOIA professionals and staff with FOIA responsibilities who attended substantive FOIA training during this reporting period.*

100%

- 4. OIP has directed agencies to "take steps to ensure that all of their FOIA professionals attend substantive FOIA training at least once throughout the year." If your response to the previous question is that less than 80% of your FOIA professionals attended training, please explain your agency's plan to ensure that all FOIA professionals receive or attend substantive FOIA training during the next reporting year.*

N/A

*Outreach:*

5. *Did your FOIA professionals engage in any outreach or dialogue with the requester community or open government groups regarding your administration of the FOIA?*

Yes. The CFPB FOIA Manager participated in the Chief FOIA Officers Council and FOIA Advisory Committee meetings which are both video livestreamed to the public.

*Other Initiatives:*

6. *Describe any efforts your agency has undertaken to inform non-FOIA professionals of their obligations under the FOIA?*

The CFPB FOIA Office provided training to each CFPB program office and the FOIA Points of Contact within each program office. We also provide a FOIA briefing at each New Employee Orientation.

7. *If there are any other initiatives undertaken by your agency to ensure that the presumption of openness is being applied, please describe them here.*

The CFPB FOIA Office has virtual training available to CFPB employees in the Treasury Learning Management System, and we send quarterly reminders to encourage employees to take the training. Also, we recognized the 50<sup>th</sup> anniversary of FOIA with an agency-wide celebration.

## **II. Steps Taken to Ensure that Your Agency Has an Effective System in Place for Responding to Requests**

*Processing Procedures:*

1. *For Fiscal Year 2016, what was the average number of days your agency reported for expedited processing (Section VIII.A)?*

The average number of days to adjudicate requests for expedited processing was one business day. No requests were granted expedited processing in FY2016.

2. *If your agency's average number of days to adjudicate requests for expedited processing was above ten calendar days, please describe the steps your agency will take to ensure that requests for expedited processing are adjudicated within ten calendar days or less.*

N/A

3. *Please provide an estimate of how many requests your agency processed in Fiscal Year 2016 that were from commercial use requesters. If your agency is decentralized, please identify any components within your agency that received a majority of their requests from commercial use requesters.*

The CFPB received approximately 40% of its total requests from commercial requesters in Fiscal Year 2016.

*Requester Services:*

4. *The FOIA Improvement Act of 2016 requires additional notification to requesters about the services provided by the agency's FOIA Public Liaison. Please provide an estimate of how often requesters sought assistance from your agency's FOIA Public Liaison.*

During Fiscal Year 2016, the CFPB FOIA Public Liaison responded to approximately 150 inquiries.

5. *The FOIA Improvement Act of 2016 requires agencies to make their reference material or guide for requesting records or information from the agency electronically available to the public. Please provide a link to your agency's FOIA reference guide.*

[Freedom of Information Act \(FOIA\) and Privacy Act \(PA\) Request Guidebook](#)

*Other Initiatives:*

6. *If there are any other steps your agency has undertaken to ensure that your FOIA system operates efficiently and effectively, such as conducting self-assessments to find greater efficiencies, improving search processes, eliminating redundancy, etc., please describe them here.*

The FOIA Office routinely collaborates with colleagues from each division and several program offices throughout the CFPB to continually evaluate the efficiency and effectiveness of the FOIA program. This approach enables the FOIA Office to continually improve and streamline the FOIA process, from leveraging technology to having effective communication with the public.

### **III. Steps Taken to Increase Proactive Disclosures**

The CFPB strives to lead by example by being transparent with respect to its own activities. The CFPB utilizes its website as the primary vehicle to share information on the operations and work

of the CFPB. These initiatives include posting the Leadership Calendars of its Director and Deputy Director; budget updates; general reports; guidance updates; FOIA request logs; and much more.

*Posting Material:*

1. *Describe your agency's process or system for identifying "frequently requested" records required to be posted online.*

The CFPB FOIA Office has the ability to utilize eFOIA software and review of FOIA logs to identify records that have been requested at least three times. CFPB FOIA staff meets weekly to discuss any requested records that have been produced or requested at least three times.

2. *Does your agency have a distinct process or system in place to identify records for proactive disclosure? If so, please describe your agency's process or system.*

Yes. CFPB program offices suggest documents for proactive disclosure and follow an internal clearance process overseen by the Office of the Executive Secretary.

3. *Has your agency encountered challenges that make it difficult to post records you otherwise would like to post?*

No.

4. *If so, briefly explain those challenges and how your agency is working to overcome them.*

N/A

5. *Provide examples of material that your agency has proactively disclosed during the past reporting year, including links to the posted material.*

**Leadership Calendars.** The CFPB remains committed to keeping the public informed about the daily work of the CFPB's senior leadership by sharing their [calendars](#). The CFPB has continued to post the monthly calendar of Director Richard Cordray. The calendars of past leaders Elizabeth Warren, Raj Date, and Steven Antonakes are archived on the website for the public to view as well.

**General Reports.** The CFPB continued to publish a variety of reports that shed light on the financial landscape and keep the American public informed and engaged in the work of the CFPB. Examples include annual, semi-annual, and other types of reports.

6. *Did your agency use any means to publicize or highlight important proactive disclosures for public awareness? If yes, please describe those efforts.*

Yes. The CFPB uses [press releases](#) and [blog posts](#) to highlight the release of information for public awareness.

*Other Initiatives:*

7. *If there are any other steps your agency has taken to improve proactive disclosures, please describe them here. For example, has your agency engaged requesters in determining how and what to post? Has your agency used web analytics to inform your proactive disclosures?*

The CFPB accepts consumer complaints about mortgages, bank accounts and services, credit cards, debt collection, credit reporting, and other consumer financial products and services. In June 2015, the CFPB began publishing scrubbed [consumer complaint narratives](#) where the consumer opts to share their narrative and after taking steps to remove personal information. These consumer narratives provide a firsthand account of the consumer's experience and provide context to complaints, are easily searchable, and help spotlight specific trends. Additionally, the narratives can also help consumers to make more informed decisions as well as encourage companies to improve the overall quality of their products and services.

Since the proactive posting of the consumer complaint narratives the CFPB FOIA Office has received less FOIA requests concerning consumer complaints.

In August 2016, the CFPB FOIA reading room started posting frequently requested records, FOIA reports, and FOIA logs. Requests are posted frequently to save the public time and effort.

## IV. Steps Taken to Greater Utilize Technology

The CFPB is committed to transparency and believes that technology and innovation are fundamental to achieving its mission of protecting consumers. The CFPB has employed technology in the overall management of the FOIA process, conducting searches for responsive records, and reviewing responsive records for release in an electronic format.

*Making Material Posted Online More Useful:*

1. *Beyond posting new material, is your agency taking steps to make the posted information more useful to the public, especially to the community of individuals who regularly access your agency's website.*

Yes.

2. *If yes, please provide examples of such improvements.*

In the posted CFPB FOIA Logs, we hyperlink the frequently requested records so they can be viewed without searching the CFPB Reading Room.

*Other Initiatives:*



3. *Did your agency successfully post all four quarterly reports for Fiscal Year 2016?*

Yes.

4. *If your agency did not successfully post all quarterly reports, with information appearing on FOIA.gov, please explain why and provide your agency's plan for ensuring that such reporting is successful in Fiscal Year 2017.*

N/A

## V. Steps Taken to Improve Timeliness in Responding to Requests and Reducing Backlogs

The CFPB understands the importance of responding to requests within the timelines outlined in the FOIA statute. Additionally, the CFPB focuses on responding to appeals within the same amount of time (20 working days) as a request to provide requesters with a determination in a timely manner. The FOIA Office continues to look for ways to further streamline the process, effectively communicate with requesters, and leverage the most innovative techniques to provide a timely response to the public.

Simple Track:

1. *Does your agency utilize a separate track for simple requests?*

Yes.

2. *If so, for your agency overall in Fiscal Year 2016, was the average number of days to process simple requests twenty working days or fewer?*

Yes. The average number of days for the CFPB to process simple requests was 10 business days.

3. *Please provide the percentage of requests processed by your agency in Fiscal Year 2016 that were placed in your simple track.*

The percentage of requests the CFPB processed in the simple track was 94%.

4. *If your agency does not track simple requests separately, was the average number of days to process all non-expedited requests twenty working days or fewer?*

N/A

*Backlogs:*

5. *If your agency had a backlog of requests at the close of Fiscal Year 2016, did that backlog decrease as compared with the backlog reported at the end of Fiscal Year 2015?*

The CFPB did not have a backlog of requests at the close of Fiscal Year 2015.

6. *If not, explain why and describe the causes that contributed to your agency not being able to reduce its backlog. When doing so, please also indicate if any of the following were contributing factors:*
- *An increase in the number of incoming requests.*
  - *A loss of staff.*
  - *An increase in the complexity of the requests received. If possible, please provide examples or briefly describe the types of complex requests contributing to your backlog increase.*
  - *Any other reasons – please briefly describe or provide examples when possible.*

The CFPB had an increase in the number of incoming requests. The incoming requests increased approximately 39% over the previous fiscal year.

7. *If you had a request backlog please report the percentage of requests that make up the backlog out of the total number of requests received by your agency in Fiscal Year 2016.*

The CFPB had a total of 2 requests considered backlog in Fiscal Year 2016. This is less than 1% of the FOIA requests received.

*Backlogged Appeals:*

8. *If your agency had a backlog of appeals at the close of Fiscal Year 2016, did that backlog decrease as compared with the backlog reported at the end of Fiscal Year 2015? If not, explain why and describe the causes that contributed to your agency not being able to reduce backlog.*

The CFPB did not have a backlog in appeals at the end of Fiscal Year 2016.

9. *If not, explain why and describe the causes that contributed to your agency not being able to reduce its backlog.*

N/A

10. *If you had an appeal backlog please report the percentage of appeals that make up the backlog out of the total number of appeals received by your agency in Fiscal Year 2016. If your agency did not receive any appeals in Fiscal Year 2016 and/or has no appeal backlog, please answer with "N/A."*

N/A

*Status of Ten Oldest Requests, Appeals, and Consultations:*

*Ten Oldest Requests*

11. *In Fiscal Year 2016, did your agency close the ten oldest requests that were reported pending in your Fiscal Year 2015 Annual FOIA Report?*

Yes.

12. *If no, please provide the number of these requests your agency was able to close by the end of the fiscal year, as listed in Section VII.E of your Fiscal Year 2015 Annual FOIA Report. If you had less than ten total oldest requests to close, please indicate that.*

N/A

13. *Of the requests your agency was able to close from your ten oldest, please indicate how many of these were closed because the request was withdrawn by the requester. If any were closed because the request was withdrawn, did you provide any interim responses prior to the withdrawal?*

None.

*Ten Oldest Appeals*

14. *In Fiscal Year 2016, did your agency close the ten oldest appeals that were reported pending in your Fiscal Year 2015 Annual FOIA Report?*

Yes.

15. *If no, please provide the number of these appeals your agency was able to close by the end of the fiscal year, as listed in Section VII.C.(5) of your Fiscal Year 2015 Annual FOIA Report. If you had less than ten total oldest appeals to close, please indicate that.*

N/A

*Ten Oldest Consultations*

*16. In Fiscal Year 2016, did your agency close the ten oldest consultations that were reported pending in your Fiscal Year 2015 Annual FOIA Report?*

The CFPB did not have any pending FOIA consultations.

*Additional Information on Ten Oldest Requests, Appeals, and Consultations & Plans*

*17. Briefly explain any obstacles your agency faced in closing its ten oldest requests, appeals, and consultations from Fiscal Year 2015.*

N/A

*18. If your agency was unable to close any of its ten oldest requests because you were waiting to hear back from other agencies on consultations you sent, please provide the date the request was initially received by your agency, the date when your agency sent the consultation, and the date when you last contacted the agency where the consultation was pending.*

N/A

*19. If your agency did not close its ten oldest pending requests, appeals, or consultations, please provide a plan describing how your agency intends to close those "ten oldest" requests, appeals, and consultations during Fiscal Year 2017.*

N/A