

## **CFPB.005**

### **SYSTEM NAME:**

Consumer Response System

### **SYSTEM LOCATION:**

Bureau of Consumer Financial Protection, 1700 G Street NW., Washington, DC 20552.

### **CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

Individuals covered by this system are individuals who submit complaints or inquiries to the Bureau (on their own or others' behalf), individuals on whose behalf complaints or inquiries are submitted by others (such as attorneys, members of Congress, third party advocates, and/or other governmental organizations); individuals who are the subjects of complaints by virtue of their engagement in business as a sole proprietor, and individuals from other federal, state agencies, or the Bureau with whom the Bureau shares data . This includes complaints or inquiries received by prudential regulators, Federal Trade Commission, other federal agencies, state agencies, or the Bureau. The term "prudential regulators" refers to any federal banking agency, as that term is defined in section 3 of the Federal Deposit Insurance Act, and the National Credit Union Administration. Information collected regarding consumer products and services is subject to the Privacy Act only to the extent that it concerns individuals; information pertaining to corporations and other business entities and organizations is not subject to the Privacy Act. Other individuals covered by this system include employees, contractors, or others at the Bureau who work in or with the Office of Consumer Response.

### **CATEGORIES OF RECORDS IN THE SYSTEM:**

Records in the system may contain: (1) Correspondence or other information received; (2) information from the entity or individual referring the inquiry or complaint; (3) records created of verbal communications by or with complainants or other individuals; (4) information regarding third party advocates or others who submit complaints or inquiries on another's behalf; (5) information identifying the entity that is the subject of the complaint or inquiry or its employees; (6) communication with or by the entity that is the subject of the complaint or inquiry or its employees; (7) unique identifiers, codes, and descriptors categorizing each complaint or inquiry file; (8) information about how complaints or inquiries were responded to or referred, including any resolution; (9) records used to respond to or refer complaints or inquiries, including information in the Bureau's other systems of records; (10) identifiable information regarding both the individual who is making the inquiry or complaint, and the individual on whose behalf such inquiry or complaint is made, and employees of the entity about

which the complaint or inquiry was made, including name, social security number, account numbers, address, phone number, email address, date of birth; and (11) identifiable information regarding an employee, contractor, or others at the Bureau who access the system, including their name and any login information used to access the consumer response system.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

Pub. L. No. 111-203, Title X, Sections 1011, 1012, 1013(b)(3), 1021, 1034, codified at 12 U.S.C. 5491, 5492, 5493(b)(3), 5511, 5534.

**PURPOSE(S):**

The information in the system is being collected to enable the Bureau to receive, respond to, and refer complaints or inquiries regarding consumer financial products or services. The system serves as a record of the complaint or inquiry, and is used for collecting complaint or inquiry data; responding to or referring the complaint or inquiry; aggregating data that will be used to inform other functions of the Bureau and, as appropriate, other agencies and/or the public; providing related educational and informational content; and preparing reports as required by law. The information will also be used for administrative purposes to ensure quality control, performance, and improving management processes. This system consists of complaints or inquiries received by the Bureau or other entities and information concerning responses to or referrals of these complaints or inquiries, as appropriate.

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:**

These records may be disclosed, consistent with the Bureau's Disclosure of Records and Information Rules, promulgated at 12 CFR 1070 *et seq.*, to:

- (1) Appropriate agencies, entities, and persons when (a) the Bureau suspects or has confirmed that there has been a breach of the system of records; (b) the Bureau has determined that as a result of the suspected or confirmed breach there is a risk of harm to individuals, the Bureau (including its information systems, programs, and operations), the Federal Government, or national security; and (c) the disclosure made to such agencies, entities, and persons is reasonably necessary to assist in connection with the Bureau's efforts to respond to the suspected or confirmed breach or to prevent, minimize, or remedy such harm;
- (2) Another Federal agency or Federal entity, when the Bureau determines that information from this system of records is reasonably necessary to assist the recipient agency or entity in (a) responding to a suspected or confirmed breach or (b) preventing, minimizing, or remedying the risk of harm to individuals, the recipient agency or entity (including its information systems, programs, and

operations), the Federal Government, or national security, resulting from a suspected or confirmed breach.

- (3) Another federal or state agency to: (a) permit a decision as to access, amendment or correction of records to be made in consultation with or by that agency; or (b) verify the identity of an individual or the accuracy of information submitted by an individual who has requested access to or amendment or correction of records;
- (4) The Office of the President in response to an inquiry from that office made at the request of the subject of a record or a third party on that person's behalf;
- (5) Congressional offices in response to an inquiry made at the request of the individual to whom the record pertains;
- (6) Contractors, agents, or other authorized individuals performing work on a contract, service, cooperative agreement, job, or other activity on behalf of the Bureau or Federal Government and who have a need to access the information in the performance of their duties or activities;
- (7) The U.S. Department of Justice ("DOJ") for its use in providing legal advice to the Bureau or in representing the Bureau in a proceeding before a court, adjudicative body, or other administrative body, where the use of such information by the DOJ is deemed by the Bureau to be relevant and necessary to the advice or proceeding, and in the case of a proceeding, such proceeding names as a party in interest:
  - (a) The Bureau;
  - (b) Any employee of the Bureau in his or her official capacity;
  - (c) Any employee of the Bureau in his or her individual capacity where DOJ or the Bureau has agreed to represent the employee; or
  - (d) The United States, where the Bureau determines that litigation is likely to affect the Bureau or any of its components;
- (8) A court, magistrate, or administrative tribunal in the course of an administrative proceeding or judicial proceeding, including disclosures to opposing counsel or witnesses (including expert witnesses) in the course of discovery or other pre-hearing exchanges of information, litigation, or settlement negotiations, where relevant or potentially relevant to a proceeding, or in connection with criminal law proceedings;
- (9) Appropriate agencies, entities, and persons, to the extent necessary to obtain information needed to investigate, resolve, respond, or refer a complaint or inquiry;
- (10) Appropriate federal, state, local, foreign, tribal, or self-regulatory organizations or agencies responsible for investigating, prosecuting, enforcing, implementing, issuing, or carrying out a statute, rule, regulation, order, policy, or license if the information may be relevant to a potential violation of civil or criminal law, rule, regulation, order, policy or license;

- (11) An entity or person that is the subject of the complaint or inquiry and the counsel or non-attorney representative for that entity or person;
- (12) Appropriate agencies, entities, and persons for the purpose of performing audit or oversight operations authorized by law, but only such information as is necessary and relevant to such audit or oversight function; and
- (13) Federal and state agencies for the purpose of facilitating the data sharing requirements described in 12 U.S.C. § 5493(b)(3)(D) concerning consumer complaint information.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**

**STORAGE:**

Paper and electronic records.

**RETRIEVABILITY:**

Records are retrievable by a variety of fields including without limitation the individual's name, social security number, complaint/inquiry case number, address, account number, transaction number, phone number, email address, date of birth, or by some combination thereof.

**SAFEGUARDS:**

Access to electronic records is restricted to authorized personnel who have been issued non-transferrable access codes and passwords. Other records are maintained in locked file cabinets or rooms with access limited to those personnel whose official duties require access.

**RETENTION AND DISPOSAL:**

The Bureau 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.

**SYSTEM MANAGER(S) AND ADDRESS:**

Bureau of Consumer Financial Protection, Division of the Chief Operating Officer, Office of Consumer Response, 1700 G Street NW., Washington, DC 20552.

**NOTIFICATION PROCEDURE:**

Individuals seeking notification and access to any record contained in this system of records, or seeking to contest its content, may inquire in writing in accordance with instructions appearing in Title 12, Chapter 10 of the CFR, "Disclosure of Records and

Information.” Address such requests to: Chief Privacy Officer, Bureau of Consumer Financial Protection, 1700 G Street N.W., Washington, DC 20552.

**RECORD ACCESS PROCEDURES:**

See "Notification Procedures" above.

**CONTESTING RECORD PROCEDURES:**

See "Notification Procedures" above.

**RECORD SOURCE CATEGORIES:**

Information in this system is obtained from individuals and entities filing complaints and inquiries, other governmental authorities, and entities that are the subjects of complaints and inquiries.

**EXEMPTIONS CLAIMED FOR THE SYSTEM:**

Pursuant to 5 U.S.C. § 552a(k)(2), to the extent that the Consumer Response System contains investigatory materials compiled for law enforcement purposes those materials are exempt from disclosure under 5 U.S.C. § 552a.