

Use of CII by RMR – Installment and Auto Title Lenders' Financial Information

February 6, 2017


The Office of Enforcement obtained confidential investigative information (CII) related to the size and financial resources of [REDACTED] installment and auto title lenders in the normal course of [REDACTED] investigations. RMR is seeking to use this CII for installment and auto title loan market monitoring activities and to further initial scoping and other activities for the larger participant rulemaking. To further the Bureau's market monitoring and rulemaking activities in the installment and auto title loan markets, the Office of Enforcement, the Office of Markets, the Office of Regulations, T&I, and the Legal Division have agreed on certain protocols for the protection and handling of CII by RMR in the market monitoring and rulemaking process.

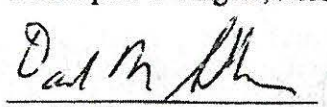
The Bureau's investigation activities, including the scope of any civil investigative demands, are based on law enforcement needs and purposes as determined by Enforcement. Pursuant to the Bureau's Rules on Investigation, CIDs may be used only to gather information in support of investigations into conduct that may constitute a violation of law, 12 C.F.R. § 1080.5. CIDs shall not be used to gather information for other Divisions of the Bureau. Consistent with the Bureau's Policy on Information Governance, 12 C.F.R. § 1070.41 and 12 C.F.R. § 1070.45, Enforcement may share the information obtained in the course of investigations with RMR staff when such disclosure is needed for the latter's assigned duties. Any individuals with access to this information must comply with the same confidentiality policies and practices observed by Enforcement. Any staff receiving CII will have an obligation to adhere to appropriate data protection standards and take appropriate measures to protect the information from unauthorized disclosure. Protective measures include segregating and labeling CII in electronic and paper files, appropriately labeling confidential information, complying with procedures for proper disposal, and reporting any unauthorized use or disclosure. To help facilitate appropriate treatment of CII, RMR will schedule training for staff on handling CII, as necessary.

RMR staff receiving CII will not share the information with any other division within the Bureau, except consistent with the Bureau policies, including the Policy on Information Governance at the CFPB; pursuant to 12 C.F.R. § 1070.41(a), RMR staff will not disclose CII to persons outside the Bureau, except as required by law and in consultation with the Legal Division. RMR will not use any direct identifiers that may exist in the information for any purpose. Within RMR, staff receiving CII will not share that information further in RMR without first discussing the potential sharing with Enforcement. Before any staff may use the information, RMR will coordinate with T&I to determine whether a redaction plan is needed to remove any direct identifiers. T&I will coordinate with RMR and Enforcement to develop a plan and gain approval for any needed redactions. T&I will perform the redaction, and review the redacted information before releasing it to RMR for analysis.

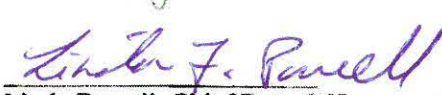
Not for external distribution

In consultation with the Legal Division, RMR and Enforcement have agreed that to the extent that the Bureau relies on CII in the course of its installment and auto title loan market research and rulemaking activities, RMR will, to the extent possible handle the information in ways that protect the confidentiality of enforcement activity and the identity of the subjects of enforcement investigations. For example, in the event that it is used in a rulemaking RMR will, to the extent possible, consider the information in such a fashion that the administrative record contains only aggregated or summary information, rather than the underlying CII itself. RMR, Enforcement, T&I, and the Legal Division will continue to consult during the preparation of deliverables to ensure CII is handled consistent with this principle. They may agree on departures from it as appropriate.


Christopher D'Angelo, Associate Director, SEFL


David Silberman, Deputy Director and Associate Director, RMR


Mary McLeod, General Counsel


Linda Powell, Chief Data Officer

Not for external distribution