

2018

Chief FOIA Officer Report

of the 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 Our mission is to help consumer finance markets work by regularly identifying and addressing outdated, unnecessary, or unduly burdensome regulations, by making rules more effective, by consistently enforcing federal consumer financial law, and by empowering consumers to take more control over their economic lives.

It is my pleasure to submit our fifth annual report and highlight our accomplishments over the past year. In submitting this report, I take pride in emphasizing our commitment to constantly improving the administration of FOIA at CFPB. For example, we requested that the Office of Government Information Services evaluate our compliance with FOIA and make recommendations for improvements, which we have used to enhance our FOIA program. Also, I must acknowledge our FOIA professionals' dedication to customer service. They focus on each request and requester's experience with open communication throughout the process and highlight the importance of FOIA compliance throughout the CFPB by consistently engaging internal stakeholders and soliciting their feedback.

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. Ultimately, 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.

Table of contents

Message from the CFPB Chief Operating Officer Sartaj Alag	2
I. Steps Taken to Apply the Presumption of Openness.....	4
II. Steps Taken to Ensure that Your Agency Has an Effective System in Place for Responding to Requests.....	6
III. Steps Taken to Increase Proactive Disclosures	7
IV. Steps Taken to Greater Utilize Technology	9
V. Steps Taken to Improve Timeliness in Responding to Requests and Reducing Backlogs.....	10

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.

A. **FOIA Training:**

1. *Did your FOIA professionals or the personnel at your agency who have FOIA responsibilities attend any substantive 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 or conducted and the topics covered.*

CFPB FOIA professionals attended several different Department of Justice trainings including: Introduction to FOIA; FOIA Litigation Seminar; the Annual FOIA Report Refresher; FOIA for Attorneys and Access Professionals; and a private training session on FOIA exemptions and case law updates presented to the Board of Governors of the Federal Reserve Systems' FOIA Office.

CFPB FOIA professionals also attended the American Society of Access Professionals 10th Annual National Training Conference and the AINS FOIA Users Group Conference to review FOIA amendments, exemptions, and new case law.

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

B. 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. Also, other CFPB Government Information Specialists attended these meetings as well.

C. 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 regularly sends agency-wide communications to employees on FOIA events and to promote CFPB’s virtual, self-paced FOIA training. The office provides a FOIA briefing at each New Employee Orientation and training to each CFPB program office and their FOIA points of contact. The office also hosts an annual, agency-wide FOIA anniversary celebration to remind all employees of their FOIA obligations.

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, the office hosts a weekly meeting with representatives from all bureau divisions to facilitate the processing of requests.

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

The CFPB fosters collaboration and encourages feedback related to its FOIA operations. The FOIA Office routinely partners with colleagues from all divisions throughout the agency 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.

1. *For Fiscal Year 2017, what was the average number of days your agency reported for expedited processing? (Section VIII.A. of the Fiscal Year 2017 Annual FOIA Report)?*

The average number of days to adjudicate requests for expedited processing was one business day.

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. *During the reporting period, did your agency conduct a self-assessment of its FOIA program? If so, please describe the methods used, such as reviewing Annual Report data, using active workflows and track management, reviewing and updating processing procedures, etc.*

CFPB requested that the Office of Government Information Services (OGIS) evaluate its FOIA program. OGIS conducted an assessment that was based on direct observation and review of CFPB's FOIA case files, analysis of applicable data and documents, and interviews with agency employees and officials.

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 the number of times requesters sought assistance from your agency's FOIA Public Liaison during FY 2017 (please provide a total number or an estimate of the number).*

During Fiscal Year 2017, the CFPB FOIA Public Liaison responded to approximately 150 inquiries.

5. *Optional Survey Question: If possible, please provide an estimate of the average number of pages that your agency processes for each request. You may provide estimates for each track.*

It would be difficult to estimate the number of pages that the CFPB processes for requests because it processes a wide variety of requests which require the review of data in a variety of formats.

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

As described above, the CFPB FOIA Office routinely collaborates with other offices throughout the CFPB to continually evaluate the efficiency and effectiveness of the FOIA program, in addition to obtaining an OGIS-led assessment. Also, the FOIA Office has a weekly team meeting to collaborate on the processing of requests to avoid redundancy and foster consistency and efficiency of responses.

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 leadership calendars; budget updates; general reports; guidance updates; FOIA request logs; and much more.

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

[Consumer Complaint Narratives.](#) The CFPB publishes narratives where the consumer has consented to publication about mortgages, bank accounts and services, credit cards, debt collection, credit reporting, and more. These consumer narratives provide a firsthand account of the consumer's experience and provide context to complaints.

[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 calendars of past leaders, including: Richard Cordray, 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.

[FOIA Logs.](#) The CFPB has added monthly FOIA logs to its electronic reading room to assist the public with making requests and disclose the various types of requests which have been submitted.

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

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

3. *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.

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

CFPB implemented a process to ensure all records in the electronic reading room contain FOIA metadata. Specifically, the FOIA Office ensures that before records are released that there is a uniform FOIA tag which includes reference to CFPB, and a title, date, and description of the documents at issue. Also, CFPB continues to add hyperlinks to the CFPB FOIA logs in the electronic reading room so that these frequently requested records can be viewed without having to search.

5. *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?*

N/A

IV. Steps Taken to Greater Use Technology

The CFPB is committed to transparency and believes that technology and innovation are fundamental to achieving 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.

1. *Has your agency identified any best practices to leverage technology to facilitate overall FOIA efficiency, such as improving record search capabilities, utilizing document sharing platforms for consultations and referrals, or employing software that can sort and de-duplicate documents? If yes please describe the best practices, the types of technology used and the impact on your agency's processing.*

Yes. In the posted CFPB FOIA Logs, we hyperlink the frequently requested records so they can be viewed without searching the CFPB Reading Room. Also, we used the Department of Justice guidance to add metadata to all of the records in the CFPB FOIA Electronic Reading Room to ensure that the records could be found using common search engines.

2. *Did your agency successfully post all four quarterly reports for Fiscal Year 2017?*

Yes.

3. *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 2018.*

N/A

4. *The FOIA Improvement Act of 2016 requires all agencies to post the raw statistical data used to compile their Annual FOIA Reports. Please provide the link to this posting for your agency's Fiscal Year 2016 Annual FOIA Report and, if available, for your agency's Fiscal Year 2017 Annual FOIA Report.*

2016: <https://www.consumerfinance.gov/foia-requests/foia-electronic-reading-room/cfpb-annual-foia-report-fy2016/>

2017: <https://www.consumerfinance.gov/foia-requests/foia-electronic-reading-room/cfpb-annual-foia-report-fy2017/>

5. *If there are any other steps your agency has taken to improve use of technology in FOIA, please describe them here.*

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.

A. Simple Track

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

Yes.

2. *If so, for your agency overall in Fiscal Year 2017, 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 11 business days.

3. *Please provide the percentage of requests processed by your agency in Fiscal Year 2017 that were placed in your simple track.*

The percentage of requests the CFPB processed in the simple track was 93%.

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

B. Backlogs

BACKLOGGED REQUESTS

5. *If your agency had a backlog of requests at the close of Fiscal Year 2017, did that backlog decrease as compared with the backlog reported at the end of Fiscal Year 2016?*

No. The CFPB had a backlog of 2 requests in Fiscal Year 2016, and 3 requests for Fiscal Year 2017.

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 FOIA Office lost two full-time employees during the covered period, and it saw an almost 20% increase in the number of requests.

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 2017.*

The CFPB had a backlog of 3 requests in Fiscal Year 2017. 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 2017, did that backlog decrease as compared with the backlog reported at the end of Fiscal Year 2016?*

The CFPB did not have a backlog of appeals at the end of Fiscal Years 2016 or 2017.

9. *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 appeals.*
- *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.*

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 2017. If your agency did not receive any appeals in Fiscal Year 2017 and/or has no appeal backlog, please answer with "N/A."*

N/A

C. Backlog Reduction Plans

11. *In the 2017 guidelines for Chief FOIA Officer Reports, any agency with a backlog of over 1000 requests in Fiscal Year 2016 was asked to provide a plan for achieving backlog reduction in the year ahead. Did your agency implement a backlog reduction plan last year? If so, describe your agency's efforts in implementing this plan and note if your agency was able to achieve backlog reduction in Fiscal Year 2017?*

N/A

12. *If your agency had a backlog of more than 1,000 requests in Fiscal Year 2017, what is your agency's plan to reduce this backlog during Fiscal Year 2018?*

N/A

D. Status of Ten Oldest Requests, Appeals, and Consultations

TEN OLDEST REQUESTS

13. *In Fiscal Year 2017, did your agency close the ten oldest requests that were reported pending in your Fiscal Year 2016 Annual FOIA Report?*

Yes.

14. *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 2016 Annual FOIA Report. If you had less than ten total oldest requests to close, please indicate that.*

N/A

15. *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

16. *In Fiscal Year 2017, did your agency close the ten oldest appeals that were reported pending in your Fiscal Year 2016 Annual FOIA Report?*

No appeals were reported pending in Fiscal Year 2016.

17. *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 2016 Annual FOIA Report. If you had less than ten total oldest appeals to close, please indicate that.*

N/A

TEN OLDEST CONSULTATIONS

18. *In Fiscal Year 2017, did your agency close the ten oldest consultations that were reported pending in your Fiscal Year 2016 Annual FOIA Report?*

No consultations were reported pending in Fiscal Year 2016.

19. *If no, please provide the number of these consultations your agency was able to close by the end of the fiscal year, as listed in Section XII.C. of your Fiscal Year 2016 Annual FOIA Report. If you had less than ten total oldest consultations to close, please indicate that.*

N/A

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

20. *Briefly explain any obstacles your agency faced in closing its ten oldest requests, appeals, and consultations from Fiscal Year 2017.*

N/A

21. *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

22. *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

F. Success Stories

Out of all the activities undertaken by your agency since March 2017 to increase transparency and improve FOIA administration, please briefly describe here at least one success story that you would like to highlight as emblematic of your agency’s efforts. The success story can come from any one of the five key areas. As noted above, OIP will highlight these agency success stories during Sunshine Week. To facilitate this process, all agencies should use bullets to describe their success story and limit their text to a half page. The success story is designed to be a quick summary of key achievements. A complete description of all your efforts will be contained in the body of your Chief FOIA Officer Report.

In Fiscal Year 2017, the CFPB navigated a 20% increase in the number of requests received compared to Fiscal Year 2016, while experiencing a loss of two full-time employees. The FOIA Office relied on existing CFPB employees that accepted details to the FOIA Office to mitigate the disruption to our external and internal stakeholders and continued to process FOIA requests timely and accurately.