

CONSUMER FINANCIAL PROTECTION BUREAU | MARCH 2022

# Chief FOIA Officer Report

High-volume receiving more than 50 requests in Fiscal Year 2021

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# Message from the Chief FOIA Officer



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 establishment of the CFPB consolidated most Federal consumer financial protection authority in one place. Our mission as a 21<sup>st</sup> century agency is to regulate the offering and provision of consumer financial products under the Federal consumer financial laws, to enforce Federal consumer financial law fairly and consistently, and to educate and empower consumers making financial decisions.

This is the CFPB's tenth annual report and highlights of our accomplishments over the past year. During the last calendar year, the CFPB's FOIA team made phenomenal strides to reduce the FOIA request backlog resulting in an exceptional 86% reduction during the reporting period. The FOIA team reduced this backlog by more than eight times the 10% target recommended by the Department of Justice<sup>1</sup>. This was accomplished through:

- Improved reporting to stakeholders with enhanced weekly, quarterly and ad-hoc reports
- Targeted training
- Increased external and internal communications to stakeholders, the requester community, and the public
- Improved document review

These achievements translated to a reduction in litigation and reputational risk for the CFPB. In 2021, the FOIA team completed all productions for pending FOIA litigations.

The CFPB strives to lead by example by being transparent with respect to its own activities. One of the primary vehicles for sharing information on the CFPB's work and operations is our website. In calendar year 2021, the CFPB revitalized its proactive disclosure program by posting 40 unique record sets to our website. Posted materials included, among other things, information regarding the CFPB's COVID-19 response and equity initiatives; leadership transition materials and calendars; FOIA logs; records management documents; and documents

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<sup>1</sup> See OMB's M-10-06 Open Government Directive.

associated with enforcement activities of regulated entities such as Golden Valley Lending. The CFPB's proactive disclosure program resulted in fewer FOIA requests from the public as more information was readily available on our website and directly benefited consumers by ensuring equitable access to materials that helped to alleviate financial burdens associated with the COVID-19 pandemic.

The CFPB will continue to find ways to increase public transparency and facilitate timely access to essential materials and information about the CFPB's activities to level the playing field for consumers. Simultaneously, the CFPB will ensure the protection of personal privacy, as well as confidential, privileged, and proprietary information. Inquiries about this report may be directed to the CFPB's FOIA team at (855) 444-FOIA (3642) or [FOIA@consumerfinance.gov](mailto:FOIA@consumerfinance.gov).

Sincerely,

A handwritten signature in black ink, appearing to read "Jean Chang". The signature is fluid and cursive, with the first name "Jean" being more prominent and the last name "Chang" following in a similar style.

Jean Chang  
Acting Chief Operating Officer

# 1. Steps taken to apply the presumption of openness

A key aspect of the CFPB's mission is to increase the transparency of consumer financial products and services. Transparency is at the core of the CFPB's agenda and an essential part of how the CFPB operates. The public deserves to know what the CFPB is doing and how it is doing it. The CFPB is ensuring that FOIA activities are fully integrated in its work.

## 1.1 FOIA leadership

1. *The FOIA requires each agency to designate a Chief FOIA Officer who is a senior official at least at the Assistant Secretary or equivalent level. See 5 U.S.C. § 552(j)(1)(2018). Is your agency's Chief FOIA Officer at this level?*

Yes.

2. *Please provide the name and title of your agency's Chief FOIA Officer.*

Jean Chang, Acting Chief Operating Officer

## 1.2 FOIA training

3. *The FOIA directs agency Chief FOIA Officers to ensure that FOIA training is offered to agency personnel. See 5 U.S.C. § 552(a)(j)(2)(F). Please describe the efforts your agency has undertaken to ensure proper FOIA training is made available and used by agency personnel.*

FOIA training is a top priority at the CFPB. During this reporting period, the CFPB created two separate training presentations - one for leadership and one for other CFPB employees and contractors. The presentations contained an overview of the FOIA and the implementation of FOIA at the CFPB. The CFPB experienced two leadership transitions during this reporting period, and the FOIA Manager trained both leadership teams.

The CFPB also integrates training into daily processing by assigning a senior reviewer for every request processed to guide analysts through the applicable authorities for both

FOIA administration and processing. In addition, time is set aside at the weekly team meetings for “Hot Topics” issues that arise in more than one FOIA request. This ensures that the FOIA team is receiving consistent, relevant training on trending matters.

Additionally, on a quarterly basis, the FOIA team conducts training swaps with other areas of the CFPB. The training swaps are conducted in two parts and highlight the implications of FOIA at the CFPB, assist the FOIA team in negotiating request terms, and provide a forum to share best practices in conducting efficient searches. During the first session, the FOIA team presents an overview of FOIA at the CFPB. During the second session, the respective program office presents an overview of their work to the FOIA team. These swaps not only result in better relationships between the FOIA team and other areas of the CFPB but also enables the FOIA team to train non-FOIA professionals in a relevant setting as the swap is conducted using the unique documents within each component. Additionally, it is beneficial to the FOIA team to enhance its understanding of the work being done at the CFPB to further the team’s work.

4. *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.

5. *If yes, please provide a brief description of the type of training attended or conducted and the topics covered.*

The CFPB’s FOIA team attended over a dozen trainings including:

#### **Department of Justice**

- FOIA Exemptions 1 & 7
- Privacy & Considerations Workshop – 6 & 7C
- FOIA Litigation Workshop
- FOIA Exemptions 4 & 5
- Annual FOIA Report Refresher & Quarterly Report Training
- Chief FOIA Officer Report Training
- Procedural Requirements and Fees
- Artificial Intelligence for FOIA Professionals
- Advanced FOIA Training

#### **Case Management System**

- 16<sup>th</sup> AINS Annual User Conference (virtual) November 3-4, 2021
- AINS Electronic Document Review (EDR) Training

**Deloitte Training**

- eDiscovery Symposium for Government Agencies

**OGIS**

- Advisory Committee Meeting

**CFPB Training**

- Records Management & Information Management
- Compliance Con 2021 Fair Lending Fest (The FOIA team attended training designed for employees in other CFPB components. Training provided insight that assisted in exemption application, requester negotiations, and searches.)
- Leadership training was provided by FOIA to the CFPB Director, Director’s chief of staff, Director’s front office staff, the general counsel, and the chief operating officer.
- Training on FOIA at the CFPB was provided by the FOIA team to the Director’s Office, CFPB’s Advisory Boards & Councils, Taskforce on Federal Consumer Financial Law, Office of the Chief Data Officer (OCDO), Ombudsman’s Office, Research, Markets and Regulations (RMR), Consumer Response, Procurement, Office of the Chief Experience Officer (CXO), Office of Technology and Innovation’s Solution Delivery Team, and executive assistants.

6. *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%.

7. *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.

8. *Did the personnel at your agency who have FOIA responsibilities attend training in federal records management during this reporting period?*

Yes, all CFPB personnel are required to complete annual records management training.

## 1.3 Outreach

9. *Did your FOIA professionals engage in any outreach or dialogue, outside of the standard request process, with the requester community or open government groups regarding your administration of the FOIA? Please describe any such outreach or dialogue, and, if applicable, any specific examples of how this dialogue has led to improvements in your agency's FOIA administration.*

Yes. The FOIA team promptly reached out to requesters to resolve any questions about requests before searches were initiated and encouraged requesters to contact the FOIA team if they had any questions.

Additionally, the FOIA team leveraged relationships with the requester community to coordinate prioritization with frequent requesters resulting in a significant reduction in requests from our most frequent requester, and a dramatic decrease in the Agency's backlog.

For example, a key negotiation with a frequent requester resulted in 24 backlog requests (FY18/FY19/FY20) being closed. The FOIA Office reviewed all 24 backlog requests and negotiated the broad scope from over 800,000 pages of documents to under 1,000 responsive pages. Producing the original request would have taken over a decade of processing time but the negotiation reduced the production time to under 4 months. This open and ongoing dialogue and outreach helped the FOIA team build the credibility required to downsize the voluminous requests that otherwise would have remained backlogged.

Finally, the FOIA team regularly engaged FOIA requesters to clarify their requests. This enhanced the CFPB's understanding of requester perspectives and lead to more efficient processing. Additionally, the FOIA team has proposed a requester roundtable to gain a greater understanding of the needs of the requester community.

## 1.4 Other initiatives

10. *Describe any efforts your agency has undertaken to inform non-FOIA professionals of their obligations under the FOIA. In particular, please describe:*

- *how often and in what formats your agency provides FOIA training or briefings*



*to non-FOIA staff; and*

- *if senior leaders at your agency received a briefing on your agency's FOIA resources, obligations, and expectations during the FOIA process?*

The FOIA team led about a dozen ad-hoc trainings on FOIA for various program offices and internal groups informing non-FOIA professionals on their obligations under the FOIA. Additionally, on a quarterly basis, the FOIA team conducts training swaps with other areas of the CFPB as described in 1.2 FOIA Training. In the training swaps, the FOIA team informs the participating program office of their obligations under the FOIA and improve the FOIA team's understanding of the records that are typically provided by that program office and how the program office conducts the search for those documents.

During the reporting period, the CFPB underwent a leadership transition. The FOIA team promptly scheduled FOIA training and refreshers for new senior leadership. The training was conducted virtually given the pandemic and focused on the implementation and administration of FOIA at the CFPB as well as the most frequently used exemptions and proactive disclosure. At the conclusion of the training, the FOIA Manager, supported by the FOIA team leads, was available for a question-and-answer session. Additionally, upon request, senior leadership and their staff attended a tailored in-depth training on FOIA.

*11. Optional -- 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 FOIA team analysts processing requests are held to a standard of release.
- The analysts work with the stakeholders to determine what information can be reasonably segregated and released.
- When information is proposed to be withheld, stakeholders are required to provide documentation or a written statement for the administrative record (when there is any question of whether an exemption applies).
- The FOIA team researches online resources including the CFPB website, external resources, and previous FOIA releases to assure that no information is withheld which is already in the public domain.
- The FOIA team works throughout the CFPB using training and guidance as well as through our responses to FOIA requests and our proactive disclosure program to instill a presumption of openness and a spirit of transparency.

## 2. Steps taken to ensure that your agency has an effective system in place for responding to requests

1. *For Fiscal Year 2021, what was the average number of days your agency reported for adjudicating requests for expedited processing? Please see Section VIII.A of your agency's Fiscal Year 2021 Annual FOIA Report.*

The average number of days to adjudicate requests for expedited processing was less than one calendar day.

2. *If your agency's average number of days to adjudicate requests for expedited processing was above ten calendar days, according to Section VIII.A. of your agency's Fiscal Year 2021 Annual FOIA Report, 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. *The FOIA Improvement Act of 2016 required all agencies to update their FOIA regulations within 180 days. In 2016, OIP issued Guidance for Agency FOIA Regulations and the accompanying Template for Agency FOIA Regulations to assist agencies in updating their regulations in accordance with the statute. Has your agency updated its FOIA regulations in accordance with the FOIA Improvement Act of 2016? If not, what is your agency's plan to update your regulations?*

Yes.

4. *Standard Operating Procedures (SOPs) generally document your agency's internal processes for administering the FOIA beyond your FOIA regulations and FOIA Reference Guide. As noted in OIP's guidance, having SOPs can improve the consistency and quality of an agency's FOIA process. SOPs can also serve as a significant resource for incoming FOIA professionals and a way to preserve much of the agency's institutional knowledge on administering the FOIA from how to handle requests from start-to-finish, to identifying and making proactive disclosures, to maintaining a FOIA*

*website. Does your agency have up-to-date internal SOPs for your FOIA administration?*

Yes. The FOIA team's SOPs are in line with OIP's guidance and meet statutory, regulatory, and mission requirements. The CFPB is actively reevaluating aspects of our FOIA processes, especially considering the unique challenges posed by the pandemic.

For FY2022, the CFPB has started and already made considerable progress on an intensive review and update of our SOPs and protocols to both address the challenges presented by the pandemic and enable staff to continue to achieve the organization's strategic goals.

Our revised SOPs and protocols provide a framework to increase operational efficiency and improve consistency on staff performance. Furthermore, they bolster the legitimacy of, and defensibility to, internal and external oversight inquiries and reviews.

5. *If not, please provide a timeline for when your agency plans to develop or update its SOPs.*

N/A.

6. *Has your agency established alternative means of access to first-party requested records outside of the FOIA process?*

Yes.

7. *If yes, please provide examples. If no, please explain if such opportunities exist at your agency and whether there are any challenges in establishing alternative means of access.*

First-party requests can be accessed through the following, outside of the FOIA process:

- [Individual Privacy Complaint](#). Individuals may submit a privacy complaint through this process. Complaints about the privacy of a business entity, a corporation, or any entity other than a person are not covered by our privacy complaint procedures.
- [Individual Requests under the Privacy Act](#). Individuals may use this form to seek access to their records pursuant to the Privacy Act.
- [Consent for Disclosure of Records](#). Individuals may use this form to provide consent and authorize the CFPB to disclose their records to another person or entity.
- [Public Access Link \(PAL\) Application-Home \(cfpb.gov\)](#). Individuals may use this webpage, or remote identity proofing, and direct submittal of Privacy Act requests directly in the FOIA system.

In complying with OMB's M-21-04, the FOIA team established several alternative means for first party access. They included publishing to the [FOIA Request Submittal Page](#):

- [PAL Application-Home \(cfpb.gov\)](#) for remote identity proofing and direct submittal of Privacy Act requests.

and publishing to the to the [FOIA Request Submittal Page](#) and the [Privacy Page](#):

- fillable web [Individual Requests under the Privacy Act](#) and [Consent for Disclosure of Records](#) forms.

8. *Did your agency conduct a self-assessment of its FOIA administration during the reporting period? If so, please describe the self-assessment methods used, such as analyzing Annual Report or raw data, using active workflows and track management, reviewing and updating processing procedures, etc. In addition, please specifically highlight any data analysis methods or technologies used to assess your agency's FOIA program.*

The FOIA team routinely conducted workflow analyses designed to optimize productivity and identify opportunities to streamline processes. This included an analysis of the Annual Report, running and analyzing weekly reports, and creating and running even more comprehensive quarterly reports. The FOIA team disseminated these reports to FOIA stakeholders and upper management. Based on these reports, the FOIA team created goals and set projections for FY21, which it was able to meet and exceed. The FOIA team has continuously re-evaluated and updated protocols to reflect and disseminate FOIA policies and practices. These updates included new developments in procedures and an evolution of FOIA policy based on court decisions, DOJ and OGIS guidance, as well as decisions on FOIA appeals by the Legal Division.

9. *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 2021 (please provide a total number or an estimate of the number).*

During Fiscal Year 2021, the FOIA Public Liaison responded to approximately 180 inquiries.

10. *Has your agency reviewed its FOIA-related staffing capabilities to identify resources needed to respond to current and anticipated FOIA demands?*

Yes. The FOIA team has reviewed its FOIA-related staffing capabilities to identify resources needed to respond to current and anticipated FOIA demands. To address the backlog, the FOIA team staffed up to 16 federal and contractor personnel at the end of FY21<sup>2</sup> – allowing for the phenomenal 86.4% decrease in backlog. With the significantly lower backlog, the FOIA team decreased combined federal and contractor staffing to 13 and is focused on refining FOIA processes in anticipation of an increase in FY22 requests.

11. *Optional -- Please describe:*

- *Best practices used to ensure that your FOIA system operates efficiently and effectively*

Close collaboration with the CFPB's Office of Technology & Innovation (T&I) ensures that any technology errors are promptly rectified. The availability of IT staff also allows technical issues to be quickly resolved during document processing.

The FOIA team worked closely with the CFPB's FOIA system vendor and GSA's login.gov to successfully comply with National FOIA Portal (NFP) requirements and M-21-04 identity proofing requirements through the Public Access Link (PAL). We have shared those best practices with other FOIA offices.

- *Any challenges your agency faces in this area.*

OMB, which oversees the implementation of privacy policy, has either not provided any substantive feedback or did not respond to a number of questions we posed regarding M-21-04 compliance.

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<sup>2</sup> Six federal employees and ten contractors (including 6 contractors provided by the Legal Technology Support Team (LTST) responsible, among other things for the CFPB's e-discovery processes, part of which, while being under a different management structure is integrated with the FOIA team).

# 3. 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 to share information on the CFPB's work and operations and continued to increase proactive disclosures on our website.

In calendar year 2021, the CFPB revitalized its proactive disclosure program by posting 40 unique record sets. Posted material included, among other things, information regarding the CFPB's COVID-19 response and equity initiatives, leadership transition materials and calendars, FOIA logs, records management documents, and documents related to the Bureau's enforcement activities of regulated entities such as Golden Valley Lending. Releasing these materials increased accountability by helping the public anticipate CFPB activity and enhanced public awareness of the CFPB's actions and the industries it regulates. The cumulative effect of these proactive disclosures was a reduction in the public's need to file FOIA requests. Additionally, the proactive disclosure program directly benefited consumers by ensuring equitable access to materials that helped to alleviate financial burdens associated with the COVID-19 pandemic.

1. *Please describe what steps your agency takes to identify, track, and post (a)(2) proactive disclosures.*

Through transparency in its own activities, the CFPB strives to lead by example. The CFPB utilizes its website to share information on its operations and work. Examples include posting leadership calendars, budget updates, general reports, guidance updates, FOIA request logs, and much more. The CFPB's proactive disclosure program has effectively mitigated incoming requests.

Since the FOIA team inaugurated a quarterly cadence for FOIA logs, the public has utilized them to ask for copies of previously released request responses. This utilization has potentially been in lieu of making new, more complex requests, and thus reducing the burden for the entire CFPB.

The FOIA team has coordinated with multiple program offices to identify documents that are ripe for proactive disclosure to the FOIA Reading Room. The FOIA team has also briefed leadership, including the CFPB Director, on the importance of proactive disclosure. The FOIA team has created a monthly Working Group on Proactive

Disclosure that is attended by all key stakeholders. By closely collaborating with the Office of Public Affairs, the FOIA team has succeeded in the posting proactive disclosures in a timely manner.

2. *Provide examples of any material that your agency has proactively disclosed during the past reporting year, including records that have been requested and released three or more times in accordance with 5 U.S.C. § 552(a)(2)(D). Please include links to these materials as well.*

- Financial Education at Institutions of Higher Education: These records are studies conducted by Abt Associates regarding the Financial Education at Institutions of Higher Education (IHE) under CFPB contract #9531CB20A0005.

[https://files.consumerfinance.gov/f/documents/cfpb\\_financial-education-at-institutions-of-higher-education\\_record\\_2021-09.pdf](https://files.consumerfinance.gov/f/documents/cfpb_financial-education-at-institutions-of-higher-education_record_2021-09.pdf)

- Supervision Enforcement Fair Lending Integration 3.3 Examination Playbook: The Examination Playbook is designed to provide guidance to decision makers on the key decisions identified through the examination process and each decision-maker's roles and responsibilities.

<https://www.consumerfinance.gov/foia-requests/foia-electronic-reading-room/supervision-enforcement-fair-lending-integration-examination-playbook/>

- Golden Valley Lending Correspondence: These records are correspondence from CFPB's investigation of the online lender Golden Valley Lending, Inc.

<https://www.consumerfinance.gov/foia-requests/foia-electronic-reading-room/golden-valley-lending-correspondence/>

- 2017 Student Banking Report Correspondence: These records relate to the CFPB's 2017 Student Banking Report.

<https://www.consumerfinance.gov/foia-requests/foia-electronic-reading-room/2017-student-banking-report-correspondence/>

- Military Lending Act Correspondence: These records relate to Congressional correspondence pertaining to the Military Lending Act.

<https://www.consumerfinance.gov/foia-requests/foia-electronic-reading-room/military-lending-act-correspondence/>

- Cybersecurity CyberWise Tips: These records are provided by the CFPB's Cybersecurity Team to expand CFPB-wide awareness and education on security policies, procedures, and associated risks.

<https://www.consumerfinance.gov/foia-requests/foia-electronic-reading-room/cybersecurity-cyberwise-tips/>

- Equifax Investigation Documents: These documents relate to the September 2017 Equifax data breach.

[https://files.consumerfinance.gov/f/documents/cfpb\\_equifax-investigation-documents\\_foia\\_2021-05.pdf](https://files.consumerfinance.gov/f/documents/cfpb_equifax-investigation-documents_foia_2021-05.pdf)

- CFPB Diversity and Inclusion Analysis: This is a copy of the CFPB's Diversity and Inclusion Analysis conducted by PDRI and Deloitte.

[https://files.consumerfinance.gov/f/documents/cfpb\\_diversity-and-inclusion-analysis\\_2021-03.pdf](https://files.consumerfinance.gov/f/documents/cfpb_diversity-and-inclusion-analysis_2021-03.pdf)

- CFPB Records Management Documents: These records relate to the implementation of CFPB's Capstone Program and the CFPB's Records Disposition Authority.

[https://files.consumerfinance.gov/f/documents/cfpb\\_records-management-documents\\_foia\\_2021-06.pdf](https://files.consumerfinance.gov/f/documents/cfpb_records-management-documents_foia_2021-06.pdf)

- CFPB FOIA Log FY2021: This is the log of FOIA requests received in FY2021.

<https://www.consumerfinance.gov/foia-requests/foia-electronic-reading-room/cfpb-foia-log-fy2021/>

- Policies related to hiring freezes, external hiring, and internal personnel actions: This is a copy of the Office of Human Capital policies related to hiring freezes, external hiring, and internal personnel actions.

<https://www.consumerfinance.gov/foia-requests/foia-electronic-reading-room/policies-related-hiring-freezes-external-hiring-internal-personnel-actions/>

- Office of the Inspector General – Closed Investigations 1/1/2020-12/31/2020: This is a listing of CFPB's Office of Inspector General Investigations closed during Calendar Year 2020.

<https://www.consumerfinance.gov/foia-requests/foia-electronic-reading-room/office-of-the-inspector-general-closed-investigations-1-1-2020-12-31-2020/>



- CFPB Transition Briefing Book November 2020: This a copy of the transition material prepared by the Consumer Financial Protection Bureau for the new Administration.

<https://www.consumerfinance.gov/foia-requests/foia-electronic-reading-room/cfpb-transition-briefing-book-november-2020/>

- Leadership calendars: The CFPB is committed to keeping the public informed about the daily work of senior leadership, including that of the former Acting Director David Uejio and current Director Rohit Chopra by sharing their calendars. Given the level of public interest in the Director's and Deputy Director's calendars, this proactive disclosure reduces the number of potential incoming requests for such information. The calendars of past leaders, including Richard Cordray, Elizabeth Warren, Raj Date, Steven Antonakes, Mick Mulvaney, Kathleen Kraninger, Brian Johnson, and Tom Pahl are archived on the website for the public to view, as well.

[Leadership Calendar | Consumer Financial Protection Bureau \(consumerfinance.gov\)](#)

3. Does your agency disseminate common types of material outside of FOIA, including in online databases where the public may access them? If yes, please provide examples and, if applicable, statutory authority.

Yes. The CFPB disseminates two types of material outside of FOIA - [Enforcement Actions](#) which include (1) information about specific court cases and administrative proceedings and (2) the [Consumer Complaint Database](#) where consumer complaints are published after the company responds, confirming a commercial relationship with the consumer, or after 15 days, whichever comes first.

The CFPB may enforce the law by filing an action in federal district court or by initiating an administrative adjudication proceeding. Administrative proceedings are conducted by an Administrative Law Judge who holds hearings and issues a recommended decision. Proceedings are conducted in accordance with the [Rules of Practice for Adjudication Proceedings](#).

With consumers' consent, the CFPB publishes de-identified narratives about their experiences with consumer products such as 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 the associated complaints. [Consumer Complaint Database | Consumer Financial Protection Bureau \(consumerfinance.gov\)](#)

4. 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.

5. If yes, please provide examples of such improvements. In particular, please describe steps your agency is taking to post information in open, machine-readable, and machine-actionable formats, to the extent feasible. If not posting in open formats, please explain why and note any challenges.

The FOIA team makes sure all proactively posted documents are 508 compliant. The FOIA team revised the 2018 FOIA logs to align with a new posting protocol which includes closed requests. The FOIA team has revised its website to comply with plain language requirements. The FOIA team utilized a website heatmap tool to better understand how the public is interacting with the FOIA reading room and used that information to improve our posting cadence and content. The FOIA team is looking into usability testing to make the CFPB Electronic Reading Room more accessible and useful to the public. The FOIA team is collaborating with other program offices on proactively posting items of public interest, such as leadership calendars.

6. Does your proactive disclosure process or system involve any collaboration with agency staff outside the FOIA office? If so, describe this interaction.

*Optional -- Please describe:*

- Best practices used to improve proactive disclosures.
  - The FOIA team has trained multiple program offices on the importance of proactive disclosure and coordinated with them to identify documents that are ripe for proactive disclosure to the FOIA Reading Room.
  - The FOIA team has trained stakeholders on the importance of proactive disclosure.
  - The FOIA team has also briefed leadership, including the CFPB Director, on the importance of proactive disclosure.
  - The FOIA team has created a monthly Working Group on Proactive Disclosure that is attended by all key stakeholders.
  - Through work with the Office of Public Affairs, the FOIA team has succeeded in the timely posting of proactive disclosures. The FOIA team continued to collaborate within the CFPB to identify information that can be proactively released to improve transparency.

- *Any challenges your agency faces in this area*
  - Some program offices were worried about the implications of proactive disclosure related to their equities and the sensitivity of their records. The FOIA team worked with these program offices to explain the legal and policy background for proactive disclosure and the benefits of transparency through proactive disclosures to the public, the CFPB, as well as program offices themselves.
  - The FOIA team also worked with the CFPB's program offices to make sure that redactions are appropriately used to protective sensitive data.
  - We emphasized that proactive disclosure puts our bureau in a proactive rather than reactive posture, vis-à-vis the public, and allows us to manage our messaging.

# 4. Steps taken to greater utilize technology

The CFPB utilizes current technologies to ensure transparency with the public while appropriately disclosing information through the FOIA program. Technology is utilized in the overall management of the FOIA process to conduct searches for responsive records and review responsive records for release in an electronic format.

1. *Has your agency reviewed its FOIA-related technological capabilities to identify resources needed to respond to current and anticipated FOIA demands?*

Yes, the FOIA team has reviewed and improved its FOIA-related technological capabilities to identify resources needed to respond to current and anticipated FOIA demands.

2. *Please briefly describe any new types of technology your agency began using during the reporting period to support your FOIA program.*

- The FOIA team has implemented a Public Access Link (PAL), allowing for FOIA and Privacy Act requests to be submitted via the National FOIA Portal.
- To comply with M-21-04, the FOIA team worked with internal partners, the FOIA system vendor, and GSA's login.gov team to configure PAL for virtual identity proofing of Privacy Act requests.
- The CFPB also implemented fillable web-based forms to facilitate submission of Privacy Act requests.

3. *OIP issued guidance in 2017 encouraging agencies to regularly review their FOIA websites to ensure that they contain essential resources and are informative and user-friendly. Has your agency reviewed its FOIA website(s) during the reporting period to ensure it addresses the elements noted in the guidance?*

Yes. CFPB reviewed and improved its website to provide greater access for FOIA and Privacy Act requesters and to comply with federal plain language guidelines.

4. *Did all four of your agency's quarterly reports for Fiscal Year 2021 appear on your agency's website and on FOIA.gov?*

Yes: <https://www.consumerfinance.gov/foia-requests/foia-electronic-reading-room/cfpb-foia-quarterly-reports/>

5. *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 2022.*

N/A.

6. *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 2020 Annual FOIA Report and, if available, for your agency's Fiscal Year 2021 Annual FOIA Report.*

**2020:** <https://www.consumerfinance.gov/foia-requests/foia-electronic-reading-room/cfpb-annual-foia-report-fy2020/>

7. *Optional -- Please describe:*

- *Best practices used in greater utilizing technology*
- *Any challenges your agency faces in this area*

The FOIA team has continued to integrate with its CFPB technology partners including an increased use of e-discovery systems, increased automation of its case management system via automation of manual processes (request intake through the National FOIA Portal (NFP) and Public Access Link (PAL)), as well as improved tracking and reporting of Subject Matter Expert (SME) reviews (AKA equity reviews). Through engagement with existing technology partners, the FOIA team has begun to explore potential add-on software components to enhance the clarity and efficiency of the SME experience. Additional steps have been taken to improve timeliness in responding to requests while reducing any backlog.

# 5. Steps taken to improve timeliness in responding to requests and reducing backlogs

## 5.1 Simple track

The CFPB understands the importance of responding to requests within the timelines outlined in the FOIA statute. Additionally, the CFPB strives to respond to appeals within the same amount of time (20 working days) to provide requesters with a timely determination.

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

Yes.

2. *If your agency uses a separate track for simple requests, according to Annual FOIA Report section VII.A, was the agency overall average number of days to process simple requests twenty working days or fewer in Fiscal Year 2021?*

Yes. The average number of days to process simple requests was 9.04 working days.

3. *Please provide the percentage of requests processed by your agency in Fiscal Year 2021 that were placed in your simple track. Please use the following calculation based on the data from your Annual FOIA Report: (processed simple requests from Section VII.C.1) divided by (requests processed from Section V.A.) x 100.*

36% of requests processed were in the simple track.

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.

## 5.2 Backlogs

### 5.2.1 Backlogged requests

5. *If your agency had a backlog of requests at the close of Fiscal Year 2021, according to Annual FOIA Report Section XII.D.2, did that backlog decrease as compared with the backlog reported at the end of Fiscal Year 2020?*

Yes. The CFPB reduced the backlog by 86.4% from 118 requests in Fiscal Year 2020 to 16 requests in Fiscal Year 2021.

Please note that FOIA team's backlog for the close of Fiscal Year 2020 was re-adjusted from 124 to 118 due to improvements in the tracking system. If comparing the FY20 and FY21 backlog numbers directly, then the CFPB achieved an 87.1% backlog reduction.

6. *If not, according to Annual FOIA Report Section XII.D.1, did your agency process more requests during Fiscal Year 2021 than it did during Fiscal Year 2020?*

N/A.

7. *If your agency's request backlog increased during Fiscal Year 2021, please 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.*
- *Impact of COVID-19 and workplace and safety precautions.*
- *Any other reasons – please briefly describe or provide examples when possible.*

N/A.

8. *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 2021. Please use the following calculation based on data from your Annual FOIA Report: (backlogged requests from Section XII.A) divided by (requests received from Section V.A) x 100. This number can be greater than 100%. If your agency has no*

*request backlog, please answer with "N/A."*

The FOIA team had a backlog of 16 requests at the end of Fiscal Year 2021 and a total of 255 requests received in Fiscal Year 2021. The backlog was 6.3% of the FOIA requests received.

## 5.2.2 Backlogged appeals

9. *If your agency had a backlog of appeals at the close of Fiscal Year 2021, according to Section XII.E.2 of the Annual FOIA Report, did that backlog decrease as compared with the backlog reported at the end of Fiscal Year 2020?*

N/A.

10. *If not, according to section XII.E.1 of the Annual FOIA Report, did your agency process more appeals during Fiscal Year 2021 than it did during Fiscal Year 2020?*

N/A.

11. *If your agency's appeal backlog increased during Fiscal Year 2021, please 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.*
- *Impact of COVID-19 and workplace and safety precautions.*
- *Any other reasons – please briefly describe or provide examples when possible*

N/A.

12. *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 2021. Please use the following calculation based on data from your Annual FOIA Report: (backlogged appeals from Section XII.A) divided by (appeals received from Section VI.A) x 100. This number can be greater than 100%. If your agency did not receive any appeals in Fiscal Year 2021 and/or has no appeal backlog, please answer with "N/A.."*

N/A.



## 5.3 Backlog reduction plans

13. *In the 2021 guidelines for Chief FOIA Officer Reports, any agency with a backlog of over 1000 requests in Fiscal Year 2020 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 2021?*

N/A.

14. *If your agency had a backlog of more than 1,000 requests in Fiscal Year 2021, please explain your agency's plan to reduce this backlog during Fiscal Year 2022. In particular, please also detail how your agency developed and plans to execute your backlog reduction plans.*

N/A.

### 5.3.1 Ten oldest requests

15. *In Fiscal Year 2021, did your agency close the ten oldest pending perfected requests that were reported in Section VII.E. of your Fiscal Year 2020 Annual FOIA Report?*

Yes.

16. *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 2020 Annual FOIA Report. If you had less than ten total oldest requests to close, please indicate that.*

N/A.

17. *Beyond work on the ten oldest requests, please describe any steps your agency took to reduce the overall age of your pending requests.*

- Following the completion of a comprehensive portfolio review, requests were redistributed to increase productivity.
- Staffing was increased to enable faster processing of more requests and enabling the team to work on processing all backlogged requests.
- A key negotiation with a frequent requester resulted in 24 backlog requests (FY18/FY19/FY20) closed. The FOIA team reviewed all 24 backlog requests and negotiated their terms resulting in a document page total drop from over 800,000 pages to under 1,000 responsive pages.

### 5.3.2 Ten oldest appeals

18. *In Fiscal Year 2021, did your agency close the ten oldest appeals that were reported pending in Section VI.C.5 of your Fiscal Year 2020 Annual FOIA Report?*

Yes, all backlogged appeals were closed.

19. *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 VI.C.(5) of your Fiscal Year 2020 Annual FOIA Report. If you had less than ten total oldest appeals to close, please indicate that.*

N/A.

20. *Beyond work on the ten oldest appeals, please describe any steps your agency took to reduce the overall age of your pending appeals.*

The FOIA team continued to improve and streamline communication with the Legal Division and FOIA System record keeping, including the correspondence log, so that upon appeal, the Legal Division could quickly review all pertinent information and make a determination.

### 5.3.3 Ten oldest consultations

21. *In Fiscal Year 2021, did your agency close the ten oldest consultations that were reported pending in Section XII.C. of your Fiscal Year 2020 Annual FOIA Report?*

No consultations were reported pending in Fiscal Year 2019, nor in Fiscal Year 2020.

22. *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 2020 Annual FOIA Report. If you had less than ten total oldest consultations to close, please indicate that.*

N/A.

## 5.4 Additional information on ten oldest requests, appeals, and consultations & plans

23. *Briefly explain any obstacles your agency faced in closing its ten oldest requests, appeals, and consultations from Fiscal Year 2020.*

Each of the CFPB's 10 oldest requests were complex and presented unique challenges. Specifically, many of the requests were broad in scope and required complex reviews of voluminous record sets, negotiations on scope with requesters, and extensive coordination with both internal and external stakeholders.

24. *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.

25. *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 2022.*

N/A.

## 5.5 Success stories

*Out of all the activities undertaken by your agency since March 2021 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, but should not be something that you have reported in a prior year. As noted above, these agency success stories will be highlighted during Sunshine Week by OIP. 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.*

The FOIA team continued executing its Backlog Reduction Plan resulting in an unprecedented 86.4% reduction in the CFPB's backlog in Fiscal Year 2021 and 86.5% in Calendar Year 2021.

To achieve this success, the FOIA team:

- Established a bi-weekly meeting between the FOIA team and Director's Front Office advisors to ensure that the FOIA work with divisions was prioritized while creating efficiencies in the review process.
- Engaged its internal and external stakeholders to improve request response quality and speed.
- Increased communications with leadership and stakeholders through a revamping of the Weekly FOIA Update to stakeholders and leadership to focus stakeholders on key FOIA metrics and trends.
- Created a new Quarterly FOIA Update, which provided a comprehensive look at its alignment with key DOJ metrics and provided additional longer-term metrics for the FOIA team and stakeholders.
- Coordinated regular portfolio reviews by the FOIA team, including a comprehensive review of backlogged requests using intelligent case management to spot trends and identify overlapping requests.
- Increased capacity with additional, highly skilled contractors to focus on backlog reduction.
- Comprehensively trained the additional contractors on how FOIA is applied and systems in support of FOIA are utilized at the CFPB.
- Ramped up its proactive disclosure program to promote transparency and openness while reducing the need for additional requests by guiding requesters to proactively disclosed materials and databases.

In addition, the FOIA team implemented PAL (Public Access Link) and linked to the National FOIA Portal (NFP) in order to give additional access points for requesters. This also improved FOIA request submission by allowing the public to submit FOIA requests directly into the CFPB FOIA system from DOJ's FOIA.gov and PAL. Data quality was increased by eliminating data entry errors through requesters' direct data entry of their request data in a structured manner. The structured format guides the requester through items that need to be submitted decreasing the need for the FOIA team to go back to the requesters to clarify the requests. These updates save requesters' and the FOIA team's time, allowing for faster request completion.

Lastly, a key negotiation with a frequent requester resulted in 24 backlog requests (FY18/FY19/FY20) closed. The FOIA team reviewed all 24 backlog requests and negotiated their terms resulting in a document page total drop from over 800,000 pages to under 1,000

responsive pages. Due to the negotiation, we reduced what was estimated to be a decade or more of processing time to under 4 months. The FOIA team identified a pain point and turned it into a positive by opening a dialogue with the requester. The outreach/ongoing dialogue helped the FOIA team build the credibility required to narrow and close these requests while satisfying the requester’s needs and maintaining a key relationship.

The graph below illustrates the FOIA team’s progress in addressing the CFPB’s backlog from end of December 2020 through end of December 2021. The backlog line (blue) is the number of open requests that are past their statutory deadline at the end of the calendar month.

**Backlog Requests Reduction - End of December 2020 through End of December 2021:**

