

Legal Division Matter Management (LDMM) v.1

Does the CFPB use the information to benefit or make a determination about an individual?

No

What is the purpose?

To track the Bureau Legal Division's labor and employment matters.

Are there controls to enforce accountability?

Yes, all standard CFPB privacy protections and security controls apply.

What opportunities do I have for participation?

Appropriate opportunities for notice, consent, access, and redress.



Consumer Financial
Protection Bureau

Overview

The Dodd-Frank Wall Street Reform and Consumer Protection Act (the “Dodd-Frank Act”), Public Law No. 111-203, Title X, established the Consumer Financial Protection Bureau (CFPB, or ‘Bureau’).

The Bureau’s Legal Division represents the Bureau in both administrative and federal court litigation and advises the Bureau on a variety of legal matters. This includes, among other things, representing the Bureau in litigation and/or administrative proceedings related to labor and employment, and advising Bureau management on legal issues related to labor and employment activities (hereinafter, “matters”). The Legal Division conducts these matters under legal authority to include Sections 1011, 1012, and 1021 of the Dodd-Frank Act, codified at 12 U.S.C. §§ 5491, 5492, and 5511.

The matters tracked by the Legal Division and subject to this Privacy Impact Assessment (PIA) fall into two primary categories: litigation, which generally means a matter which is prepared for and managed through a court procedure or formal complaint process; and non-litigation, which involves out-of-court internal team reviews, investigations, and advising on Bureau policies and procedures. Matters break down into sub-types, each of which follows its own management process that is also tracked by the Legal Division. Litigation Matters may include:

- Matters that involve charges of discrimination against the Bureau.
- Matters involving appeals of certain employment actions within the Bureau.
- Matters involving claims concerning alleged unfair labor practices by federal agencies and/or labor organizations, as well as other federal labor-management relations matters.
- Matters involving allegations raised in the Bureau and the union’s negotiated grievance procedures concerning alleged violations of the collective bargaining agreement between the Bureau and the union.
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- Matters that include federal court litigation, claims made under Section 504 of the Rehabilitation Act, or any other sub-type of matter that does not fall into the above categories.

The Legal Division administratively tracks each matter through a management lifecycle, which includes activities such as assigning a matter to an appropriate Bureau attorney, tracking deadlines and updates, and closing out the matter. To address a matter, the Bureau may collect and/or maintain a significant amount of data, including personally identifiable information (PII). Such PII could concern Bureau employees who filed the litigation and/or administrative complaint; employees accused of an infraction or grievance; other employee witnesses; employees whose situation is subject to legal advice; or external individuals such as judges, opposing counsel, expert witnesses, arbitrators, mediators involved with the matter, or members of the public who, for example, submit an Equal Employment Opportunity (EEO) complaint to the Bureau.

To centralize the tracking and administrative management of each matter, the Legal Division is implementing the Matters Management System (herein referred to as LDMM). The LDMM provides the Legal Division with a centralized tracking system that standardizes and streamlines the tracking, management, and reporting of each matter. Authorized LDMM users can create a record of the matter, manage the matter through a systematic workflow, and make updates on the status of the matters within the system. LDMM also allows Legal Division users to reference and research historical matter records to inform current cases.

The LDMM application is built within the Bureau's Salesforce platform, which provides a cloud-based solution that allows the Bureau to develop and implement enterprise applications like the LDMM that are focused on customer service, project management, and analytics. The scope of this PIA is limited to the implementation and use of LDMM; the PIA does not address the Salesforce platform more broadly.

The LDMM uses data to create a LDMM record. The LDMM record generally includes a name used to identify matters, typically based on the name associated with a case file (e.g., John Doe vs.), the date, work notes (open text with notes relevant to the case), and links to documents maintained within Bureau databases that support the matter. The LDMM also allows a user to attach copies of documentation related to a matter that may contain PII, such as forms supporting the management of the matter, communications supporting the matter, or documents detailing the results and closure of a matter. However, the LDMM itself does not function as the primary database for matter records.

Once the Bureau is made aware of a matter, the Legal Division creates a record within the LDMM and assigns the matter to a Bureau attorney. The assigned attorney can select the type of matter (as described above) or enter a single record type for all non-litigation matters. There is also a system feature for creation of labels that can be assigned or tagged to one or more matters for organizational purposes at the discretion of the attorney for the purpose of identifying and sorting similar characteristics of matters. A user can assign tasks to the record associated with a specific Legal Division attorney or staff member, assign due dates and actions to the assigned attorney or staff member, and check the status of matters by searching for a case file name or attorney assigned to the case. The details captured within the LDMM record about each matter are generally consistent for all matter types and include matter name, status, matter sub-type, date initiated, links (for matter documents), case number (on certain matter types), relevant laws (certain matter types), alleged issues (certain matter types), bases for discrimination (certain record types).

Certain types of matters include some additional details relevant only to the type of matter. For example, arbitrations are the only matter types that have a link to an arbitrator name and a picklist to select an arbitrator to be assigned to the matter. Within each type of tracked matter there are also various administrative details that must be managed, such as the scheduling of meetings, court dates, hearings, depositions, administrative management details such as assigning resources and understanding team capacity and resource allocation, and matter decision points and outcomes that occur within the matter workflow. LDMM enables Legal Division users to use data fields to organize legal matters by litigation and non-litigation types, as well as organize data by further categorization such as dates, sub-type of matter, or the number of matters assigned to an attorney.

The Bureau published System of Records Notices (SORN) which gives notice of the information maintained and processed in the LDMM: CFPB.009 – Employee Administrative Records, CFPB.018 – Litigation Files, and CFPB.14 – Direct Registration and User Management System. Data included in the LDMM may also be subject to additional SORNs, including the Equal Employment Opportunity Commission (EEOC)-GOVT-1, Equal Employment Opportunity in the Federal Government Complaint and Appeals Records SORN, and the Records of Adverse Actions, Performance Based Reduction in Grade and Removal Actions, and Termination of Probationers OPM GOVT-3.

The LDMM is developed using the agile methodology. As such, system change requests and security assessment and authorization (SA&A) documentation address privacy relative to systems development, including, as warranted and appropriate: statement of need, functional

requirements analysis, alternatives analysis, feasibility analysis, benefits/cost analysis, and initial risk assessment.

The Paperwork Reduction Act (PRA) is not applicable to the LDMM. The collection and use of data used within matters management is sourced from documentation and information provided to the Legal Division, which is used to create LDMM records and track matters. The LDMM will not ask “identical” questions of ten or more persons as defined in 5 CFR 1320.3(c).

Privacy Risk Analysis

The Bureau’s Privacy Program has considered system privacy controls that mitigate primary risks associated with the LDMM related to the following privacy principles:

- Limits on Uses and Sharing of Information
- Data Quality and Integrity
- Individual Participation
- Security.

Limits on Uses and Sharing of Information

Data maintained within the LDMM may include sensitive information about individuals involved in matters that presents risk if that information is misused or used for unauthorized purposes, leading to embarrassment, loss of reputation, or disruption of the legal proceeding. The Bureau mitigates these risks by limiting the uses of PII within the LDMM to the minimum necessary to administratively track individual matters based upon the type of matter, assignment of a matter, sharing information about matters with other authorized Legal Division users, and supporting the management of matters. The LDMM provides authorized users with the ability to redact or restrict information that is unnecessary for administratively tracking the matter. Legal Division staff who are provided access to any information within LDMM are first trained to appropriately use the LDMM to create records, track matters, and follow specific procedures for the access and appropriate uses of matter information. Further, the Bureau implements access controls that are strictly governed by the Bureau based upon need to know principles. The sharing of information within LDMM is restricted to authorized Legal Division users such as Bureau attorneys, paralegals, contractors, and administrative support staff. Sharing of any information within LDMM will be limited to those who have a need to know information about the matter.

Data Quality and Integrity

Information collected in LDMM contains the status of matters managed by the Bureau's Legal Division. There is a risk that inaccurate information could disrupt or delay a matter, affecting the individuals involved in the matter. The Bureau mitigates this risk by verifying the accuracy and completeness to the extent necessary for accurately recording, tracking, and reporting administrative and statistical information about matters. This includes confirming the name of internal and external individuals associated with each matter, confirming dates associated with each matter, and confirming actions associated with each matter. Supplemental information about each matter contained in source and supporting documentation is not verified for accuracy within the LDMM as the system is not the primary repository or system of record for the PII contained within them.

Individual Participation

The LDMM does not directly collect information from the individuals about whom a matter pertains. Instead, authorized Legal Division staff use the LDMM to create and manage matters by creating records within the system, using relevant information that is otherwise collected or maintained by the Bureau. Individuals may request access and amendment to their personal information in accordance with the Privacy Act and the Bureau's Privacy Act regulations, at 12 C.F.R. 1070.50 et seq. If the Legal Division receives a request from an individual to update, correct, or remove PII, the LDMM record will be updated by the Legal Division staff managing the matter as appropriate.

Security

Given the content and sensitivity of information to be held within LDDM, there is a risk that unauthorized individuals may target the information in the application. The Bureau mitigates this risk by only granting access to the system to authorized Legal Division users who, based on their need to know, are restricted to the minimal amount of data required or appropriate to carry out their assigned job responsibilities. Access is terminated or reduced as necessary should the user no longer have a need to know the information about the matter, change job functions, be terminated, or resign. Information within the LDMM is subject to the appropriate technical, physical, and administrative controls implemented to address these risks, such as encryption for data maintained within the system. For example, National Institutes of Standards and Technology (NIST) controls families, including Identification and Authentication (IA), Risk

Assessment (RA), and Systems and Communications Protection (SC) controls, are implemented to restrict access to the information to only authorized Legal Division Staff.

The technical, physical, and administrative controls implemented to promote individual participation, minimization, and accountability are appropriate.

Privacy Risk Management

1. Describe what information the CFPB collects, how the information is collected, and the sources from which the information is collected.

The LDMM does not directly collect information, including PII. However, the Legal Division may use elements of the data collected or maintained while addressing legal matters (including PII) to create, describe, tag, and track the status and details of matters within the system.

The Legal Division collects data from a variety of sources, including Bureau employees or applicants who filed the litigation and/or employees accused of the infraction or grievance, or external individuals such as judges, opposing counsel, expert witnesses, arbitrators, mediators involved with the matter, or members of the public to include consumers who submit a complaint or inquiry to the Bureau.

The data maintained in the LDMM may include contact information of individuals involved in Legal Division matters such as the assigned Bureau attorneys, the complainant or grievant, the relevant management officials, employees involved in allegations subject to complaints or grievances, employees whose situation is subject to legal advice, the presiding judge, arbitrators assigned to a matter, and opposing counsel. Details captured include full name; the organization, company, or affiliation name; contact information (business or personal), including email address, phone number, mobile number, fax number, and full mailing address; job title; demographic information; and information about the individual's relationship to the matter. Documentation determined relevant by authorized Legal Division users may be attached to the LDMM record that could incidentally include PII, such as social security number, first name, last name, or date of birth. For Bureau employees, additional information is captured including the employee's location, duty station, manager, and department. The LDMM typically is not the original system of records for PII retained in the application; rather, it reflects PII that often is collected and maintained in separate systems of records.

The LDMM only includes PII that is necessary for the Legal Division to effectively track and manage its matters.

2. Describe CFPB's objective for the information.

The Legal Division uses the information, including PII, to create and track a record within the LDMM. The LDMM only uses information to create, clearly identify, and administratively manage matters assigned to the Legal Division staff by matter type and sub-type. The matters tracked by the Legal Division fall into two primary categories: litigation, which generally means a matter which is prepared for and managed through a court procedure or formal complaint process; and non-litigation, which involve out-of-court internal team reviews, investigations, and advising on Bureau policies and procedures. Litigation matters break down into further sub-types, and each matter sub-type has its own business process that include various administrative decision points, stages, and outcomes tracked in the LDMM. The information collected is used to update the status of the matter, identify and track different documents and deadlines necessary to accurately manage the matter, track matter details that include dates of action, decisions and appeals, and document the outcome of the matter.

As part of managing legal matters, the Legal Division tracks the recurring actions and the resulting decisions that occur throughout the business workflow of the matter. These actions and subsequent orders are also tracked as part of a record within the LDMM. Due to the occurrence of multiple deadlines and documents throughout the matter management processes, the LDMM application allows the tracking of individual documents. These documents may be linked from other databases, or a copy of the document may be appended to the LDMM record to reduce data input, provide notifications, and ensure comprehensive tracking of legal matter details.

The Legal Division uses Legal Division staff PII, such as employee name and email, to assign staff to legal matters within the LDMM and track how the workload is divided amongst the Legal Division staff. Using the team member assignment, Legal Division managers and paralegals can distribute incoming and existing legal matters to members of their team. This feature also sends the assigned staff member notification of the assigned matter, reducing the burden of coordination.

The LDMM provides the Legal Division with the ability to tag legal matters with standardized characteristics in order to identify trends and common legal issues. For example, the information is used to label matters within the LDMM to provide reports on trends within matters, plan and schedule proceedings, and identify delayed or unfinished milestones within a matter workflow.

The LDMM also provides the Legal Division with the ability to generate reports that identify the status and information about matters managed by specific Legal Division employees, including the topic to which a matter pertains, the matter type, and common trends among several matters. Such reports may include lists of names and contact information of individuals involved in a matter and Bureau employees within the LDMM record. Reports may also include sensitive non-identifying information about the status of a matter, such as a description and details of the subject of the matter. The Bureau only distributes reports internally to Legal Division employees with a need to know for such reports to carry out their assigned job responsibilities.

The LDMM includes the PII of available arbitrators that can be selected and assigned to a matter. This PII includes first name, last name, email address, and phone number. The PII is used to provide a list of arbitrators that the Bureau retains who can be assigned to review and provide a decision for resolution on the matter.

3. Describe how CFPB shares any of the information with third parties with whom the CFPB shares the information for compatible purposes, e.g. federal or state agencies, the general public, etc.

The LDMM is not used as a tool to share information with third parties. The Bureau does disclose reports about matters (including PII) on a limited basis to other federal agencies, such as those with a responsibility for ensuring Bureau compliance with laws related to federal employment through mechanisms outside of LDMM (e.g., via email). If information about a matter is disclosed during litigation or through another action, the disclosure is documented within the corresponding LDMM matter record. The details about a disclosure within the record may include the name of the individual who is the point of contact for the disclosure, or information including PII related to the subject of the disclosure.

Any disclosures of PII from LDMM are made in accordance with routine uses in SORNs that apply to the underlying data. For example, the Bureau's CFPB.018 – Litigation Files SORN permits the

disclosure of information to a court, magistrate, or administrative tribunal in the course of an administrative or judicial proceeding, including disclosures to opposing counsel or witnesses (including expert witnesses) in the course of discovery or other exchanges of information, litigation, or settlement negotiations, where relevant or potentially relevant to a proceeding; and it permits disclosure to appropriate agencies, entities, and persons, including but not limited to expert witnesses and witnesses, to the extent necessary to secure information relevant to the investigation. And EEOC-GOVT-1, Equal Employment Opportunity in the Federal Government Complaint and Appeals Records SORN, for example, permits disclosure of information relevant to the subject matter involved in a pending judicial or administrative proceeding in response to a request for discovery or appearance of a witness; and it permits disclosure information to potential witnesses as appropriate and necessary to perform the agency's functions under 29 CFR part 1614.

4. Describe what opportunities, if any, individuals to whom the information pertains have to (a) receive notice regarding the CFPB's use of the information; (b) consent to such use; (c) access the information that pertains to them; or (d) obtain redress.

The publication of this PIA and applicable SORNs referenced within this PIA provide notice to the public about the intended purpose and use of PII included in the LDMM. The Bureau gives individuals the ability to request access and amendment to their personal information in accordance with the Privacy Act and the Bureau's Privacy Act regulations, at 12 C.F.R. 1070.50 et seq.

Individuals typically do not have opportunities to opt out or decline to provide information that is maintained in the LDMM because information in the LDMM often is not collected directly from the individuals. Instead, the PII reflected in the LDMM typically is derived from other systems of records; individuals may have opportunities to opt out or decline to provide information at the time PII is collected for these separate systems. In addition, should the Bureau grant a request to update, change, or remove information about an individual in these separate systems, the Legal Division staff similarly updates the LDMM to reflect this request as appropriate.

5. Explain the standards and relevant controls that govern the CFPB's—or any third-party contractor(s) acting on behalf of the

CFPB—collection, use, disclosure, retention, or disposal of information.

A full security review of the LDMM has been conducted by the Bureau based on all applicable federal laws, directives, and standards. The Bureau developed and followed a Security Implementation Plan (SIP) identifying the necessary procedures to use PII within the application. Additionally, the application has been issued an Authority to Operate (ATO) in 2021.

The Bureau issues authorized personnel access to the platform following the Bureau's User Access Request process. Some users may also include authorized Bureau contractors. All users will be required to complete mandatory privacy and security training and additional training on use of the LDMM before being granted access to the system. Users must also complete the user agreement outlining their roles and responsibilities in using the system and the information contained within it.

Privacy was carefully considered when designing the LDMM. For example, the LDMM generates emails to Legal Division attorneys when they are assigned to a matter. The Bureau considered the risk that human error could mis-identify the assigned individual, generating an email to the wrong Bureau employee. In order to eliminate the risk of a privacy breach due to such human error, the Bureau includes no PII in the LDMM-generated emails, and only Legal Division staff that work on labor and employment matters are authorized to access the LDMM.

The Bureau uses the following technical and administrative controls to secure the data and create accountability for the Bureau's appropriate collection, use, disclosure, and retention of the information:

- Implementation of applicable National Institute of Standards and Technology (NIST) 800-53 control(s)
- Audit Logs and Reviews
- CFPB Personnel Privacy Training
- CFPB Privacy Breach Response and Recovery Plan
- Compliance with Bureau cybersecurity policy and procedures
- Data Quality and Integrity Checks
- Policy and Standard Operating Procedures
- Role-based Access Controls: The following internal users have access to information collected and maintained by the application:

- Legal Division staff members (Internal Bureau Users): Internal users have access to the LDMM application to track and manage the status of matters. Staff members have access to all matters relevant to the performance of their duties. Certain sensitive matters are marked as “confidential,” restricting access only to Legal Division managers and the attorneys specifically assigned to that matter.
- System Administrators (Internal Bureau Users to include employees and contractors): System administrators are considered privileged users and as such will have access to all data in the system, including PII associated with a matter record, for the purposes of controlling, monitoring, and other administrative application functions. These system administrators have elevated access that is approved by the application owner as well as the information security owner.
- Personnel security background investigations, including background checks of contractors and federal employees.
- Records Retention requirements: The Bureau maintains matters in accordance with the National Archives and Records Administration (NARA) approved schedule. The records are covered by File Code #6000, RG 0587 Disposition Authority #: N1-0587-2012-0013.

By leveraging the Bureau’s Salesforce software as a service (SaaS) environment, the LDMM is developed following an agile development process. The Bureau developed the system within a development environment to ensure design feasibility, and complete necessary security and privacy compliance requirements, prior to implementing the system in the production environment. Using the Salesforce environment, the Legal Division can more accurately and securely create, track, and manage a diverse set of matters electronically, reducing the privacy impact of manually communicating the details of such matters via email. As a result of this PIA, the LDMM provides a more secure, efficient use of Legal Division resources while standardizing the minimum amount of information necessary to track matter workflow.

6. Discuss the role of third party(ies) that collaborate or partner with the CFPB, if any. Identify any controls used to protect against inappropriate collection, use, disclosure, or retention of

information. (This does not include third parties acting on behalf of the CFPB, e.g., government contractors discussed in Question 5.)

Not applicable.

Document control

Approval

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Change control

Version	Summary of material changes	Pages affected	Date of change
1	New Publication	All	