

Department of the Treasury, Departmental Offices
Consumer Financial Protection Bureau
Request for Emergency Processing and Approval
Credit Card Specific Consumer Response Intake Form

Emergency Justification

The Department of the Treasury (“Treasury”), on behalf of itself and the Consumer Financial Protection Bureau (“CFPB”), respectfully requests emergency processing and approval of the collection of information discussed below because normal clearance procedures are reasonably likely to prevent or disrupt the collection of information. Emergency clearance of an information collection request is needed for piloting the Credit Card Specific Consumer Response Intake Form (“Pilot Intake Form”), a web-based, consumer intake data collection form, which will inform the development and implementation of the permanent consumer contact intake form (“Consumer Response Intake Form”). The pilot is scheduled to begin on June 21, 2011.

The CFPB initiated a timely review of a comprehensive intake form for the permanent data collection system under normal clearance procedures pursuant to 5 C.F.R. 1320, with an initial 60-day comment period beginning on March 9, 2011. See 76 Fed. Reg. 13018 (March 9, 2011). However, with the formal comment period for the permanent system collection request likely expiring in early July 2011, the CFPB will not have the benefit of the Office of Management and Budget approval by the anticipated pilot launch date. As with any exploratory program, an adequate timeframe must be provided to test the Pilot Intake Form and related processes and obtain the results which may inform the development of the permanent system. The CFPB’s designated transfer date is July 21, 2011, at which time certain consumer financial protection functions of seven federal agencies will transfer to the CFPB. An inadequate timeframe for testing the Pilot Intake Form may preclude the meaningful assessment needed to ensure the timely implementation of the consumer response intake infrastructure contemplated by Title X of the Dodd-Frank Wall Street Reform and Consumer Protection Act, Pub. L. 111-2013, 124 Stat. 1376 (“Dodd-Frank”). See Dodd-Frank §§1013(b)(3)(A), 1021(c)(2), and 1034.

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A. JUSTIFICATION

(1) Circumstances Necessitating the Data Collection

Title X of the Dodd-Frank Wall Street Reform and Consumer Protection Act (“Dodd-Frank”) creates the Consumer Financial Protection Bureau (“CFPB”), and provides the statutory mandate for the development of the consumer response intake system. The primary functions of the CFPB include “collecting, investigating, and responding to consumer complaints.” Dodd-Frank § 1021(c)(2). As directed under Section 1013, the CFPB must facilitate the centralized collection of, monitoring of, and response to complaints and inquiries concerning consumer financial products and services. Dodd-Frank § 1013(b)(3); see also § 1034. This function will also help the CFPB fulfill its obligations to (1) monitor for risks to consumers in the offering or provision of consumer financial products or services, including developments in the markets for such products or services, and (2) provide an annual report to Congress on complaints received in the prior year regarding such products and services, including information about complaint numbers, types, and resolution. Dodd-Frank §§ 1022(c); 1013(b)(3)(C).

The CFPB is cognizant of the challenges of launching an automated, national consumer contact handling platform. To ensure the adequacy of intake infrastructure by the CFPB’s designated transfer date of July 21, 2011, a pilot program was developed. This pilot is scheduled to begin on June 21, 2011. The expectation is that the pilot will inform the development and implementation of the Consumer Response Intake Form, which will be the subject of a separate information collection request, the 60 day Federal Register notice for which is located at 76 Fed. Reg. 13018 (March 9, 2011).

In order to explore the processes, technology, and operational impacts as necessary to develop and implement the permanent consumer response intake system, the CFPB will partner with a limited number of financial institutions that volunteer to participate in the pilot. Participation will entail the testing of the technical aspects of the pilot program and will involve a detailed web intake form. The Credit Card Specific Consumer Response Intake Form (“Pilot Intake Form”), the primary vehicle for the pilot program’s data collection, is the subject of this information collection request.

(2) Use of Information

The Pilot Intake Form was designed to aid consumers in the submission of a complaint, question, or comment relating to credit cards. The pilot implementation will inform future improvements to the permanent version of the Consumer Response Intake Form and technical assistance.

Consumers (hereinafter “respondents”) will be able to complete and submit the Pilot Intake Form electronically on the CFPB’s website. Alternatively, respondents may request that the CFPB email a fillable, PDF version of the Pilot Intake Form or by telephone request a “paper” copy of the form for emailing, mailing, or faxing to the CFPB. Respondents who elect not to submit the Pilot Intake Form on the web or manually use the fillable PDF or paper versions may request personalized assistance with

completing the “paper” Pilot Intake Form telephonically.¹ The questions within the Pilot Intake Form prompt respondents for a description of the credit card complaint at issue, the consumer’s desired resolution, contact and credit card account information, information about the institution they are filing a complaint against, and any previous action taken to attempt to resolve the complaint. Responses to these questions will help document the substance of the complaint, question, or comment; information necessary to identify the subject incident, consumer, and institution; and contact information needed to follow-up on the complaint, question, or comment. Additional fields include those that help the CFPB monitor and identify possible discrimination and other violations of law.

(3) Use of Information Technology

This information collection primarily will use the Internet for data collection. A web-based data collection system was selected to minimize the cost burden to respondents and facilitate cost-efficient data analysis. The web-based Pilot Intake Form has been designed to enable the CFPB to omit certain questions which are otherwise presented on the “paper” version, thereby streamlining the appearance of the Pilot Intake Form on the Internet. The web-based Pilot Intake Form will present respondent-specific questions through dynamic generation based on respondents’ answers, lending to fewer questions presented and to more efficient completion of the intake form. Respondents may also mail, fax, or email a “paper” version of the Pilot Intake Form to the CFPB or submit their complaint or inquiry telephonically.

(4) Efforts to Identify Duplication

The CFPB, and only the CFPB, is authorized by Dodd-Frank § 1013 to develop a database (or utilize an existing database) to facilitate the centralized collection of, monitoring of, and response to consumer complaints regarding consumer financial products or services. The database will yield unique data for the processing of individual consumer complaints and inquiries and does not duplicate any other information collection by the CFPB.

(5) Impact on Small Entities

The data collection is not anticipated to burden small entities significantly. The Pilot Intake Form does not require information collection from small businesses or other small entities.

(6) Consequences of Less Frequent Collection and Obstacles to Burden Reduction

There are number of challenges inherent in launching an automated national consumer contact handling platform. If information is not collected through the Pilot Intake Form, it will be more difficult for the CFPB implementation team to ensure the adequacy of the intake infrastructure and prepare for the permanent consumer response intake system.

(7) Circumstances Requiring Special Information Collection

Not applicable.

¹ Telephone scripts are currently in development. Any information collected through the scripts will remain within the universe of questions asked on the paper form and will be submitted to OMB via a non-substantive change request prior to the CFPB’s use.

(8) Solicitation of Comments on Information Collection

The CFPB is requesting that the Office of Management and Budget (“OMB”) review this information collection request under emergency clearance procedures. There is not sufficient time to seek public comment on this information collection; however, the CFPB has accepted comments on the consumer response intake fields through a 60 day Federal Register notice and will be accepting additional comments through a 30 day notice.

(9) Provision of Payments to Respondents

Not applicable. This information collection does not provide any payment or gift to respondents.

(10) Assurance of Confidentiality

All information collection activities will be conducted in full compliance with the requirements of the Privacy Act, § 552 of Title 5, United States Code, and Treasury regulations. The CFPB’s website will explain that personally identifiable information will be kept confidential to the extent permitted by law. The CFPB will implement the appropriate security measures to ensure data is safeguarded including the use of locked file storage, confidentiality stamping, restricted system access, data encryption, restricted print options, and disposal by cross-cut shredding. The information system will be fully compliant with the Federal Information Security Management Act of 2002 with the security categories of “Moderate, Moderate, Low.”

The Contractor will maintain documented security policies, and procedures in accordance with the contract. In addition, the Contractor will follow confidentiality guidelines as set out in a non-disclosure agreement. Data protection initiatives will provide for electronic data security, permitting access only to authorized individuals and only during authorized times.

Dodd-Frank Section 1057 provides that no “covered person” or service provider may terminate or discriminate against, or cause to be terminated or discriminated against, any covered employee (defined as any individual performing tasks related to the offering or provision of a consumer financial product or service) or authorized representative of a covered employee because the employee or representative provided information to the Bureau relating to any violation of, or any act or omission that the employee reasonably believes to be a violation of, any provision of Dodd-Frank, any other provision of law that is subject to the jurisdiction of the CFPB, or any rule, order, standard, or prohibition prescribed by the CFPB. The CFPB will take all reasonable steps as permitted by law during this information collection process to maintain the confidentiality of identified whistleblowers.

(11) Justification of Sensitive Questions

The Pilot Intake Form does not include questions about sexual behavior or attitude. The Pilot Intake Form will prompt the respondent for sensitive information such as a credit card account number only to facilitate complaint resolution and to minimize the burden of follow-up contact with the respondent. In some instances, a credit card number may be the most effective way to identify the subject financial institution in question. Moreover, the provision of a credit card account number may ensure the institution reviews the correct account when addressing a complaint. Notably, the provision of a credit

card number is optional and, if provided, respondents will not be asked to provide the three to four digit card security codes or the expiration dates.

The Pilot Intake Form presents one question on the issue of illegal discrimination, as the CFPB is tasked with enforcing certain Federal laws that are intended to ensure fair, equitable, and nondiscriminatory access to credit, including the Equal Credit Opportunity Act (ECOA). E.g., Dodd-Frank §§ 1002(12)(D), 1021(b)(2), 1024(c), 1025(c). ECOA prohibits discrimination by any creditor against an applicant in a credit transaction because of race, color, religion, national origin, sex, marital status, or age. 15 U.S.C. § 1691(a). ECOA also prohibits discrimination by a creditor based upon the applicant’s receiving income from public assistance programs or upon the good faith exercise of any right under the Consumer Credit Protection Act. Id. For these reasons, the Pilot Intake Form inquires about possible discrimination based upon these factors.

In addition, Dodd-Frank § 1013(e)(1)(A) specifically charges the CFPB with the task of monitoring complaints by servicemembers and their families. Thus, the Pilot Intake Form includes a series of questions to help identify and correctly route such complaints.

Finally, the Pilot Intake Form includes an optional question which prompts the respondent for his or her age. Pursuant to the Credit Card Accountability Responsibility and Disclosure (CARD) Act of 2009, there are several statutory protections extended to underage credit card applicants and account holders. See, e.g., CARD Act of 2009 § 301. For this reason, eliciting the respondent’s age will help identify issues related to young consumers.

(12) Estimated Burden of Information Collection

Type of Intake	Estimated Number of Respondents	Estimated Number of Intakes per Respondent	Average Burden Hours per Intake	Estimated Total Annual Burden Hours Requested
Web-based	56,250	1	7 minutes	6,563
Paper/Telephone	18,750	1	10 minutes	3,125
Total	75,000	1	7.75 minutes	9,688

The annual burden hours are based upon consultation with a sample of fewer than 10 respondents. The Pilot Intake Form will take approximately seven minutes to complete. Complaints from consumers who wish to provide additional details and more complicated complaints may take longer to complete.

(13) Estimated Total Annual Cost Burden to Respondents

There will be no annualized capital or start-up costs for the respondents to collect and submit this information.

(14) Estimated Cost to the Federal Government

Based on a competitive bidding process, including software licenses, labor, and overhead costs, the annualized cost of the pilot project will be \$512,000.

(15) Reasons for Change in Burden

Not applicable. This information collection is a new pilot program.

(16) Plans for Tabulation, Statistical Analysis, and Publication

Data collected through the Pilot Intake Form will be analyzed and aggregate results may be provided in reports to be issued by the CFPB. The results of analyses will be presented at the aggregate level in summaries, reports, and briefings. Owing to the limitations of the data, any analysis will be limited to descriptive results. Presentations of analyses may include frequency, classification, and cross-tabulation across financial products, demographic and economic characteristics, and financial management behavior. The responses of individual respondents will not be identifiable.

(17) Reasons Why Displaying the OMB Expiration Date is Inappropriate

Not applicable. The expiration date for OMB approval will be displayed on the Pilot Intake Form.

(18) Exceptions to Certification Requirement of OMB Form 83-I

Not applicable. The CFPB is not requesting any exceptions to the certification statement identified in Item 19 "Certification for Paperwork Reduction Act Submissions".

B. COLLECTIONS OF INFORMATION EMPLOYING STATISTICAL METHODS

Not applicable. Due to the limitations of the information collected through the Pilot Intake Form, most importantly the ability to select randomized or stratified samples, the responses will not be representative of any larger group. Because any aggregate results of the Pilot Intake Form will not be statistically valid representations of a larger group, and are not meant to be, statistical methods cannot reduce or improve the accuracy of results.