

## **Supporting Statement OTS Consumer Complaint Form**

### Section A. Justification:

#### 1. Why the collection is necessary:

The solicitation and collection of this information is authorized by 15 U.S.C. 57a(f) and 12 USC 1, et. seq. The OTS' Consumer Complaint function is charged with investigating consumer complaints about OTS-supervised institutions to ensure their fair treatment of consumers and compliance with consumer protection laws and regulations. OTS receives complaints via mail, fax, and telephone, and e-mail; however, the agency does not currently have a form to aid consumers with providing information about their complaint. Since the agency already receives complaints via mail and fax, an online Consumer Complaint Form would guide consumers in providing the agency succinct and specific details about their complaint and how they would like to be assisted.

Consumers' use of the online Consumer Complaint form is strictly voluntary. An online form will aid consumers in providing the agency specific information that is necessary and useful in reviewing requests received from individual consumers for assistance in their interactions with savings associations and their affiliates.

#### 2. Use of the information collection:

The OTS Consumer Complaint form provides a model for the public to provide information to OTS to assist with the investigation of their complaint. The data collected via the form or letter is critical to investigating a complaint and will be used to create a record of the consumer's contact and will be entered into a database of information that can be incorporated into the OTS's supervisory process.

#### 3. Use of information technology

The OTS Consumer Complaint Form is a voluntary form that may be downloaded from the OTS website and submitted to the agency via mail or fax.

#### 4. Identification of Duplication of collection:

OTS does not currently have the same or similar collection of consumer's information for purposes of investigating concerns about institutions the agency supervises.

5. Effort to minimize burden if the collection has a significant impact on small entities:

Not applicable

6. Consequences to the Federal program if the collection were conducted less frequently:

If the collection is not conducted or conducted less frequently, the public may continue to send letters about their complaints. However, if the letter does not contain all necessary information to complete an investigation, the investigation could be delayed.

7. Special circumstances that require the collection to be inconsistent with OMB guidelines:

There are no special circumstances requiring the collection of information to be conducted in a manner inconsistent with OMB guidelines.

8. Efforts to consult with persons outside the agency:

OTS's notice soliciting comments on the information collection was published in the Federal Register on May 12, 2008, 73 FR 92. The agency has not received any comments.

9. Payment to respondents:

None.

10. Assurance of confidentiality:

The Consumer Complaint Form provides a Privacy Act Statement stating the intended use of the information consumers provide to the agency. Information collected from consumers will not be used or disclosed other than in the instances listed below. The information will be provided to officials of savings associations or their affiliates that are the subject of the complaint or inquiry; in addition, disclosures of such information may be made to appropriate law enforcement agencies or authorities in connection with investigation and/or inquiry made at the request of the individual to whom the record pertains. Information that is collected may also be shared with: other Federal and nonfederal governmental supervisory or regulatory authorities when the subject matter is within such other agency's jurisdiction; in a civil, criminal or administrative proceeding before a court, magistrate, administrative or arbitration tribunal, in the course of pre-trial discovery, motions, trial, appellate review or in settlement negotiations when OTS, the Director of OTS, an OTS employee, the Department of Treasury, the Secretary of Treasury, or if the United States is a party or has interest in or is likely to be affected by such proceeding and an OTS attorney determines that the information is arguably relevant to the proceeding, the Department of Justice, private counsel or an insurance carrier for the purpose of defending an action or seeking legal advice to assure that the agency and its employees receive appropriate representation in legal proceedings.

11. Justification for questions of a sensitive nature:

No information collected from consumers is deemed sensitive or private in nature.

12. Burden estimate:

1,180 respondents @ 1 response = 1180 responses

1,180 responses @ .25 hours = 295 burden hours

We estimate that a consumer will take approximately three minutes to complete the general information on the form. It could take the consumer an additional 10 minutes or more minutes to narrate the details of the complaint issue, depending on the detail given to describe issues.

13. Estimate of annualized costs to respondents:

No cost.

14. Estimate of annualized costs to the government:

Not applicable.

15. Reasons for program changes or adjustments reported in Items 13 or 14 of the OMB 83-I:

OTS is citing a burden increase of 295 hours (program change) due to the fact that this is a new collection.

16. Information regarding collections whose results are planned to be published for statistical use:

No publication for statistical use is contemplated.

17. Display of expiration date:

OTS is planning to display the expiration date.

18. Exceptions to certification statement:

Not applicable.