

CONSUMER FINANCIAL PROTECTION BUREAU
INFORMATION COLLECTION REQUEST – SUPPORTING STATEMENT
FOR
GENERIC CLEARANCE FOR CONSUMER COMPLAINT AND
INFORMATION COLLECTION SYSTEM
(OMB CONTROL NUMBER 3170-XXXX)

TERMS OF CLEARANCE: None.

INTRODUCTION

The Dodd-Frank Wall Street Reform and Consumer Protection Act (“Dodd-Frank Act”), Public Law No. 111-203, Title X contemplates that the CFPB will facilitate the centralized collection of, monitoring of, and response to consumer complaints about consumer financial products or services.¹ Section 1034 of the Dodd-Frank Act further contemplates that the CFPB will establish “reasonable procedures to provide a timely response to consumers” who submit inquiries and complaints against any person that engages in offering or providing a consumer product or service.² On July 21, 2011, the CFPB began taking these actions by launching a system for accepting and processing credit card complaints.³ Within a year, the CFPB broadened its intake to include consumer complaints about mortgages, bank accounts and services, vehicle loans and leases, consumer loans, and student loans.⁴ As the CFPB expanded its capacity to respond to a wider variety of consumer complaints, it became clear that the continuous process improvements needed to achieve the goals of efficient consumer complaint response required an adaptive information collection system. On October 31, 2011, the CFPB proposed a generic clearance regime⁵ based on the premise that the multiple information collections required to duly execute the CFPB’s consumer response function would benefit from such a streamlined and expedited process. The CFPB collects complaint information in a number of subject areas, so the opportunity for pilot testing new questions on the Consumer Response Intake Form (Intake Form⁶) along with gathering feedback through surveys will make it easier to process complaints and to determine how to properly route the complaint for handling, e.g., to other federal agencies if appropriate.

These voluntary information collections interrelate and continually influence one another, directly or indirectly. For instance, defective questions or instructions on the Intake Form may be identified through reviewing feedback from the Intake Form’s users, or consumers, and other stakeholders such as the companies receiving complaints from the CFPB. Recipients of, and respondents to, consumer complaints may be interviewed and their responses then inform the development of future frameworks for how complaints will be referred to other government entities as appropriate, i.e., “referral guidance,” which may, in turn, influence fields, disclaimers, or instructions on the Intake Form.

¹ See e.g., Pub. L. No. 111-203, Title X, Sections 1013(b)(3), 1021, and 1034, codified at 12 U.S.C. §§ 5493(b)(3), 5511, and 5534.

² See 12 U.S.C. § 5534.

³ Office of Management and Budget (OMB) Control No. 1505-0236.

⁴ OMB Control No. 3170-0011 (“Consumer Response Intake Form”). Originally approved as a Department of Treasury/Department Offices form (1505-0241), this approved information collection was transferred to the CFPB on November 21, 2011. ICR Reference Number 201111-3170-004.

⁵ The CFPB published a 60-day notice in the Federal Register soliciting public comment. 76 Fed. Reg. 67,128 (Oct. 31, 2011); see 44 U.S.C. § 3506(c)(2)(A).

⁶ OMB Control No. 3170-0011.

Improvements to the Intake Form will promote efficiency, which will benefit both consumers and companies. This relationship between the information collections further supports the use of the generic clearance model which allows information collections to be combined as part of an overall, streamlined plan. These information collections are presented by the CFPB in the form of an “inventory”⁷ which provides a comprehensive list of the categories from which questions will be developed.

Opportunities to test and pilot questions for the consumer complaint Intake Form under this generic clearance will support agency proposals for permanency through the normal clearance process which requires 60-day and 30-day notices for public comment or , for stylistic changes, proposals for revision as non-material, non-substantive changes to the currently approved collection OMB Control No. 3170-0011.

Description of the Current Consumer Response Process

Consumers may submit complaints directly to CFPB using one of several channels: web, phone, mail, or fax. After submission, the CFPB Office of Consumer Response (“Consumer Response”) reviews the complaints and determines, among other things, whether the complaint appears to identify a company within the CFPB’s authority.⁸ Consumer Response also collaborates with other regulators. If the complaint is more appropriately referred to another regulator, the CFPB makes the complaint available to it via a secure web portal or other appropriate means such as end-to-end email encryption. The collaborating regulator processes the complaint in accordance with its resolution processes. If the CFPB is the more appropriate regulator, Consumer Response forwards the complaint via a secure web portal or other appropriate means to the appropriate company. The respondent company then reviews the complaint and reports to the CFPB the action taken in response to the complaint. Finally, the CFPB invites the consumer to review the company’s response by logging into the CFPB’s secure “consumer portal” and to indicate whether the consumer disputes the company’s response.

⁷ See Generic Clearance Inventory.

⁸ The Dodd-Frank Act contemplates that the CFPB will establish centralized collections of consumer complaints and will facilitate responses to consumer complaints with respect to consumer financial products and services. In addition, it has exclusive supervisory authority, and primary enforcement authority, with respect to insured depository institutions and credit unions with total assets of more than \$10 billion and any of their affiliates for purposes of Federal consumer financial law. See Pub. L. No. 111-203, Title X, Section 1013(b)(3), codified at 12 U.S.C. §5493(b)(3) and Section 1025, codified at 12 U.S.C. § 5515. These Federal consumer financial laws include, among others, the Consumer Financial Protection Act of 2010 (“CFPA”), enacted as Title X of the Dodd-Frank Act of 2010; the Consumer Leasing Act of 1976 (15 U.S.C. § 1667 *et seq.*), the Equal Credit Opportunity Act (15 U.S.C. 1691 *et seq.*), the Fair Credit Billing Act (15 U.S.C. § 1666 *et seq.*), the Fair Debt Collection Practices Act (15 U.S.C. § 1692 *et seq.*), the Home Mortgage Disclosure Act of 1975 (12 U.S.C. § 2801 *et seq.*), the Real Estate Settlement Procedures Act of 1974 (12 U.S.C. § 2601 *et seq.*), and the Truth in Lending Act (15 U.S.C. § 1601 *et seq.*).

A. JUSTIFICATION

1. Circumstances Necessitating the Data Collection

As provided above, under the Dodd-Frank Act, the CFPB facilitates the centralized collection of, monitoring of, and response to complaints and inquiries about consumer financial products or services.⁹ The tasks of developing new questions and improving upon existing complaint questions along with related feedback collection to improve the complaint processing system would benefit from the streamlined flexibility of the generic clearance process.

<u>Proposed Generic Clearance Information Collections</u>	<u>Key Aims of Information Collection</u>
New and Improved Complaint Intake Questions	<ul style="list-style-type: none"> ▪ Receipt of relevant detailed facts from consumers ▪ Management of data integrity of consumer identification and complaint records ▪ Management of data integrity in subject/respondent company identification ▪ Assistance to stakeholders in the efficient identification, communication, and resolution of complaint issues through early and complete data capture ▪ Continuing improvement of the intake form user experience ▪ Reduction in duplication through successful identification and case linking
Referral Process Improvement Survey	<ul style="list-style-type: none"> ▪ Collecting data and documentation from responding companies and other regulators for purposes of efficient complaint referral and response
User Experience and Web Portal Feedback	<ul style="list-style-type: none"> ▪ Gathering insight on stakeholder perceptions of intake and referral programming ▪ Providing early warning of issues with web-based service ▪ Identifying the need for communications, training, and improvement in operations
Complaint Monitoring User Feedback	<ul style="list-style-type: none"> ▪ Collecting data about amount of time spent at different stages of the complaint lifecycle ▪ Providing data in support of CFPB congressional reporting of complaint processing outcomes

⁹ See *supra* note 1.

This generic clearance will facilitate the testing of new, and improvement of existing, questions for the Intake Form and needed feedback for process improvement across the complaint lifecycle.¹⁰

2. Use of Information

Section 1021(c)(2) of the Dodd-Frank Act provides that one of the primary functions of the CFPB is to collect, investigate, and respond to consumer complaints. Undertaking these functions underlies the core information collection, currently represented by the attached Consumer Assistance Form.¹¹ This generic clearance will allow the CFPB to test and pilot new and improved questions and requests for information. Stakeholder feedback will be used by Consumer Response to inform program improvements and enhancements as well as establishing their priority. Information collected from respondent companies and State agencies will inform referral guidance and programming.

The attached “generic clearance inventory”¹² (“inventory”) provides a comprehensive list of the categories from which new questions will be developed or improvements to approved questions will be proposed. This generic clearance inventory of topics serves as the source from which information collection data questions will be drawn for inclusion in subsequent intake and feedback forms and inquiries. While the issues and sub-issues associated with the various categories found in the inventory are exemplary, any issue covered by a proposed collection under this generic clearance will be related to those found in the attached inventory under the principle of *ejusdem generis* (i.e., of the same nature and kind). The form of questions will include open-ended, closed-ended (e.g., multiple choice), ranked or ordinal, and rating (e.g., Likert) types. Examples of collections that will be undertaken under this clearance may include: live website and telephone based collections, customer comment cards/complaint forms; small discussion groups; focus groups of stakeholders; customer satisfaction surveys (e.g., post-transaction surveys; opt-out web surveys); and in-person observation testing (e.g., website or software usability tests). In some cases, the existing systems associated with OMB Control No. 3170-0011 will be used to test provisional questions on complaint intake.

3. Use of Information Technology

The CFPB has created, and will continue to improve, a system that provides consumers and their representatives with the ability to submit their complaints electronically, and give companies, federal agencies and State users secure web portal access to complaint information. The CFPB will continue to use enhancements such as drop down menus, error checks, and auto-completion when possible to

¹⁰ See Appendix A, *Background: The Generic Clearance Information Collections and the Consumer Response System*.

¹¹ OMB Control No. 3170-0011.

¹² See Generic Clearance Inventory.

minimize burden. Stakeholder feedback using web surveys will be continuously solicited to further improve the Complaint System.

4. Efforts to Identify Duplication

This generic clearance information collection request does not seek to duplicate any other Complaint System being developed by other Federal or State agencies. The information collections proposed will improve the processing of individual consumer complaints and inquiries. The CFPB strives to integrate cutting-edge technology, including secure company and government portals, to make the process efficient and user-friendly for consumers, companies, and agencies alike.

5. Efforts to Minimize Burdens on Small Entities

Some small businesses and other small entities may be involved in the proposed information collections. For instance, a small business may be hired by a large financial institution to help process consumer complaints from the CFPB and use the CFPB's Company Portal to view consumer complaints. However, all of the information collections proposed under this generic clearance request are voluntary and are not anticipated to burden small businesses significantly. The CFPB will minimize any burden by requesting readily available information and using plain, short, easy-to-complete information collection instruments.

6. Consequences of Less Frequent Collection and Obstacles to Burden Reduction

The CFPB collection of complaints consumers choose to submit is a primary function of the CFPB under section 1021(c)(2) of the Dodd-Frank Act. The submission of such information by consumers using piloted complaint forms will be voluntary. Any participation in feedback surveys by stakeholders will be voluntary. If the proposed pilot or test collections are not conducted, the CFPB would not be able to properly inform and improve the complaint response function, and could not obtain the information needed to respond or adjust its processes to meet stakeholder needs.

7. Circumstances Requiring Special Information Collection

There are no special circumstances. The collection of information is conducted in a manner consistent with the guidelines in 5 C.F.R. § 1320(5)(d)(2).

8. Consultation Outside the Agency

On October 31, 2011, the CFPB published a notice in the Federal Register ("notice"),¹³ requesting public comment on the proposed generic clearance. The comment period for this notice expired sixty (60) days later on December 30, 2011.¹⁴ Three comments were received, only one of which was responsive.

¹³ 76 Fed. Reg. 67,128 (Oct. 31, 2011).

¹⁴ *Id.*

Citing an OMB memorandum that mentions generic clearances only in passing, an industry association claimed that the generic clearance process is not appropriate for the consumer complaint and inquiry intake information collection. The CFPB disagrees. In its memorandum focused solely on generic clearances, the OMB explains that generic clearances are appropriate “when (1) the need for and the overall practical utility of the data collection can be evaluated in advance, as part of the review of the proposed plan, but (2) the agency cannot determine the details of the specific individual collections until a later time.”¹⁵ These criteria are clearly met here.

Through this supporting statement, the CFPB provides a plan for information collection related to its Complaint System. In an effort to be transparent, the CFPB has appended a comprehensive “generic clearance inventory”¹⁶ that identifies the likely consumer protection subjects upon which it will expect to collect data over the course of the next three years.

Not only are the matters herein reasonably identified, should OIRA approve of the generic clearance, the CFPB will be required to submit “specific information collections . . . to OMB for review, in accordance with the terms of clearance set upon approval of the plan.”¹⁷ Should the CFPB propose an information collection that falls “outside the scope” of the clearance, OIRA may require the CFPB to go through the normal clearance process.¹⁸ Moreover, consumer complaint intake questions approved under this generic clearance have a limited shelf life and, to the extent they present material or substantive revisions of the Intake Form, they can become permanent only through the standard clearance process as outlined in 5 CFR § 1320.10. Each request made under this generic clearance will specify the duration and/or number of responses for each test conducted hereunder.

The OMB memorandum on generic clearances also notes that generic clearances “can be used for a number of information collections, including methodological testing, customer satisfaction surveys, focus groups, contests, and website satisfaction surveys.”¹⁹ As explained throughout this supporting statement, the consumer complaint and inquiry intake information collection will involve these types of information collections, among others.

Another commenter provided ideas related to mortgage complaint processing and recommended requiring all lenders provide electronic copies of compliance documentation, such as promissory notes and allonges, which indicate assignment of interest. The CFPB believes that this comment falls outside

¹⁵ Cass R. Sunstein, OMB. Mem., *Paperwork Reduction Act – Generic Clearances* at 2 (May 28, 2010). All OMB memoranda cited in this supporting statement are available at www.whitehouse.gov.

¹⁶ See Generic Clearance Inventory L.

¹⁷ See *supra* note 15, OMB Mem., *Paperwork Reduction Act – Generic Clearances* at 3.

¹⁸ *Id.*

¹⁹ *Id.* at 1.

the scope of this generic clearance request and forwarded the feedback through the appropriate channels within the CFPB.

The third commenter recommended revisions to questions that appear on the Intake Form and suggested future iterations of the Intake Form benefit from a comprehensive review by the OMB. Many of the commenter's suggested revisions could be addressed appropriately through the type of testing and piloting proposed in this generic clearance request. Furthermore, as indicated above, any information collection proposed under this generic clearance will be subject to OMB review. The commenter also made recommendations concerning CFPB's complaint processing procedures such as the removal of frivolous complaints from the system and the extension of timeframes during which companies may respond to consumer complaints. Notably, these recommendations fall within the category of feedback the CFPB hopes to gather through information collections approved by the OMB under this proposed generic clearance. However, policy and procedural recommendations are not within the scope of the comments requested under the notice and will not be addressed in this supporting statement.

9. Payments or Gifts to Respondents

The proposed information collections do not provide any payment or gift to respondents.

10. Assurances of Confidentiality

All information collection activities will conform to the requirements for the protection of the confidentiality of nonpublic information and personally identifiable information and for data security and integrity set forth in federal privacy laws, including the CFPB's rules (12 C.F.R. § 1070 et seq.) and the Privacy Act (5 U.S.C § 552a). At the point of information collection, individuals will be provided with the CFPB's Privacy Act statement.²⁰ 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 Complaint System will be fully compliant with the Federal Information Security Management Act of 2002 with the security category of "Moderate, Moderate, Low."

Section 1057 of the Dodd-Frank Act provides protection for "whistleblowers" who work for covered persons or service providers and who experience employer retaliation secondary to their provision of information about their employers to the CFPB. The CFPB will take all appropriate steps as permitted by law to maintain the confidentiality of such persons when piloting new, or testing to improve existing, complaint intake questions about whistleblower status.

The Systems of Records Notice (SORN) applicable to the CFPB Consumer Response System was published in the *Federal Register* on October 19, 2012 (77 FR 64327). Generally, information collected under this generic will conform to the categories of individuals, categories of records, purposes, and

²⁰ See Intake Form, page 4.

routine uses as covered by this SORN. Should any of the questions tested under this generic be deemed to be outside of the issues contemplated by this SORN, CFPB will either revise the existing SORN or publish a new SORN, as applicable, prior to seeking OMB approval for testing questions under this generic.

11. Justification for Sensitive Questions

Information collections related to piloting new, or testing to improve existing, complaint intake questions may prompt the respondents for sensitive information such as credit card account or other financial account numbers only to facilitate complaint resolution and to minimize the burden of follow-up contact with the respondents. For instance, for credit card inquiries or complaints, certain account information such as a credit card number may be the most effective way to accurately identify the company. For inquiries directed to the national credit reporting bureaus and other financial services providers that use social security numbers as primary identifiers, consumers will be required to provide their Social Security Numbers (SSNs) in order to process their complaint.²¹ Oftentimes, it is the only effective way for certain respondents to accurately locate the consumer's relevant financial information. Consumers' SSNs, along with other sensitive financial account identifiers, will be held in an encrypted system for their protection.

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").²² ECOA prohibits unlawful discrimination by any creditor against an applicant in a credit transaction based on race, color, religion, national origin, sex, marital status, or age.²³ ECOA also prohibits such unlawful discrimination by a creditor based on the fact that all or part of the applicant's income derives from any public assistance program or based upon the applicant's good faith exercise of any right under the Consumer Credit Protection Act. For these reasons, the piloting of new, or testing to improve existing, complaint intake questions, may inquire about possible discrimination based upon these factors.

²¹ Social security number collection was approved as part of the Consumer Response Intake Form, OMB Control No. 3170-0011, and similar discussion appears in the statement in support of OMB Control No. 3170-0011.

²² See *e.g.*, Dodd-Frank Act, Pub. L. No. 111-203, Title X, §§ 1002(12)(D), 1021(b)(2), 1024(c), 1025(c).

²³ 15 U.S.C. § 1691(a).

12. Estimated Burden of Information Collection

Type of Information Collection	Estimated Number of Respondents	Average Burden Hours per Intake	Estimated Total Annual Burden Hours Requested
Testing New and Improved Complaint Intake Questions			
Web Complaint and Inquiry Intake (Testing and Piloting New Questions)	2,500,000	7 minutes	291,600
Paper/Telephone Complaint and Inquiry Intake (Testing and Piloting New Questions)	750,000	10 minutes	125,000
Stakeholder Feedback			
User Experience and Web Portal Feedback	10,000	5 minutes	830
Complaint Referral Process Improvement Feedback Survey	5,000	5 minutes	415
Complaint Monitoring User Feedback Survey	5,000	5 minutes	415

The methods of information collection within each category include burdens associated with telephonic interview, web-based collection, surveys, and focus groups. Respondents will include individual consumers and their representatives, State agencies,²⁴ companies that are the subject of consumer complaints, and companies responding to consumer complaints.

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.

²⁴ See *infra* note 28.

14. Estimated Cost to the Federal Government

The CFPB incurs operational costs to develop, implement, and support cost-effective technology solutions for all information collections such as pilot forms and surveys. Costs will be included in the documentation provided to OMB for each collection for which we will seek approval under this generic plan.

15. Program Changes or Adjustments

This is a new generic plan.

16. Plans for Tabulation, Statistical Analysis, and Publication

Data collected through the piloting of new, or testing to improve existing, complaint intake questions; and feedback collections will be analyzed and may be provided in annual reports to be issued by the CFPB to Congress. In particular, under Section 1013(b)(3)(c) of the Dodd-Frank Act, the CFPB provides reports to Congress containing information and analysis about complaint numbers, types, and where applicable, resolution. The CFPB may publish trend reports based on aggregate data in summaries, reports, and briefings. Presentations of analyses may include frequency, classification, and cross-tabulation across consumer financial products or services, demographic and economic characteristics, and financial management behavior.

a) Public Disclosure of Consumer Complaint Data

In July 2012, the CFPB issued a report that described the CFPB's policy to publicly disclose information related to credit card complaints as follows:

Information about consumer complaints is now available to the public, following the CFPB's launch of a public Consumer Complaint Database on June 19, 2012. The database is populated by credit card complaints received by the CFPB on or after June 1, 2012 and contains certain individual complaint-level data collected by the CFPB, including the type of complaint, the date of submission, the consumer's zip code, and the company that the complaint concerns. The database also includes information about the actions taken on a complaint – whether the company's response was timely, how the company responded, and whether the consumer disputed the company's response. The database does not include confidential information about consumers' identities.²⁵

²⁵ Consumer Response Annual Report of the CFPB, available at http://files.consumerfinance.gov/f/201303_cfpb_Consumer-Response-Annual-Report-to-Congress.pdf. See also Disclosure of Complaint Data, 78 Fed. Reg. 21218 (April 10, 2013); Disclosure of Certain Credit Card Complaint Data, 77 Fed. Reg. 37558 (June 22, 2012).

After considering comments from interested stakeholders, the CFPB finalized its policy for disclosing data through its Consumer Complaint Database to include other consumer financial products or services, such as mortgage-related products.²⁶

17. Display of Expiration Date

The expiration dates for OMB approval will be displayed or otherwise provided to respondents for all information collections proposed.

18. Exceptions to the Certification Requirement

The CFPB is not requesting any exceptions to the certification requirement.

B. COLLECTIONS OF INFORMATION EMPLOYING STATISTICAL METHODS

This information collection does not employ statistical methods. Due to the limitations of the proposed voluntary information collections, most importantly the absence of randomized sample selections, the responses will not be representative of any larger group. Because any aggregate results of the proposed information collections 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.

OMB Clearance Processes

Questions tested within the live consumer response system will follow the following clearance processes:

- Submitted to and approved by OMB under this generic clearance.
- Upon OMB approval and prior to testing, the test questions will be submitted to OMB using a no material/nonsubstantive change request for OMB number 3170-0011.
- Tests will not exceed the durations specified in the request to OMB.
- Tested questions will only be made permanent through OMB approval under standard clearance procedures (full clearance for substantive and material changes and change request for no material non substantive changes).

Questions and other collections of information that do not involve the live consumer response system will be submitted to OMB under this generic clearance. As with questions tested in the live system, tested questions will only be made permanent through OMB approval under standard clearance

²⁶ 78 Fed. Reg. 21218, available at <https://www.federalregister.gov/articles/2013/04/10/2013-07569/disclosure-of-consumer-complaint-data>.

procedures (full clearance for substantive and material changes and change request for no material non substantive changes).

Appendices – Quick Reference Table

The following appendices represent the elements that make up the various proposed information collections under this generic clearance proposal, and a high level overview of the hundreds of questions included in the attached Generic Clearance Inventory that may be piloted or used in surveys over the next three years.

<u>Appendix</u>	<u>Topic</u>	<u>Key Aims of Collection</u>
A	Background: Generic Clearance Information Collections and Consumer Response System	<ul style="list-style-type: none"> ▪ An overview of the Consumer Response Complaint System
B	Consumer Profile and Consumer Response Authority	<ul style="list-style-type: none"> ▪ Management of data integrity of consumer identification and complaint records ▪ Reduction in duplication through successful identification and case linking
C	Complaint Respondent Profile	<ul style="list-style-type: none"> ▪ Management of data integrity of subject/respondent company identification ▪ Obtain data and documentation from consumer for purposes of efficient validation of accuracy and referral
D	Financial Transaction or Activity at Issue	<ul style="list-style-type: none"> ▪ Assistance to stakeholders in the efficient identification, communication, and resolution of complaint issues through early and complete data capture
E	Accessibility and Preferences	<ul style="list-style-type: none"> ▪ Calculation of program coverage, utilization, and availability of services ▪ Calculating program retention
F	Instructions, Disclaimers, and Privacy Statement	<ul style="list-style-type: none"> ▪ Continuing improvement of the intake form user experience

Appendix A

Background: The Generic Clearance Information Collections and the Consumer Response Complaint System

A review of the Consumer Response Complaint System (“Complaint System”) reveals four interconnected information collections: the core collection of initial intake and ancillary collections related to referral; feedback gathering; and performance monitoring. The four interrelated information collections under this new generic clearance may be summarized as follows:

Piloting New and Improved Complaint Intake Questions: As part of its core function, Consumer Response accepts inquiries and complaints from consumers and their third party representatives and collects the supportive information and records needed to process complaints. Consumer Response also screens complaints for appropriate referral as described below. Currently, Consumer Response uses variations of the standard Intake Form²⁷ to process consumer complaints, inquiries, and feedback. Under a generic clearance, the CFPB could pretest or pilot new questions or requests for supportive evidence prior to requesting, or requesting the revision of, a permanent collection.

Complaint Referral Process Improvement Feedback: In order to route complaints to companies and to federal and State agencies,²⁸ Consumer Response may collect ancillary information from these entities to make process improvements which, in turn, facilitate appropriate provision of access to complaint information via secure web portals and other means.

User Experience and Web Portal Feedback: In order to inform process improvement of the Complaint System, continuous communication with stakeholders, such as consumers who submit complaints, companies responding to complaints, and agencies receiving complaint referrals, is needed. This feedback collection will help the CFPB evaluate the effect and utility of technological processes, monitor “current state” performance, and identify potential service enhancements. The collection of feedback also will assist the CFPB in its implementation and maintenance of multiple, web-based complaint sharing channels, such as its portals (described above), and will support the development of referral guidance.

²⁷ OMB Control No. 3170-0011.

²⁸ The term “State” is defined in Section 1002 of the Dodd-Frank Act and means “any State, territory, or possession of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, Guam, American Samoa, or the United States Virgin Islands or any federally recognized Indian tribe”. 12 U.S.C. § 5481(27). For purposes of the Complaint System, “State agencies” or “State agency” means any agency, authority, or instrumentality of a State (including political subdivisions of States), such as state banking agencies, attorneys general offices, consumer protection agencies, insurance commissions, and securities commissions, as well as the officials, employees, agents, and contractors thereof.

Complaint Monitoring Feedback: The CFPB is generally tasked by the Dodd-Frank Act with the responsibility for overseeing the timeliness of the consumer inquiry and complaint response process²⁹ and for providing reports to Congress about consumer complaints, which facilitate congressional oversight.³⁰ Feedback will be collected from companies and State agencies to determine relevant complaint status.

Information Collection: New and Improved Complaint Intake Questions

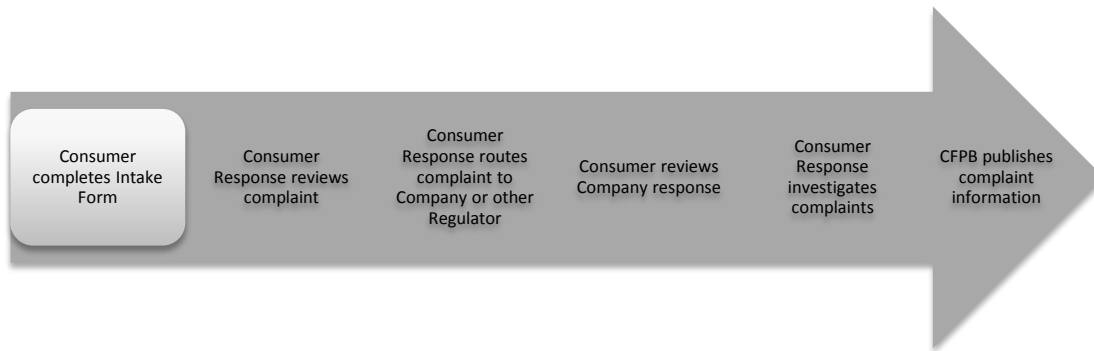


Figure 1. Consumer inquiries and complaints make up the core information collection and drive the CFPB’s consumer complaint handling process.

Consumer inquiry and complaint intake is the core component of the proposed generic clearance package. Currently, the CFPB uses the approved set of collection questions associated with the Intake Form.³¹ Under a generic clearance, the CFPB could pilot individual collections that facilitate iterative testing such as testing alternative question wording.³² As an example, the CFPB could pilot new Intake Form questions to gain insight on how to best help consumers identify the type of credit card they are complaining about in their credit card complaints. For instance, sole proprietors or small business owners may have difficulty distinguishing between their business credit cards and personal credit cards

²⁹ See Dodd-Frank Act, Pub. L. No. 111-203, Title X, Section 1034, codified at 12 U.S.C. § 5534.

³⁰ See Dodd-Frank Act, Pub. L. No. 111-203, Title X, Section 1013(b)(3)(C), codified at 12 U.S.C. § 5493(b)(3)(C).

³¹ OMB Control No. 3170-0011.

³² OMB Mem. M-11-07, *Facilitating Scientific Research by Streamlining the Paperwork Reduction Act Process* (Dec. 9, 2010)(“Agencies. . . have found it beneficial to obtain a generic clearance . . . to facilitate iterative rounds of testing. These experiments included tests of alternative question wording.”).

when submitting their credit card complaints.³³ The distinction becomes important to the CFPB when determining how to appropriately process the complaint, since the Truth in Lending Act (TILA), 15 U.S.C. § 1601 et seq., applies more generally to personal credit cards than to business credit cards. Under a generic clearance, the CFPB could test alternative language and determine how to best prompt sole proprietors to identify more clearly the type of credit card at issue in their complaint.

As explained by the CFPB in its Annual Report of the CFPB pursuant to Section 1017(e)(4) of the Dodd-Frank Act (“July 2012 Annual Report of the CFPB”), the CFPB generally has relied on the consumer’s characterizations of his or her complaint to identify its nature through the selection of various complaint categories and issues.³⁴ For example, one consumer might choose to categorize a problem as a billing dispute, while another might identify the same issue as a concern with the increase of an interest rate. The CFPB continually evaluates consumers’ use of the categories on the Intake Form with the goals of developing user-friendly questions while achieving some consistency in consumers’ complaint categorization for ease of reporting. Prior to launch of a permanent collection, the CFPB could pretest or pilot a preliminary Intake Form and review consumers’ responses to proposed issue categories for understandability and user-friendliness. The CFPB cannot predict with certainty whether changes in the consumer financial products or services market will require revisions of the Intake Form, but this clearance package provides the generic elements upon which any pilot-testing would be based. The CFPB proposes a system that allows for construction of questions as needed from a pre-approved inventory³⁵ of categories.

³³ See Report to the Congress on the Use of Credit Cards by Small Businesses and the Credit Card Market for Small Businesses, Board of Governors of the Federal Reserve System, May 2010, available at http://www.federalreserve.gov/newsevents/conferences/sbc_smallbusinesscredit.pdf.

³⁴ Annual Report of the CFPB pursuant to Section 1017(e)(4) of the Dodd-Frank Act, July 2012, available at http://files.consumerfinance.gov/f/201207_cfpb_report_annual-to-house-appropriations-committee.pdf.

³⁵ See Generic Clearance Inventory.

Information Collection: Referral Process Improvement Survey

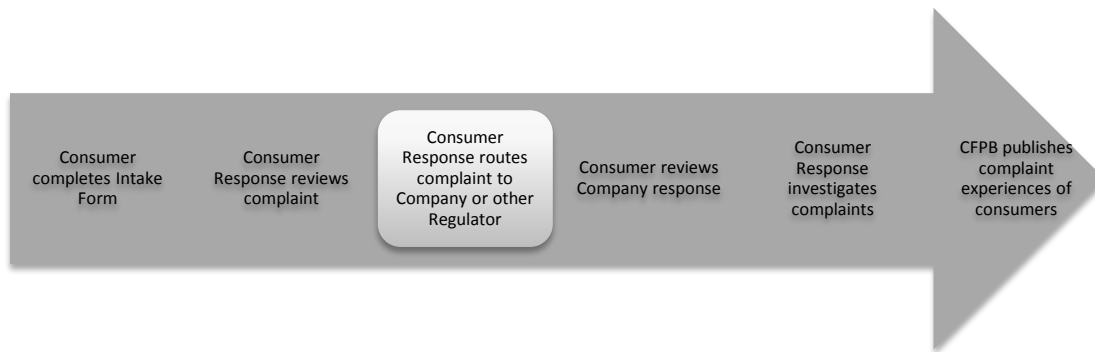


Figure 2. Feedback from stakeholders informs Consumer Response’s processes for referral and facilitates efficient operational level design.

One of the primary functions of the CFPB is “responding to consumer complaints.”³⁶ This consumer response function necessarily relies upon the referral by the CFPB of consumer complaints to the appropriate respondents (i.e., companies). The primary model for delivery of complaints to companies has been via a secure web portal (“Company Portal”). Through this generic clearance request, the CFPB could begin to streamline the collection of important feedback from companies that would help verify point-of-contact information, confirm company relationships with other entities that may be named in complaints relating to those companies, and refine procedures to ensure efficient referral. For instance, some companies use trade or business names that are different from their legal names. Other companies may use third party servicers to provide support for billing or other consumer transaction processing. These service providers may, in turn, use company names, addresses, and phone numbers that are different from the companies with whom they contract. Consumers sometimes are not aware of the difference between servicers and the companies that hire them, and will provide the CFPB with the contact information of third party servicers in their complaint forms. This generic clearance request, among other things, will support collecting information from companies and their third party service providers to help refer complaints correctly and efficiently.

As noted above, the CFPB may refer complaints to other regulators and agencies as appropriate.³⁷ In some cases, consumer complaints reveal issues of interest to State enforcement authorities. The Dodd-Frank Act permits CFPB referral of consumer complaints to State agencies that demonstrate the technological capacity to receive the complaints and the ability to take measures necessary to protect

³⁶ See Dodd-Frank Act, Pub. L. No. 111-203, Title X, Section 1021(c)(2), 12 U.S.C. §5511(c)(2). Consumer complaints are submissions that express dissatisfaction with, or communicate suspicion of wrongful conduct by, an identifiable entity related to a consumer’s personal experience with a financial product or service.

³⁷ See e.g., Pub. L. No. 111-203, Title X, Section 1013(b)(3), codified at 12 U.S.C. §5493(b)(3).

and secure personal information.³⁸ Under a generic clearance, the CFPB could streamline the gathering of feedback from States to help develop criteria for appropriate State referral and inform a survey of State agency functional capacity to receive referrals (e.g., operational capacity to conform to federal privacy and data security laws). For instance, under this generic clearance, the CFPB could collect information about a State’s ability to maintain consumer complaint data in a secure manner, in a space with access limited to authorized personnel.

Information Collection: User Experience and Web Portal Feedback



Figure 3. From the filing of a consumer complaint to final disposition, stakeholder feedback helps the CFPB find ways to improve existing processes and make the complaint system as efficient, effective, and easy-to-use as possible.

The information collections described in this supporting statement enable the CFPB to collect information to, for example, establish the identities of stakeholders, such as consumer complainants, responding companies, and agencies receiving complaint referrals. A generic clearance would facilitate stakeholder feedback throughout the entire consumer response lifecycle to ensure the technical solutions are in line with CFPB’s mission to assist consumers in addressing their complaints effectively, efficiently, and with ease.

Surveying consumers would allow measurement of consumers’ attitudes toward the consumer response process and permit immediate reaction to identified deficiencies. Continuous engagement with companies and States would provide insight into emerging operational issues or areas of concern, such as needed technical training, and support preliminary research for portal design improvement.³⁹ Intelligence gathered from qualitative surveys, and limited types of customer satisfaction quantitative surveys, of stakeholders under a generic clearance would help the CFPB understand stakeholder needs

³⁸ See Dodd-Frank Act, Pub. L. No. 111-203, Title X, Section 1013(b)(3)(D), codified at 12 U.S.C. § 5493(b)(3)(D) (“[T]he [CFPB] shall share consumer complaint information with . . . State agencies, subject to the standards applicable to Federal agencies for protection of the confidentiality of personally identifiable information and for data security and integrity.”); see, e.g., 5 USC § 552a (the “Privacy Act”).

³⁹ See screenshots.

and expectations, evaluate performance in relation to key performance indicators, and expedite innovative technical solutions.

Information Collection: Complaint Monitoring



Figure 4. The CFPB monitors the timeliness of stakeholder consumer complaint management and facilitates oversight of the consumer response function through reporting.

In carrying out its duties under the Dodd-Frank Act, the CFPB’s Complaint System monitors the amount of time spent at different stages of the complaint lifecycle.⁴⁰ Moreover, by statute, the CFPB specifically monitors complaints by servicemembers and their families and any responses thereto.⁴¹ In monitoring company responses to complaints, the CFPB would benefit from learning more about companies’ internal complaint management processes. Any such information collections would rely heavily on voluntary self-reporting by the companies themselves. Under a generic clearance, the CFPB could, for example, interview these companies,⁴² especially those who have an interest in timely and accurate referral,⁴³ and evaluate how time is spent resolving consumer complaints routed by the CFPB through the Company Portal.

Moreover, under the Dodd Frank Act, the CFPB presents reports to Congress about the numbers, types, and, where applicable, resolutions of consumer complaints.⁴⁴ This proposed collection will facilitate accurate accounting of the quantity, nature, and subject matters of concern to Congress. For instance,

⁴⁰ See *e.g.*, Pub. L. No. 111-203, Title X, Sections 1013(b)(3) and 1034, codified at 12 U.S.C. §§ 5493(b)(3) and 5534.

⁴¹ See Pub. L. No. 111-203, Title X, Section 1013(e)(1)(B), 12 U.S.C. § 5493(e)(1)(B).

⁴² Self-regulatory organizations and advocacy groups are examples of potential stakeholders in private industry.

⁴³ Section 1034(b) of the Dodd-Frank Act requires that companies subject to supervision and primary enforcement by the CFPB pursuant to Section 1025 of the Act provide a timely response to the CFPB regarding consumer complaints.

⁴⁴ See section 1013(b)(3)(C), 12 U.S.C. § 5493(b)(3)(C).

the CFPB may share individual consumer complaints with the States.⁴⁵ States that meet the statutory criteria to receive such complaints will be encouraged to share information on complaint resolution. These voluntary reports from the States will, in turn, support the CFPB's reports to Congress mentioned above.

⁴⁵ See section 1013(b)(3)(B), 12 U.S.C. § 5493(b)(3)(B).

Appendix B: Consumer Profile and Consumer Response Authority

Consumer (and authorized third party representative) demographic information is used to identify the consumer within the Consumer Response System and to aid identification by respondents and agencies in receipt of referrals. In addition to demographic questions, additional questions are asked to help CFPB determine the appropriate way to process the consumer's complaint. The proposed information may include:

- Consumer demographics
 - Full name
 - Billing address
 - Mailing address
 - State of legal residence
 - Social Security Number
 - Driver's license number
 - Date of birth
 - Telephone number
 - Email address
 - Cell phone number
 - Short Messaging Service (SMS) number
 - FAX
 - Username
 - Biography
 - Facebook profile URL⁴⁶
 - Title
 - Employer/organization
 - Marital status
- Servicemember or veteran status
 - Active, inactive, or veteran status
 - Branch
 - Rank
 - Date of discharge
- Dependency status information
 - Servicemember spousal or dependent status
 - Date of birth

⁴⁶ Social media identifiers will be collected solely for the purpose of linking contacts between consumers and the agency on agency-sponsored web pages to related consumer complaints.

- Marital status
- Emancipated minor status
- Third party representative information
 - Proof of authorization (e.g., retainer, power of attorney, letter of interest)
 - Full name
 - Mailing address
 - Email address
 - Phone number
 - Username
 - Representative type (e.g., Congressional, Legal Aid, Fee for Service, attorney)
 - Relationship Type (e.g., friend, family member)
 - Organization web site URL
 - Licensure or certification
- Processing information
 - Whistleblower or tipster status
 - Anonymity request
 - “Do not send to company” request
 - Non-consumer status
 - Business purpose product or service
 - Duplication (CFPB or other regulator complaint number or other ID number)
 - Prior or pending litigation
 - Legal representation
 - Fraud, exigent circumstances or imminent harm

Appendix C: Complaint Respondent Profile

The CFPB generally has relied on the consumer's identification of the company that is the subject of the complaint. However, CFPB's experience to date suggests that consumers may often misunderstand relationships between third party vendors and the companies they serve or may identify multiple companies. The CFPB will consider other elements that may be supplied by the consumer to help identify the subject of their complaint. The proposed information may include:

- Company or vendor name
- Company or vendor registration
- Company or vendor type
- Physical office address
- Business mailing address
- Contact email
- Phone number
- Website
- Organizational biography
- Images of financial product
- Employee information

Appendix D: Financial Transaction or Activity at Issue

The CFPB generally has relied on the consumer's characterization of the consumer financial products or services at issue in their complaint. However, the CFPB's experience to date suggests that consumers may often have differing interpretations of the financial transaction or activity at issue. The CFPB will consider elements that can be provided by the consumer which will help CFPB identify the issues raised in consumer complaints. The proposed information may include:

- Time of event
- Report of loss
- Tangible property
 - Physical location
 - Description
 - Image
- Other property identifiers
 - Account number
 - Account contact information
 - Loan number
 - Credit card number
 - Policy number
 - Customer or client number
 - Social Security Number as account number
 - Image of pre-paid card or certification of interest
- Billing information
 - Account holder name
 - Name of authorized user of account
 - Billing address
- Correspondence with company
- Consumer financial product or service (see Inventory)
- Specific circumstances surrounding the event

Appendix E: Accessibility and Preferences

The CFPB accepts complaints through its website and by telephone, mail, email, fax, and referral from other regulators and strives to improve the availability and accessibility of the Intake Form and related intake processes by gathering feedback. Furthermore, the CFPB aims to meet the needs of the consumers' with disabilities or language barriers. Related collections would include requests for information related to Complaint System accessibility and preferences:

- General Communication Preferences
 - Email
 - SMS
 - Phone
 - Mail
 - TTY/TDD
- Time to contact
 - Morning, early afternoon, late afternoon
- Emergency communication, alerts, and notifications (e.g., data breach)
 - Email
 - SMS
 - Phone
 - Mail
 - TTY/TDD
- Preferred language (spoken or written)
- Vision-, hearing-, speech-impairment
- Third party or media publication release
- Referral to representative or non-governmental entity
- Interview release agreement
- Accessibility of Intake Form (e.g., How did you learn about the CFPB's complaint form?)
- Consumer market demographics (voluntary)
 - Financial transaction or activity at issue
 - Household use of consumer financial products and services
 - Knowledge of credit report availability

Appendix F: Instructions, Disclaimers and Privacy Statement

The CFPB will ensure information collection instruments and processes developed from the generic clearance package are comprehensible, succinct, provide clear and conspicuous instructions, and enable users to easily identify CFPB's privacy practices. Relevant guidance may include:

- Disclaimers
 - Inability of the CFPB's Office of Consumer Response to act as court of law or as lawyer on individual's behalf
 - Inability of the CFPB's Office of Consumer Response to provide legal advice
 - Inability of the CFPB's Office of Consumer Response to intervene in active litigation or overturn issues resolved by the courts
- Privacy Act Statement⁴⁷
- Authorizations
 - Publish complaint on public database
 - Refer and forward complaint to another state or federal agency
 - Process referral to CFPB from another state or federal agency
 - Obtain and access confidential financial information

⁴⁷ Currently, the Privacy Act Statement that appears on the Intake Form provides:

The information you provide will permit the Consumer Financial Protection Bureau to respond to your complaint or inquiry about companies and services we supervise. Information about your complaint or inquiry (including your personally identifiable information) may be shared:

- with the entity that is the subject of your complaint;
- with third parties as necessary to get information relevant to resolving a complaint;
- with a court, a party in litigation, a magistrate, an adjudicative body or administrative tribunal in the course of a proceeding, or the Department of Justice;
- with other federal or state agencies or regulatory authorities for enforcement and statutory purposes; and
- with contractors, agents, and others authorized by the CFPB to receive this information.

We may also share your complaint or inquiry (but not your personally identifiable information) with the public through a public complaint database.

You are not required to file a complaint or share any identifying information, including your Social Security number, and you may withdraw your complaint at any time. However, if you do not include the requested information, the CFPB may not be able to act on your complaint.

List of Supplemental Documents

<u>Description</u>
Intake Form, OMB 3170-0111 (Paper (E1) and Web (E2))
Public Comment, Letter from the American Bankers Association, December 30, 2011.
Public Comment, Letter from Prospect Mortgage, December 30, 2011.
Public Comment, Letter from American Financial Services Association (AFSA), March 21, 2012.
Sample Complaint Web Portal Access, Screenshots
Generic Clearance Inventory (950+ information collection fields)