

CONSUMER FINANCIAL PROTECTION BUREAU
INFORMATION COLLECTION REQUEST – SUPPORTING STATEMENT
PART A
FOR EXTENSION OF
GENERIC INFORMATION COLLECTION PLAN FOR CONSUMER
COMPLAINT AND
INFORMATION COLLECTION SYSTEM
(OMB CONTROL NUMBER 3170-0042)

TERMS OF CLEARANCE

When the Office of Management and Budget (OMB) approved this generic information collection plan in November 2013, OMB provided the following terms of clearance:

This generic is used to inform changes to CFPB's existing Consumer Response Intake Form (3170-0011). OMB is approving this collection until May 2015 so that CFPB can coordinate this collection with 3170-0011 which is set to expire on 11/30/2014. Any changes that have been tested through this generic, which CFPB wants to include on the Intake Form, need to go through the standard 60-30 day notice for an ICR Revision to the 3170-0011 collection.

In response to the above OMB terms of clearance, CFPB is submitting the extension for both this generic information collection plan and the extension request for the CFPB's Consumer Response Intake Form (3170-0011). Items that were tested under this generic and that are being included in the permanent intake system are being subjected to the standard PRA clearance process through the extension request for 3170-0011 or seeking approval under a new OMB control number. CFPB will continue to follow this protocol as applicable for future items tested under this clearance.

ABSTRACT

Over the past several years, the CFPB has undertaken a variety of service delivery-focused activities contemplated by the Dodd-Frank and Wall Street Reform and Consumer Protection Act, Public Law No. 111-2013 (Dodd-Frank Act). These activities, which include consumer complaint and inquiry processing, referral, and monitoring, involve several interrelated systems.¹ The streamlined process of the generic clearance will continue to allow the Bureau to implement these systems efficiently, in line with the Bureau’s commitment to continuous improvement of its delivery of services through iterative testing and feedback collection.

INTRODUCTION

On November 5, 2013, OMB approved a generic clearance authority for the CFPB’s Office of Consumer Response (Consumer Response) and its collections of information including (1) testing new and improved complaint intake questions² and (2) gathering related information needed for appropriate referral of consumer complaint intake questions, feedback and inquiries, and (3) user experience feedback surveys.³ This submission requests that the CFPB be granted approval of revisions to the existing generic clearance (i.e., updating anticipated burden) along with a three-year extension.

A. JUSTIFICATION

1. Circumstances Necessitating the Data Collection

As provided in the Dodd-Frank Wall Street Reform and Consumer Protection Act (“Dodd-Frank Act”), the CFPB facilitates the centralized collection of, monitoring of, and response to complaints and inquiries about consumer financial products or services.⁴ The tasks of developing new questions and improving upon existing complaint questions along with related feedback collection to improve the complaint processing system benefit from the streamlined flexibility of the generic clearance process.

¹ These interrelated systems include secure, web-based portals that allow consumers, companies, and agencies to access complaints and an online “Tell Your Story” feature that allows consumers to share feedback about their experiences in the consumer financial marketplace.

² In particular, the OMB approved Consumer Response’s ability to pilot new and improved questions on the Consumer Response Intake Form (Intake Form). OMB Control No. 3170-0011. Originally approved as a Department of Treasury form (OMB Control No. 1505-0241), this approved information collection was transferred to the CFPB on November 21, 2011. ICR Reference Number 201111-3170-004.

³ OMB Control No. 3170-0042.

⁴ 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. Use of Information

Section 1021(c)(2) of the Dodd-Frank Act provides that some of the primary functions of the CFPB are the collection, investigation, and response to consumer complaints.⁵ These functions underlie the core information collection, currently represented by the CFPB's Consumer Response Intake Form.⁶ This generic clearance will allow the CFPB to test and pilot new and improved questions and design for the Intake Form. Feedback from consumers, companies, and agencies gathered under this generic clearance authority will be used by Consumer Response to inform program improvements, enhancements and prioritization. Information collected from companies responding to consumer complaints will help with complaint routing and reporting. Information collected from participating State agencies will help with referral.

Since the initial clearance request, this generic clearance has facilitated the testing of new, and the improvement of existing, questions for the Intake Form and the gathering of survey feedback for process improvement across the complaint handling, feedback and inquiries processes.⁷ This includes questions highlighted in the extension request for the CFPB's Consumer Response Intake Form that clearly provide for those who submit complaints on behalf of others or who have joint financial obligations. It has also supported the development of the Company Portal Boarding Form, a form used for the collection of company identification information from companies to help properly route consumer complaints.⁸

The "generic clearance inventory"⁹ provides a comprehensive list of the categories and issues 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. The form of questions will include open-ended, closed-ended (e.g., multiple choice, yes/no), ranked or ordinal, and rating (e.g., Likert) types. Examples of collections that will be undertaken under this clearance may include: web and telephone based collections, customer comment cards/complaint forms; small

⁵ 12 U.S.C. § 5511(c).

⁶ OMB Control No. 3170-0011.

⁷ See the following information collections under the Generic Clearance for Consumer Complaint and Information Collection System (Testing and Feedback), OMB Control No. 3170-0042 (NOA 11/5/2013): *Usability Test for Consumer Satisfaction Survey of the CFPB Consumer Complaint Intake Form* (NOA 1/31/2014); *CFPB Consumer Satisfaction Survey – National Pilot Survey (Consumer Response)* (NOA 6/16/2014); *Consumer Response Intake Form Improvement Study* (NOA 9/22/2014); and *CFPB Consumer Complaint Intake System Company Portal Boarding Form* (NOA 11/19/2014).

⁸ *CFPB Consumer Complaint Intake System Company Portal Boarding Form*, OMB Control No. 3170-0042 (NOA 11/19/2014).

⁹ See Generic Clearance Inventory.

discussion groups; focus groups; customer satisfaction surveys (e.g., post-transaction surveys; opt-out web surveys); and in-person observation testing (e.g., website or software usability tests).

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, and give consumers, companies, and federal and State agencies the ability to provide their feedback via phone and online. The CFPB will continue to use enhancements such as helper text, drop down menus, error checks, and auto-completion when possible to minimize burden.

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 by the CFPB. Duplication is further minimized as all CFPB information collections are considered and reviewed through an internal clearance process which includes several offices within the agency such as the office of the CFPB's Chief Information Officer.

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. 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's collection of voluntarily-submitted consumer complaints is a primary function of the CFPB under section 1021(c)(2) of the Dodd-Frank Act. Information collected from consumers using the piloted complaint, inquiry or feedback forms will be voluntary. Any participation in feedback surveys will be voluntary. If the proposed pilot or survey collections are not conducted, the CFPB could not properly evaluate and improve the complaint response function.

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

In accordance with 5 CFR § 1320.8(d)(1), the Bureau has published a notice Federal Register allowing the public 60 days to comment on the proposed extension of this currently approved collection of information. No comments were received in response to this notice. Further, in accordance with 5 CFR §

1320.5(a)(1)(iv), the Bureau published a notice in the Federal Register allowing the public 30 days to comment on the submission of this information collection request to OMB.

Information collections seeking approval under this generic information collection plan are specific steps CFPB takes to otherwise consult with the public and other interested parties on the on-going development of its consumer complaint intake system with specific purpose of improving the utility, usability, and quality of information captured by this system.

9. Payments or Gifts to Respondents

The Bureau will not provide payment or other forms of remuneration to respondents of its various forms of collecting input on complaint, feedback, and inquiry processes. Focus groups and cognitive laboratory studies are the exceptions. The Bureau has as its goal the protection and empowerment of all consumers. This includes pursuing programs and policy initiatives that serve lower-income and traditionally underserved consumers.

Incentives will be used if information collections include hard-to-reach groups and linked to response rates. Justifications for the type and level of incentive will be provided in the request for clearance of these specific activities.

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. 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.

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.

On March 20, 2013 CFPB published a Privacy Impact Assessment (PIA) for the Consumer Response System. Pursuant to Office of Management and Budget (OMB) Memorandum 07-16, Safeguarding Against and Responding to the Breach of Personally Identifiable Information, May 22, 2007, CFPB uses PIAs to document how the personally identifiable information (PII) it collects is used, secured, and destroyed in a way that protects each individual's privacy. Each PIA is broken out into sections that reflect the CFPB's Privacy Principles. The CFPB's Privacy Principles are a set of nine rules the CFPB follows when it collects or uses PII. The PIA is posted on CFPB's website at http://files.consumerfinance.gov/f/201303_CFPB_PIA-Consumer-Response-System.pdf.

Additionally, in accordance with the Privacy Act of 1974, as amended, published a Systems of Records Notice (SORN) in the *Federal Register* (79 FR 21440, April 16, 2014). The title for the SORN is CFPB.005—Consumer Response System. The SORN is available on the Internet at <https://www.federalregister.gov/articles/2014/04/16/2014-08555/privacy-act-of-1974-as-amended>.

The Consumer Response System provides a Privacy Act Statement and each separate collection submitted under this generic information collection plan will provide respondents with the appropriate privacy disclosure.

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. 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”). 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. 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.

12. Estimated Burden of Information Collection

Type of Information Collection	Estimated Number of Respondents	Average Burden 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)	250,000	10 minutes	41,667
Paper/Telephone Complaint and Inquiry Intake (Testing and Piloting New Questions)	150,000	10 minutes	25,000
Stakeholder Feedback			
User Experience and Web Portal Feedback	10,000	10 minutes	1,667
Complaint Referral Process Improvement Feedback Survey	150,000	10 minutes	25,000
Complaint Monitoring User Feedback Survey	150,000	10 minutes	25,000
Annual Totals:	710,000	10 minutes	118,334
3 Year Totals:	2,130,000	10 minutes	355,002

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, 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.

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 request for an extension of a previously-approved generic clearance plan. Based on CFPB's experiences in conducting information collections under this approval, CFPB is requesting to adjust the estimated number of annual responses from 3,270,000 to 710,000 and the estimated number of annual burden hours from 418,260 to 118,334. These adjustments result in a projected net decrease of (2,560,000) annual responses and (299,926) burden hours. Therefore, there is a projected decrease of 1,140,000 responses and 63,258 burden hours over a three year period.

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 disclosed through the CFPB's Consumer Complaint Database¹⁰ and 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.

17. Display of Expiration Date

The expiration dates for OMB approval will be displayed or otherwise provided to respondents for all information collections proposed as well as on OMB's public-facing docket at www.reginfo.gov.

18. Exceptions to the Certification Requirement

The Bureau certifies that this collection of information is consistent with the requirements of 5 CFR § 1320.9, and the related provisions of 5 CFR § 1320.8(b)(3) and is not seeking an exemption to these certification requirements. 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.

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

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>
A	Consumer Profile
B	Complaint Respondent Profile
C	Financial Transaction or Activity at Issue
D	Accessibility and Preferences
E	Instructions, Disclaimers, and Privacy Statement

Appendix A: 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 URL
 - 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
 - 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 B: 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 C: 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 D: 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 E: 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 Statement¹¹
- 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

¹¹ For example, the Privacy Act statement currently provided on the Intake Form reads:

The information you provide will permit the Consumer Financial Protection Bureau to process your complaint or inquiry. 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.

This collection of information is authorized by 12 U.S.C. § 5493.

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 process your complaint.