

**BUREAU OF CONSUMER FINANCIAL PROTECTION
PAPERWORK REDUCTION ACT SUBMISSION
INFORMATION COLLECTION REQUEST**

**SUPPORTING STATEMENT PART A
GRAMM-LEACH-BLILEY ACT
(REGULATION P) 12 CFR 1016
(OMB CONTROL NUMBER: 3170-0010)**

OMB TERMS OF CLEARANCE:

Not applicable. The Office of Management and Budget (OMB) did not provide Terms of Clearance when approved this information collection on July 25, 2012.

ABSTRACT:

Section 502 of the Gramm-Leach-Bliley Act (GLBA) (Pub. L. 106-102) generally prohibits a financial institution from sharing nonpublic personal information about a consumer with nonaffiliated third parties unless the institution satisfies various disclosure requirements (including provision of initial privacy notices, annual notices, notices of revisions to the institution's privacy policy, and opt-out notices) and the consumer has not elected to opt out of the information sharing. The Consumer Financial Protection Bureau (CFPB) promulgated regulation P 12 CFR 1016 to implement the GLB Act's notice requirements and restrictions on a financial institution's ability to disclose nonpublic personal information about consumers to nonaffiliated third parties.

A. JUSTIFICATION

1. Circumstances Necessitating the Data Collection

Regulation P implements the requirements of GLBA to provide consumers with financial institutions' privacy policies and practices, as well as describing when the consumer's information may be shared with nonaffiliated third parties, and provides a method for consumers to prevent disclosure of their information to non-affiliated third parties by "opting out" of that disclosure. Regulation P details the specifics of how GLBA should be implemented, which companies and situations this applies to, and the method of delivering the information to consumers.

Regulation P includes model forms that can be used to comply with the disclosure requirements of the GLBA and Regulation P, although use of the model forms is not required. *See Appendix to Regulation P.*

2. Use of the Information

Consumers use the privacy notice to determine whether they want personal information disclosed to third parties that are not affiliated with the institution. Further, consumers use the opt-out notice mechanism to advise the institution of their wishes regarding disclosure of their personal information. Institutions use the opt-out information to determine the wishes of their consumers and to act in accordance with their customers' instructions.

The CFPB, the Federal Trade Commission (FTC), and the Prudential Regulators all enforce against the requirements of Regulation P to ensure privacy notices are being mailed out and that consumers' preferences are being followed with respect to opting out of information-sharing.

3. Use of Information Technology

The information collections are disclosures, filings from consumers, and internal institution records. Institutions are not prohibited from using any technology that facilitates consumer understanding and response, and that permits review, as appropriate, by examiners.

4. Efforts to Identify Duplication

The collections of information are unique and cover the institution's particular circumstances. No duplication exists with any other federal information collection or program.

5. Efforts to Minimize Burdens on Small Entities

The information collection requirements of the regulation do not impose any significant burden beyond that required by statute. In addition, as directed by section 728 of the "Financial Services Regulatory Relief Act of 2006" (Pub. L. No. 109-351), section 1016.2 and Appendix A provide a model form for the disclosures, which may be used at the option of the financial institution. Use of the model form should minimize the burden of this collection. Further, in 2014, the Bureau issued a rule Published October 28, 2014 at 79 FR 64057, to allow financial institutions to use an alternative delivery method to provide annual privacy notices through posting the annual notices on their Web sites if they meet certain conditions. Use of the alternative delivery method should also minimize the burden of this collection.

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

The information collection requirements closely follow the GLB Act, which requires institutions to provide an annual notice of their privacy policies and practices to their customers, and to permit customers to opt-out of the disclosure of their personal information. There is no flexibility under the GLB Act to collect the information less frequently.

7. Circumstances Requiring Special Information Collection

Not applicable. The collections of information in Regulation P are consistent with the applicable guidelines contained in 5 CFR 1320.5(d)(2).

8. Consultation Outside the Agency

In accordance with 5 CFR §1320.8(d)(1), the Bureau has published a notice in the Federal Register allowing the public 60 days to comment on the proposed extension (renewal) of this currently approved collection of information. Two comments were received, however neither was related to PRA estimates or calculations, and so will not be responded to here. Further and in accordance with 5 CFR §1320.5(a)(1)(iv), the Bureau has also published a notice in the Federal Register allowing the public 30 days to comment on the submission of this information collection request to the Office of Management and Budget.

9. Payments or Gifts to Respondents

No payments or gifts are provided to respondents.

10. Assurances of Confidentiality

The recordkeeping and written disclosure requirements contain private information about consumers who opt out of disclosure of their information to third-parties. Such information is protected by the Right to Financial Privacy Act, 12 U.S.C. 3401 *et seq.* Such records may also constitute confidential customer lists. However, there is no part of the rule that mandates information collection by the CFPB.

To the extent that information covered by a requirement of Regulation P is collected by the CFPB for law enforcement purposes, the confidentiality provisions of CFPB's rules on Disclosure of Records and Information, 12 CFR Part 1070, would apply.

11. Justification for Sensitive Questions

Regulation P requires institutions to ascertain whether consumers want to opt out of third-party information sharing, which can constitute a collection of sensitive information. This requirement is necessary to ensure consumers are given an option about what is done with their personal financial information, and is used for consumers' protection and privacy.

12. Estimated Burden of Information Collection

Hours: 366,134

Exhibit 1: Burden Hour Summary

Information Collection Requirement	All Bureau Respondents (DI and Non-DI)					Bureau Portion		
	No. of Respondents	Annual Frequency	Annual Responses	Average Response Time (hrs.)	Annual Burden Hours	Annual Responses	Average Response Time	Annual Burden Hours
Initial Notice §1016.4(a)	2,105	1	2,105	14.5	30,523	1,055	14.5	15,298

Annual and Revised Notices and Opt-Out Notice §1016.5(d), §1016.7, §1016.8	29,544	1	29,544	7.28	215,054	14,844	11	157,482
Consumer Opt-Out Notice §1016.7	29,544	14.66	433,216	0.25	108,304	433,216	0.25	108,304
Changes to Privacy Policies and Disclosures (Ongoing) §1016.8	420	1	420	10	4,200	210	10	2,100
Creating Disclosure Documents	2,100	1	2,100	3	6,300	1,050	3	3,150
Reviewing Internal GLBA Policies (Initial)	2,100	1	2,100	20	42,000	1,050	20	21,000
Reviewing Internal GLBA Policies (Ongoing)	29,400	1	29,400	4	117,600	14,700	4	58,800
Totals:	29,544					466,125		366,134

For PRA purposes, the CFPB assumes all burden for depository institutions with more than \$10 billion in assets as well as their affiliates, for which CFPB has primary enforcement authority with respect to regulation P. In addition, the CFPB and Federal Trade Commission (FTC) share enforcement authority for those non-depository institutions subject to the CFPB's regulation P.

Associated Labor Costs: \$14,046,529

The Bureau used an overall hourly average wage of \$38.36 for the burden associated with these information collections, which multiplied by the CFPB burden hours amounts to \$14,046,529 in labor costs. Specifically, the Bureau estimates on average each hour requires 20% administration at \$16.99/hour, 45% management at \$37.79/hour, 20% senior management at \$48.87/hour, and 15% legal at \$54.58/hour.¹

13. Estimated Total Annual Cost Burden to Respondents or Recordkeepers

There are no additional materials costs for this regulation.

¹ See respectively <http://www.bls.gov/ooh/office-and-administrative-support/secretaries-and-administrative-assistants.htm>, <http://www.bls.gov/ooh/business-and-financial/management-analysts.htm>, <http://www.bls.gov/ooh/management/top-executives.htm>, <http://www.bls.gov/ooh/legal/lawyers.htm>.

14. Estimated Cost to the Federal Government

As the CFPB does not collect any information, there are no additional costs to the Federal Government.

15. Program Changes or Adjustments

Exhibit 3: Summary of Burden Changes table

	Total Respondents	Annual Responses	Burden Hours	Cost Burden (O & M)
Total Requested	29,544	466,125	366,134	\$0
Current OMB Inventory	13,100	467,213	254,096	\$0
Difference (+/-)	+16,444	-1,088	+112,038	\$0
Program Change	0	0	0	\$0
Discretionary	0	0	0	\$0
Due to New Statute	0	0	0	\$0
Violation	0	0	0	\$0
Adjustment	+16,444	-1,088	+112,038	\$0

Analysis by the Bureau of previously stated burden shows that the initial total burden was 112,038 hours greater than previous stated. Thus, the Bureau is adjusting the current burden to be $(254,096 + 112,038) = 366,134$ hours.

The change in the number of respondents reflects an improved methodology of calculation, and therefore the new requests should be seen as a more accurate representation of the true effect of Regulation P.

16. Plans for Tabulation, Statistical Analysis, and Publication

There are no plans to provide any publications based on the information collection of this regulation.

17. Display of Expiration Date

The OMB control number and expiration date associated with this PRA submission will be displayed on the Federal government's electronic PRA docket at www.reginfo.gov, as well as in the Federal Register Notice of the submission. Inasmuch as all forms associated with this collection are model forms and therefore their use is voluntary, the display of the OMB control number would not be appropriate on them.

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.