

CONSUMER FINANCIAL PROTECTION BUREAU

INFORMATION COLLECTION REQUEST –

SUPPORTING STATEMENT PART A

CONSUMER RESPONSE INTAKE FORM

(OMB CONTROL NUMBER 3170-0011)

TERMS OF CLEARANCE

Not applicable.

When the Office of Management and Budget (OMB) approved this collection of information in May 2015, no terms of clearance were provided.

ABSTRACT

The Intake Form is designed to aid consumers in the submission of complaints, inquiries, and feedback and to help the Consumer Financial Protection Bureau (CFPB) fulfill its statutory requirements.¹ Consumers (also referred to as “respondents”) will be able to complete and submit information through the Intake Form electronically on the CFPB’s website. Alternatively, respondents may request that the CFPB mail a paper copy of the Intake Form, and then mail or fax it back to the CFPB; or call to submit a complaint by telephone. The questions within the Intake Form prompt respondents for a description of, and key facts about, the complaint at issue, the desired resolution, contact and account information, information about the company they are submitting a complaint about, and previous action taken to attempt to resolve the complaint.

¹ See Dodd-Frank Wall Street Reform and Consumer Protection Act, Pub. L. No. 111-203, Title X, Sections 1013(b)(3), 1021(c)(2), and 1034, codified at 12 U.S.C. §§ 5493(b)(3), 5511(c)(2), and 5534.

JUSTIFICATION

1. Circumstances Necessitating the Data Collection

Collecting, investigating, and responding to consumer complaints² are integral parts of the CFPB's work.³ Not only is this work required of the Agency under Title X of the Dodd-Frank Wall Street Reform and Consumer Protection Act ("Dodd-Frank Act"), this work also helps the CFPB fulfill its obligations to: (1) monitor for risks to consumers in the offering or provision of consumer financial products or services, including developments in the markets for such products or services; and (2) provide an annual report to Congress on complaints received in the prior year regarding such products and services, including information about complaint numbers, types, and resolution.⁴ The Intake Form, the subject of this information collection request, provides the vehicle for the information collection by web, telephone, mail, and fax.

The CFPB will be permanently adding to the existing Intake Form 12 fields and values previously approved by OMB under generic clearance.⁵ Underpinning the Intake Form is a series of products, sub-products, issues, sub-issues, and data-driven questions used to categorize the nature of a consumer's complaint. The permanent addition of these 12 net new fields and values representing new sub-products, sub-issues, and data-driven questions will improve upon the form's clarity and ease of use. These new fields and values are informed by information collection and feedback gathered from the generic clearance. By comparing historical consumer complaint data and web analytics to the future state test data, the Bureau has refined the products and associated issues contained within the Intake Form to ensure accurate representation of the consumer financial marketplace. These fields and values are included in Attachment 3.

The CFPB is also requesting approval of two additional optional fields for the Intake Form: (1) the number of people who are part of the consumer's household; and (2) the total combined income of all people living in the consumer's household in the past twelve months. These questions are presented in Attachment 4. For the second question, consumers will use a drop-down menu to select the income range into which their household falls. These additional fields will allow the Bureau to better execute its statutory mandates, including: 1) researching, analyzing and reporting on access to fair and affordable credit for traditionally underserved communities;⁶ 2) providing information, guidance, and technical assistance regarding the

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.

³ Dodd-Frank Act, § 1021(c)(2).

⁴ *Id.* §§ 1022(c), 1013(b)(3)(C).

⁵ See CFPB's Consumer Response Intake Form Improvement Study, OMB Control No. 3170-0042 (Notice of Action 10/20/2016). Simultaneously with this submission, the CFPB is also submitting documentation regarding OMB Control No. 3170-0042.

⁶ Dodd-Frank Act, § 1013(b)(1)(B).

offering and provision of consumer financial products or services to traditionally underserved consumers and communities;⁷ 3) collecting, researching, monitoring, and publishing information relevant to the functioning of markets for consumer financial products and services to identify risks to consumers and the proper functioning of such markets;⁸ and 4) educating and empowering consumers to make better informed financial decisions.⁹ This data will help the Bureau gain insights about the populations they serve, including servicemembers, students and older Americans, identify emerging issues, and pinpoint what areas may benefit from new or revised educational tools. These questions are based on best practices in the field and similar in content and structure to those widely used in nationally representative surveys in many other government information collections. Additionally, these questions provide the opportunity to understand data across economic groups that enrich and reflect careful research across several Bureau offices.

2. Use of Information

The Intake Form is designed to aid the public in the submission of complaints, inquiries, and feedback to the CFPB and to help the CFPB fulfill the aforementioned statutory requirements. Consumers who wish to submit complaints, inquiries, and feedback may submit relevant information using the CFPB's website where they will find an online version of the Intake Form. Alternatively, they may submit information by telephone, mail, and fax using the Intake Form. The Intake Form's various fields prompt respondents for a description of, and key facts about, their complaints, underlying products and issues, the companies that are the subject of their complaints, and any previous action taken on their complaints. Responses to the Intake Form's questions help provide the CFPB and the company with the information needed to contact the consumer and/or the consumer's authorized representative (if applicable); send the complaint to the company for response; and follow-up on the submitted complaint, inquiry, or feedback.

The permanent addition of the 12 new fields and values mentioned above will improve upon the form's clarity and utility. As explained above, the addition of optional fields for household size and household income will allow the Bureau to better execute its statutory mandates, as mentioned above.

3. Use of Information Technology

The CFPB has created and will continue to enhance a system that provides consumers and their authorized representatives with the ability to submit their complaints through its website and by telephone, mail, and fax, and that accurately, efficiently, and securely sends complaints to companies for response. The CFPB's U.S.-based contact centers provide services to consumers

⁷ *Id.* § 1013(b)(2).

⁸ *Id.* § 1021(c)(3).

⁹ *Id.* § 1013(d)(1).

in more than 180 languages and to consumers who are deaf, have hearing loss, or have speech disabilities via a toll-free telephone number.

The CFPB has enhanced the consumer experience by recently merging the 11 product-specific forms used to submit a complaint into one form and streamlining the number of financial products and services from which consumers can select from 12 to 9. This allows for a more consistent experience across products and makes completing the form more intuitive. The CFPB also re-designed the complaint form to provide dynamic prompts based on consumers' inputs (i.e., data-driven questions), providing a cleaner and more intuitive interface that executes complex logic behind the scenes to minimize consumer burden. The CFPB made plain language enhancements and designed the form to work with screen reader technology to make the complaint form more accessible and easier to complete. The CFPB continues to use enhancements such as drop-down menus, error checks, and auto-completion when possible to minimize burden.

4. Efforts to Identify Duplication

This information collection renewal 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, including the CFPB's Office of the Chief Information Officer.

5. Efforts to Minimize Burdens on Small Entities

The information collection is voluntary and is not anticipated to burden small businesses significantly. The Intake Form does not require information collection from small businesses or other small entities. A potential impact on small entities is that the CFPB, as required by law, will utilize the information obtained from consumers to request responses from, and potentially initiate investigations of, entities named in the complaints, some of which may be small entities. The CFPB will minimize any burden by striving to request readily-available information and using plain, short, easy-to-complete information collection instruments.

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

Under the Dodd-Frank Act, the CFPB is required to facilitate the centralized collection of, monitoring of, and response to consumer complaints regarding consumer financial products or services.¹⁰ The proposed collection is voluntary, and if the proposed collection is not conducted, the CFPB would not be able to fulfill its consumer response mandate.

¹⁰ *Id.* § 1013(b)(3)(A).

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 C.F.R. § 1320.8(d)(1), the Bureau published a notice in the Federal Register that allowed the public 60 days to comment on the proposed revision and extension of this currently-approved collection of information and the inclusion of additional fields, values, and optional questions. The previously-cleared fields and values which the Bureau is making permanent have been tested pursuant to the applicable generic clearance, OMB No. 3170-0042. Along with experiential data gathered over the past several years, feedback from the public has informed improvements to the Intake Form.¹¹ In accordance with 5 C.F.R. 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 the Office of Management and Budget.

This information collection reflects comments received in response to the July 19, 2017 (82 FR 33070) Notice and Request for Comment, seeking input from the public on the submission of complaints, inquiries, and feedback via the CFPB's Intake Form, via renewal with change to a currently approved collection.

The Bureau received two comments in response to the notice. Both of these comments were submitted by individuals. One comment simply requested all information, and the second comment succinctly stated that nothing had changed regarding the individual's complaint. Neither comment addressed the complaint intake process. For that reason, both comments are not responsive for purposes of this information collection.

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 be conducted in full compliance with the requirements for the protection of nonpublic information and personally identifiable information and for data security and integrity set forth in the federal privacy laws, including the CFPB's rules (12 C.F.R. § 1070 et seq.) pursuant to the Privacy Act (5 U.S.C. § 552a).¹² At the point of information collection, the CFPB's website explains that personally identifiable information will be kept

¹¹ See Attachment 1, "Inventory of Questions for the Consumer Financial Protection Bureau's Consumer Response Intake Form"; Attachment 2, "Consumer Response Intake Instruments"; Attachment 3, "Net New Complaint Form Fields and Values"; and Attachment 4, "New Household and Income Questions."

¹² For the related System of Record Notice (SORN), see <https://www.federalregister.gov/articles/2014/04/16/2014-08555/privacy-act-of-1974-as-amended>.

private to the extent permitted by law and CFPB rules. The CFPB website privacy policy, available at the bottom of the landing page for submitting complaints, further explains the CFPB's privacy practices.¹³ The web-form has been updated to have the collection Privacy Act Statement at the point of collection. Consumers who submit complaints via telephone are guided to the CFPB website for the CFPB's Privacy Act Statement.¹⁴

The CFPB has in place the appropriate security measures to ensure data is safeguarded, including the use of locked file storage, confidentiality stamping, restricted system access, data encryption, restricted print options, and disposal by cross-cut shredding. The information system is fully compliant with the Federal Information Security Management Act of 2002 security category of "Moderate, Moderate, Low."¹⁵

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.

¹³ See <https://www.consumerfinance.gov/privacy/website-privacy-policy/>.

¹⁴ Privacy Act Statement quote:

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.

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

You are not required to submit 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.

¹⁵ See <https://csrc.nist.gov/publications/detail/fips/199/final>.

Additionally, in accordance with the Privacy Act of 1974, as amended, the CFPB 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>.

Section 1057 of the Dodd-Frank Act provides additional protections for “whistleblowers” who work for covered persons or service providers and who experience employer retaliation after providing certain information about their employers to the CFPB. The CFPB will take all reasonable steps as permitted by law during this information collection process to provide distinct, alternative paths for their submissions. Please note that whistleblowers can report tips to the CFPB through a process separate from the complaint process. By using that separate process, unlike submitting a complaint, tips will not be sent to the company.

11. Justification for Sensitive Questions

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 and for the company to identify the consumer’s account to support efficient investigation by companies. For complaints sent to the national credit reporting bureaus and other financial services providers that use social security numbers (SSNs) as primary identifiers, consumers will be asked to provide the last four digits of their SSNs to process their complaint or, where necessary for companies to respond, their full SSNs. Oftentimes, the full or partial SSN is the only effective way for certain companies 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 fair lending laws such as 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, complaint intake questions may inquire about these factors.

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

The Intake Form also includes an optional question which prompts the respondent for his or her age. Pursuant to the Credit Card Accountability Responsibility and Disclosure Act of 2009 (“CARD Act”), there are statutory protections extended to underage credit card applicants.¹⁶ Eliciting the respondent’s age will help identify issues related to young consumers and legal competency to give consent. Furthermore, the Equal Credit Opportunity Act (“ECOA”) makes it unlawful for any creditor to discriminate against an applicant for credit on the basis of age. Collecting information about the respondent’s age will help identify instances where older Americans have been discriminated against when applying for credit.

Also, as explained above, the CFPB is requesting approval of two additional optional fields for the Intake Form: (1) the number of people who are part of the consumer’s household; and (2) the total combined income of all people living in the consumer’s household in the past twelve months. These additional fields will allow the Bureau to better execute its statutory mandates, including: 1) researching, analyzing and reporting on access to fair and affordable credit for traditionally underserved communities;¹⁷ 2) providing information, guidance, and technical assistance regarding the offering and provision of consumer financial products or services to traditionally underserved consumers and communities;¹⁸ 3) collecting, researching, monitoring, and publishing information relevant to the functioning of markets for consumer financial products and services to identify risks to consumers and the proper functioning of such markets;¹⁹ and 4) educating and empowering consumers to make better informed financial decisions.²⁰ This data will help the Bureau gain insights about the populations they serve, including servicemembers, students and older Americans, identify emerging issues, and pinpoint what areas may benefit from new or revised educational tools. These questions are based on best practices in the field and similar in content and structure to those widely used in nationally representative surveys in many other government information collections. Additionally, these questions provide the opportunity to understand data across economic groups that enrich and reflect careful research across several Bureau offices.

12. Estimated Burden of Information Collection

Type of Information Collection	Estimated Number of Respondents	Estimated Number of Intakes per Respondent	Average Burden per Intake	Estimated Total Annual Burden Hours Requested
---------------------------------------	--	---	----------------------------------	--

¹⁶ 15 U.S.C. § 1637(c)(8).

¹⁷ Dodd-Frank Act, § 1013(b)(1)(B).

¹⁸ *Id.* § 1013(b)(2).

¹⁹ *Id.* § 1021(c)(3).

²⁰ *Id.* § 1013(d)(1).

Web	2,250,000	1	7 minutes	262,500
Paper/Telephone	750,000	1	10 minutes	125,000
Total	3,000,000	//////////	//////////	387,500

The web-based Intake Form will take approximately seven minutes to complete. Complaints from respondents who wish to provide additional details and more complicated complaints may take longer to complete.

13. Estimated Total Annual Cost Burden to Respondents

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

14. Estimated Cost to the Federal Government

Based on an independent government cost estimate, including the cost of call center operations, software, and hardware, the estimated annualized cost for this information collection is \$13,272,980 for fiscal year 2018.

15. Program Changes or Adjustments

As explained above, the CFPB will be permanently adding to the existing Intake Form 12 fields and values previously approved by OMB under generic clearance.²¹ The permanent addition of these 12 net new fields and values representing new sub-products, sub-issues, and data-driven questions will improve upon the form’s clarity and utility. These fields and values are included in Attachment 3.

The CFPB is also requesting approval of 2 additional optional fields for the Intake Form: (1) the number of people who are part of the consumer’s household; and (2) the total combined income of all people living in the consumer’s household in the past 12 months. These questions are presented in Attachment 4.

Notwithstanding these changes, it is not expected that the burden will change. This is because the 12 previously-cleared fields and values improve the form’s clarity and, therefore, are not expected to add any additional burden. Furthermore, consumers are not required to answer the 2

²¹ See CFPB’s Consumer Response Intake Form Improvement Study, OMB Control No. 3170-0042 (Notice of Action 10/20/2016). Simultaneously with this submission, the CFPB is also submitting documentation regarding OMB Control No. 3170-0042.

additional optional fields. These 2 questions are expected to be easily answerable by those consumers who do choose to answer them.

16. Plans for Tabulation, Statistical Analysis, and Publication

Data collected through complaint intake, inquiry, and feedback collections will be analyzed and may be disclosed through the CFPB's Consumer Complaint Database²² 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 on the complaint intake instruments as well as in 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 C.F.R. § 1320.9, and the related provisions of 5 C.F.R. § 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.

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