

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

TERMS OF CLEARANCE

Not applicable.

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

ABSTRACT

Over the past several years, the CFPB has undertaken a variety of service delivery-focused activities contemplated by the Dodd-Frank 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.

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.

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.² 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.

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.³ These functions underlie the core information collection, currently represented by the CFPB’s Consumer Response Intake Form.⁴ This generic clearance will allow the CFPB to test and pilot new and improved questions for possible inclusion on the Intake Form.

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. This includes fields and values highlighted in the extension request for the CFPB’s Consumer Response Intake Form that more clearly identify the root cause of a consumer’s problem by offering new sub-products, sub-issues, and data-driven questions.⁵

The “generic clearance inventory”⁶ 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. The form of questions will include open-ended, closed-ended (e.g., multiple

² See 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.

³ 12 U.S.C. § 5511(c)(2).

⁴ See CFPB’s Consumer Response Intake Form, OMB Control No. 3170-0011 (Notice of Action 5/28/2015).

⁵ Simultaneously with this submission, the Bureau is also submitting documentation regarding OMB Control No. 3170-0011, including the permanent addition of certain fields and values previously approved under this generic clearance.

⁶ See Generic Clearance Inventory, Attachment 1.

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 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 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 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 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, 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

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.⁷ 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

⁷ 12 U.S.C. § 5511(c)(2).

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 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 extension of this currently-approved collection of information. 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 33071) Notice and Request for Comment, seeking input from the public regarding renewal of an approved information collection for conducting testing and collecting feedback regarding complaints and inquiries.

The Bureau received one comment in response to the notice. This comment, submitted by the American Bankers Association (ABA), states that the Bureau lacks authority to collect and monitor complaints regarding financial products and services used by small businesses, noting testing previously completed by the Bureau. The comment also requests the Bureau certify that it will not use the clearance to conduct testing related to the collection of, monitoring of, or response to complaints submitted by small businesses.

The small business intake testing noted by ABA in its comment was approved by the Office of Management and Budget (OMB) on December 28, 2016, pursuant to the previously-approved generic clearance, using standard processes for OMB approval. That preliminary testing was an initial activity needed to understand what may or may not be feasible with respect to small business lending-related complaints. The CFPB has no immediate final plans regarding small business complaint intake. Additionally, the previously-approved generic clearance does not specify non-uses for testing and feedback. Such language would be under-inclusive and run counter to the purposes of generic clearance. Therefore, no language to that effect has been added.

9. Payments or Gifts to Respondents

The Bureau may provide payment or other forms of remuneration to respondents of its various forms of collecting input on complaint, feedback, and inquiry processes. 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 are 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 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 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 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, 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>.

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 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, the piloting of new, or testing to improve existing, 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 piloting of new, or testing to improve existing, complaint intake questions may include a series of questions to help identify and correctly route such complaints.

In piloting new, or testing to improve existing, complaint intake questions, the CFPB may ask 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.⁸ 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.

⁸ 15 U.S.C. § 1637(c)(8).

In piloting new, or testing to improve existing, complaint intake questions, the CFPB may ask about the consumer’s household size and household income. Such questions would 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;⁹ 2) providing information, guidance, and technical assistance regarding the offering and provision of consumer financial products or services to traditionally underserved consumers and communities;¹⁰ 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;¹¹ and 4) educating and empowering consumers to make better informed financial decisions.¹² 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. Additionally, these questions would 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	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			

⁹ Dodd-Frank Act, § 1013(b)(1)(B).

¹⁰ *Id.* § 1013(b)(2).

¹¹ *Id.* § 1021(c)(3).

¹² *Id.* § 1013(d)(1).

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 may 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 a renewal of a previously-approved generic clearance plan. There are no changes or adjustments.

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 Database¹³ 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

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

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 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.

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 and Consumer Response Authority
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, 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 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 Statement¹⁴
- 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

¹⁴ 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 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.