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January 27, 2026

***Via Electronic Delivery to***

[www.reginfo.gov/public/do/PRAMain](http://www.reginfo.gov/public/do/PRAMain)

Comment Intake  
Consumer Financial Protection Bureau  
Attn: PRA Office  
1700 G Street, NW  
Washington, DC 20552

**RE: Consumer Response Intake Form, Docket No. CFPB-2025-0042, OMB Control Number 3170-0011**

To whom it may concern:

The Consumer Data Industry Association (CDIA)<sup>1</sup> submits this comment letter in response to the Notice and Request for Comment on the Consumer Financial Protection Bureau's ("CFPB" or "Bureau") consumer response intake form.<sup>2</sup> For more than a decade, CDIA has been urging the Bureau to implement its complaint intake system consistent with the plain language of the Dodd-Frank Act, and ensure that information received in the complaint portal is accurate and helps the Bureau carry out its statutory duties.<sup>3</sup> Recently, the Bureau invited

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<sup>1</sup> CDIA is the voice of the consumer reporting industry, representing consumer reporting agencies (CRAs), including the nationwide credit bureaus, regional and specialized credit bureaus, background check and residential screening companies, and others. Founded in 1906, CDIA promotes the responsible use of consumer data to help consumers achieve their financial goals and to help businesses, governments, and volunteer organizations avoid fraud and manage risk. Through data and analytics, CDIA members empower economic opportunity all over the world, helping ensure fair and safe transactions for consumers, facilitating competition, and expanding consumers' access to financial and other products suited to their unique needs.

<sup>2</sup> 90 Fed. Reg. 54,643 (Nov. 28, 2025) ("PRA Notice").

<sup>3</sup> See *e.g.*, Jul. 18, 2012 Comment from CDIA, Dkt. No. CFPB-2012-0023, available at: <https://www.regulations.gov/comment/CFPB-2012-0023-0008>; Oct. 19, 2012 Ltr. from Pratt to Cordray (Ex.A).

comment on, among other things, whether collection of complaint information “is necessary for the proper performance of the functions of the CFPB,” and “[w]ays to enhance the quality, utility, and clarity of the information to be collected.”<sup>4</sup> We hope that the Bureau will use comments submitted in response to the PRA Notice to make improvements to complaint collection, as well as how complaints are processed.

### **Complaint Collection Is Designed to Facilitate Regulatory Activity, Not to Publicly Criticize Covered Persons**

In 2011 and 2012, the Bureau decided to publish substantial amounts of information about complaints it received, including the identity of the entity that was the subject of the complaint, and consumer narratives about the interaction with the firm. But the statutory authorization for the Bureau to collect complaints does not envision publication of this data. Instead, the statute authorizes the Bureau to share data related to complaints in only a handful of specifically delineated situations. First, the Bureau is required to prepare a report for Congress each year that includes “information and analysis about complaint numbers, complaint types, and, where applicable, information about resolution of complaints.”<sup>5</sup> Second, in order to “facilitate . . . supervision and enforcement activities, and monitoring of the market for consumer financial products and services,” the Bureau is required to share complaint information with prudential bank regulators, the Federal Trade Commission, “other Federal agencies, and State agencies.”<sup>6</sup> Third, complaints are to be shared with depository institutions subject to the Bureau’s supervisory authority so that they can provide information about the consumer’s complaint.<sup>7</sup>

The statute does not authorize the Bureau to publish complaint information wholesale. Given the careful discussion of what the Bureau must do with complaints, and why the Bureau is collecting them, it is clear that Congress affirmatively withheld from the Bureau the authority to publish complaint data. The statute specifically defines the Bureau’s functions with regard to complaints as “collecting, investigating, and responding to” them.<sup>8</sup> Noticeably absent from this list is any authority to publish the content of the complaints or the responses thereto.

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<sup>4</sup> PRA Notice.

<sup>5</sup> 12 U.S.C. § 5493(b)(3)(C). The Bureau is also required to provide an annual report to Congress that contains a similar “analysis of complaints,” but the statutory required analysis in this annual report appears to be a subset of the analysis required in the annual report specific to complaints.

<sup>6</sup> Id. at § 5493(b)(3)(D).

<sup>7</sup> Id. at § 5534(b).

<sup>8</sup> Id. at § 5511(c)(2).

Complaints are intended to inform market monitoring activities,<sup>9</sup> and inform whether the Bureau has reasonable cause to designate a nondepository covered person for supervision.<sup>10</sup> The statute views complaint collection as a tool in aid of market monitoring, supervision, and enforcement. It does not have the Bureau collect complaints so that it can be a sort of “Yelp for Financial Services,” which is what the complaint portal has become. When considering changes to the consumer intake form, the Bureau should hew more closely to its statutory authority and cease publishing data related to individual consumer complaints.

### **The Bureau Can Improve the Complaint Portal Intake Process**

Since at least 2015, CDIA has identified to the Bureau a number of issues with the complaint portal,<sup>11</sup> including that:

- 1) the complaint portal allows consumers to submit disputes about the accuracy or completeness of information on consumer reports as complaints, and raise other issues such as block requests, even though these issues are handled under requirements established by FCRA (“FCRA Requests”);<sup>12</sup>
- 2) complaints are often misattributed to CRAs where the complained-of conduct relates to another party in the consumer reporting ecosystem, often the furnisher of the data; and
- 3) complaints submitted by fraudulent credit repair organizations are not flagged or segregated.

The Bureau should take additional steps to ensure that only legitimate complaints are accepted by the complaint portal in the first instance. Specifically, the Bureau could help restrict

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<sup>9</sup> Id. at § 5512(c)(4)(B)(i).

<sup>10</sup> Id. at § 5514(a)(1)(C).

<sup>11</sup> See CDIA Comments in Response to Request for Information Regarding the Consumer Complaint Database: Data Normalization, Docket No.: CFPB-2015-0030 (Aug. 31, 2015).

<sup>12</sup> As CDIA has told the Bureau on numerous occasions, mostly recently in response to a separate PRA Notice, the Bureau’s current (unpublished) supervisory expectation that consumer reporting agencies treat FCRA requests received through the complaint portal as though they were made through the proper channels, and the Bureau’s expectation that national consumer reporting agencies respond to consumer complaints on a complaint-by-complaint basis, are also contrary to statute. Dec. 23, 2025 Ltr. from D. Norgle re: Dkt. No. CFBP-2025-0041, available at: <https://www.regulations.gov/comment/CFPB-2025-0041-0012>.

improper use of the complaint portal by implementing a number of relatively low-cost technical reforms:

- Place a prominent notice at the beginning of the complaint process making clear:
  - to the consumer that complaints, especially as they relate to credit reports and credit reporting agencies, should only be submitted if the consumer has already contacted the service provider and not received a satisfactory resolution, or the consumer believes that the service provider has not complied with its legal obligations;
  - to third parties that if they are submitting a complaint on behalf of another person they must have legal authority to do so; and
  - that knowingly providing incorrect information to a government agency can be prosecuted criminally, and that this includes impersonating another.
- Monitor and/or restrict the IP addresses used to access the portal and submit complaints to block bots and credit repair organizations from submitting complaints on behalf of multiple consumers.
  - For organizations that have a legitimate and appropriate need to submit complaints on behalf of multiple consumers, the Bureau could create a registration process that would override any IP restrictions the Bureau chooses to put in place.
- Implement two factor authentication by means such as a phone number, and restrict the volume of complaints that can be associated with any given phone number.
  - As with IP monitoring, the Bureau can establish a registration process for entities that have a legitimate need to submit complaints on behalf of multiple consumers.
- If a consumer complains that a CRA did not fulfill its legal obligations with regard to a previously submitted FCRA Request but there was in fact no prior interaction, allow the CRAs to provide an administrative response that the consumer never filed a FCRA Request in the first place, and remove the complaint from the aggregate total as not a legitimate complaint (since there is no failure of the CRA to complain about).
  - As a longer-term solution, the Bureau could create an API to allow CRAs to validate that the consumer had previously submitted a FCRA Request before the complaint can be submitted.
- Require third parties submitting a complaint on behalf of another person to identify the relationship to the other person, such as a family member or attorney.

- Require more identification from consumers and/or third parties who submit complaints, such as address, date of birth, or other demographic information from consumers, and business name and business address for businesses submitting complaints on behalf of consumers.

These proposed steps, plus others that the Bureau might identify during the review process, will help ensure that only legitimate complaints are submitted through the complaint portal. This, in turn, will help the Bureau and consumer reporting agencies alike focus their attention on areas where consumers have been ill-served by a potential failure to comply with legal requirements.

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CDIA thanks the Bureau for the opportunity to comment on this important issue, and we are happy to provide any additional information that the Bureau requires. Thank you for your attention to this matter.

Sincerely,

**Denise A Norgle**

Denise Norgle  
Senior Vice President of Public Policy, Legal and Regulatory Affairs



# **EXHIBIT A**



October 19, 2012

The Honorable Richard Cordray  
Director, Consumer Financial Protection Bureau  
1700 G St., NW  
Washington, DC 20006

Dear Director Cordray:

The Consumer Data Industry Association (CDIA) submits this letter on behalf of its members<sup>1</sup> to express concerns about the Consumer Financial Protection Bureau's (CFPB) plan to put into operation, on October 22, 2012, an intake portal for consumer complaints regarding consumer reporting agencies (CRAs). As some of our members discussed in meetings with senior CFPB officials, critical questions remain about the CFPB's authority to impose certain obligations on the CRAs, the legal exposure that the program could create for CRAs, and the ability of the CRAs, in such a short period of time, to implement the many new policies and procedures that will be needed to comply with their responsibilities. Most importantly, though, it is not in the best interest of consumers to launch the portal before these issues are resolved.

Our members take seriously their obligations under the Fair Credit Reporting Act to respond to consumers' concerns about their consumer reports and recognize the utility of a carefully designed complaint intake portal managed by the CFPB. Our members offer their concerns about the new complaint intake portal as part of the ongoing dialogue to ensure success in meeting the shared goal of establishing a system that works well for consumers and complies with the stringent requirements of the FCRA as well as the new requirements of the Dodd-Frank Act. We outline our specific concerns below and hope that you find them a helpful contribution to this dialogue.

**CDIA members look forward to hearing from consumers and meeting their needs. However the CFPB lacks the authority to require the CRAs to report to it on their responses to individual consumer complaints**

While our members are preparing to address consumer concerns submitted to the CFPB, we note that the complaint portal system will require CRAs to report back to the CFPB on the disposition of each complaint they receive through the portal. The Dodd-Frank Act does not give the CFPB the power to require this. The Act expressly limits the reporting obligation to very large banks and credit unions.

The CFPB is directed by Section 1013(b)(3) of the Dodd-Frank Act to establish a system for collecting and responding to consumer complaints about consumer financial products and services. Section 1034 then sets forth the specific obligations of the CFPB and the covered persons to whom the consumer complaints relate to respond to and report on those complaints, as follows:

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<sup>1</sup> The Consumer Data Industry Association's members include a wide variety of consumer reporting agencies serving different markets in the United States. In total CDIA speaks for more than 180 companies.

- The Bureau must undertake reasonable procedures to report back to the consumers on the steps it has taken with respect to the complaint, any planned follow-up actions, and any responses the Bureau has received from the entity to which the complaint relates (Section 1034(a)).
- Certain covered persons – specifically, large depository institutions -- must provide timely responses to the Bureau about the steps it takes to respond to the complaints (Section 1034(b)).

The duty to provide responses to consumer complaints to the Bureau is explicitly limited by Section 1034(b) to “covered persons subject to supervision and primary enforcement by the Bureau pursuant to Section 1025.” The Bureau’s supervision and enforcement authority under Section 1025, in turn, is limited to depository institutions with assets over \$10 billion. (See Section 1025(a)). CRAs are not depository institutions and therefore are not obligated to undertake the responsibilities that Section 1034(b) imposes.

Congress’s decision to limit the Section 1034(b) obligations is sensible in the case of CRAs, because CRAs are subject to different dispute and complaint processing and reporting obligations under the FCRA. Section 611 of the FCRA establishes a comprehensive set of requirements for CRAs that receive disputes from consumers concerning the completeness or accuracy of any information in their file. The CRA must conduct a reasonable reinvestigation of the disputed item, make any necessary corrections to the file, and report the results to the consumer within the time mandated by the statute. Further, Section 611(e) of the FCRA directs the CFPB to compile all complaints it receives about the completeness or accuracy of consumer reports held by the nationwide CRAs when the consumer has already availed herself of her dispute rights under the FCRA, and transmit those complaints to the applicable CRA. In turn, the CRAs must (1) review each complaint to determine whether they have met their FCRA obligations; (2) provide regular reports to the Bureau on their determinations and any actions they have taken as a result; (3) and maintain records regarding the disposition of the complaints. Section 611(e) does not require the CRAs to report on the disposition of each individual complaint, but rather to do so on a summarized basis.

Previously, the operation of this complaint referral program was the responsibility of the Federal Trade Commission. The Dodd-Frank Act amended the FCRA to transfer that responsibility to the CFPB. Thus, Congress was aware of this program when it made the decision to limit the coverage of Section 1034(b) to very large depository institutions, thereby avoiding overlapping and inconsistent reporting obligations for the CRAs.<sup>2</sup> Our nationwide CRA members report that the CFPB has not yet advised them of whether or not the new complaint intake portal is the means by which they are to meet their obligations under Section 611(e).

### **The CRAs will not have sufficient time to implement the changes necessary to comply with this program**

Over the four decades since the FCRA was signed into law, the CRAs have developed comprehensive policies and procedures to respond to consumer disputes. More recently, the advent of the Section 611(e) complaint referral program has compelled nationwide CRAs to develop additional procedures to process and report on complaints received through that program.

Now, the CRAs are faced with implementing a third consumer response program with requirements and time deadlines that in many cases differ from those of the other two programs. Unlike credit card issuers, which already had staff in place to process consumer complaints submitted to them via the OCC’s complaint intake portal, this new complaint intake system will require extensive efforts by the

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<sup>2</sup> See *Radzanower v. Touche Ross*, 426 U.S. 148, 153 (1976) (“It is a basic principle of statutory construction that a statute dealing with a narrow, precise, and specific subject is not submerged by a later enacted statute covering a more generalized spectrum.”)

CRAs to develop and put into place an infrastructure and staff to implement the new program. Unfortunately, the CRAs are being given only a very short time to accomplish this.

While CDIA members have begun to train their personnel, they report that as of this date they have not been given access to the final version of the portal and thus cannot design spreadsheets or templates for exporting the incoming complaints for processing purposes. Headings in the beta version do not align with CRA complaints. Managing how complaint data is exported into CRAs' systems is critical to properly processing them, a priority we know our members share with the CFPB.

### **The intake portal may not provide the information CRAs need to authenticate consumers' identities and process their complaints**

CRAs must have the ability to authenticate the identities of consumers seeking information in their consumer report files. Not only is this critical to preventing the disclosure of highly sensitive personal information to possible identity thieves, but it is the CRAs' legal responsibility to properly authenticate identity prior to data disclosure. Section 610(a)(2) of the FCRA requires a CRA to obtain "proper identification" before supplying a credit file to a consumer.

Unfortunately, the beta version of the intake portal is not designed for the special authentication needs of the consumer reporting industry. CRAs typically do not have a direct relationship with consumers and thus must take additional authentication steps before disclosing file information or processing a dispute. The baseline identifying information that will be gathered by the CFPB portal in many cases will be insufficient to authenticate consumers. For example, the portal does not require consumers to provide their Social Security numbers, probably the most important information needed to match consumers to their records, but only requests them in an optional field. The portal also does not ask consumers for their date of birth or driver's license number. The magnetic character ink recognition number from checks is identifying information that is critical for matching consumers for certain CRAs; however, the portal currently does not provide for the intake of this critical data.

The result of this will likely be consumer frustration. At best, the CRAs will need to go back to many consumers, in some instances multiple times, to seek additional identifying information. This may confuse or frustrate consumers who believe that they submitted what the CFPB asked of them in the first place and should not be asked to do more. Moreover, it is possible that the direct contact between the consumer and the CRA, even as part of an ongoing response to a complaint submitted to the CFPB, could constitute the start of a dispute for purposes of Section 611 of the FCRA. Victims of identity theft, with their heightened sensitivity to the sharing of their personal data, will be suspicious and thus resistant to a layered and escalating authentication process.

In some cases, the CRAs may be unable to respond to the consumer through the portal; indeed, some of our members have concluded that, for authentication purposes, any responses that include consumer report information should be made through the U.S. mail to the consumer's address on file rather than through the portal. In other cases, CRAs may be unable to locate a record and therefore unable to process the complaint or respond to the consumer at all.

### **The time limits for processing complaints are unrealistic**

CFPB staff advised CRAs that they will be required to respond to consumer complaints within 15 days of receipt and to resolve the complaint within 60 days. It may frustrate consumers to get a notice at the expiration of the fifteen-day that reports that the investigation is still in progress. Since CRAs are most often dependent on third parties which reported the data that is the subject of the complaint, it is likely that many complaints will take longer than 15 days to fully resolve. As described above, moreover, there likely will be many cases in which the consumer has not supplied adequate authenticating

information, requiring requests to the consumer, in some cases multiple times, to supplement the information. For these reasons, we believe that a full 30-day period for the initial response to the consumer would be a better policy.

### **The FCRA limits the ability of CRAs to share information with the CFPB**

It is our understanding that, under the current design of the program, when a consumer disagrees with the disposition of her complaint, a member of the CFPB investigative team may request details of the CRA's investigation, presumably including a copy of the consumer report. This raises two problems. First, consumers may not realize that choosing to disagree could result in the disclosure of their consumer report to a federal government agency. Second, the FCRA limits the ability of CRAs to share data with the CFPB. Section 608 of the FCRA restricts the information from a consumer report that a CRA can provide to a government agency to the consumer's name, address, former addresses, places of employment, and former places of employment. Although this restriction could be avoided by obtaining the consumer's consent for the CRA to share the consumer's information with the CFPB, our members' review of the CFPB staff's current draft consent language indicates that it is likely inadequate. In addition, it is unclear how the Bureau will protect consumer report information from FCRA-prohibited redisclosure, including to state attorneys general with which the Bureau has information-sharing agreements.

### **The security protections for consumer information provided through the portal have not yet been demonstrated**

Our members report that as of the date of this letter significant questions remain about the adequacy of the data security protections built into the complaint portal. Areas of concern include:

1. Malware prevention capabilities – it is unclear what the CFPB would expect a CRA to do if it was unable to download a consumer's documents because the CRA's system detected malware.
2. Advanced Persistent Threat protection (APT)
3. Encryption during transmission and storage
4. Data loss prevention (DLP)
5. Protection against robo-filling
6. The security of CRAs' data that would reside on shared hardware, servers, etc.

A robust discussion of the design of security features of the CFPB's system is an important step in ensuring that consumer report data is properly protected.

### **The portal does not adequately protect against fraudulent credit repair misuse**

Credit repair scams, especially those that involve challenging negative, accurate information through the dispute process, are ubiquitous. Our members report that the CFPB portal does not effectively protect against misuse of the system by credit repair operations because it does not attempt to limit submission of complaints by third party credit repair firms disguised as the consumer. By way of background, our members' experience with the FTC and its operation of the FCRA Section 611(e) complaint referral system was suggestive of credit repair operators gaming the system and putting accurate, predictive data at risk.

## The complaint portal will not prevent consumers from filing “first look” complaints

Our members agree with the CFPB’s policy position that consumers should exercise their dispute rights under the FCRA before they then turn to the CFPB portal to submit a complaint.<sup>3</sup> However the current design of the system will not be effective in preventing consumers from filing these “first look” complaints. The FTC’s experience with the FCRA 611(e) complaint referral program demonstrates how likely it is that consumers or credit repair agencies will file complaints either before filing a dispute or simultaneously with it. According to a report issued by the FTC summarizing the results of the program between 2004 and 2007, over 90 percent of disputes that were resolved “as requested by the consumer” under the program actually were resolved through the dispute process *before* the CRA processed the referral from the Commission.<sup>4</sup>

### Conclusion

We appreciate the efforts of the CFPB team to stand up a system as quickly as possible in order to ensure consumers have a means of submitting complaints. We also appreciate the CFPB pushing back the date on which the intake system will go live to October 22, 2012. In light of the concerns that are still outstanding, however, we believe the system should not launch until the end of this year, providing sufficient time for the CFPB staff and the CRAs to further engage on the various matters that must be addressed, and to run a series of off-line user acceptance tests to ensure that the system functions as intended. If, however, the CFPB decides to proceed with the launch of the portal on October 22, we trust the Bureau will understand the privacy, security and consumer-experience issues that are unique to the consumer reporting industry and in particular the legal and operational limits on the CRAs’ ability to respond to consumers through the portal.

Sincerely,



Stuart K. Pratt  
President & CEO

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<sup>3</sup> The FCRA 611(e) complaint referral system similarly is limited to consumers who have already disputed but remain dissatisfied.

<sup>4</sup>Letter to Honorable Chris Dodd and Barney Frank, “Report on Complaint Referral Program Pursuant to Section 311(e) of the Fair Credit Reporting Act (December 29, 2008,” Available at <http://www.ftc.gov/os/2008/12/P044807fcracmpt.pdf>.