

OCTOBER 2, 2013

Privacy Impact Assessment

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
(HUD) COUNSELOR DATASET AND CFPB HOUSING
COUNSELOR LOCATOR TOOL

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Consumer Financial
Protection Bureau

DOCUMENT PURPOSE

The Privacy Impact Assessment or “PIA” provides the public with information about the Consumer Financial Protection Bureau’s (“CFPB” or “Bureau”) collection and use of personally identifiable information (“PII”). PII is any information “that can be used to distinguish or trace an individual’s identity”¹ like a name, address, Social Security number, or place and date of birth. The CFPB uses PIAs to document how the 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.

OVERVIEW

PROJECT / SYSTEM NAME: Department of Housing and Urban Development Counselor Dataset and CFPB Housing Counselor Locator Tool

PROJECT/SYSTEM INCLUDES INFORMATION ABOUT:

- Federal Employees
- Contractors
- Consultants
- The Public

PROJECT/SYSTEM INCLUDES:

- Name and other biographic information (e.g. date of birth)
- Contact Information (address, ZIP code, telephone number, email address)
- Social Security number (“SSN”) or other identifier
- Financial Information
- User and Online Information
- Third party Information
- Other Information (including biometric information and health or medical information)

The Department of Housing and Urban Development (“HUD”) administers the housing counseling program², which provides counseling to consumers on seeking, financing, maintaining, renting, or owning a home. The HUD housing counseling assistance program (“HUD housing counseling program”) enables anyone who wants to (or already does) rent or own housing to get the counseling they need to make their rent or mortgage payments, and to

¹ Office of Management and Budget (“OMB”) Memorandum 07-16, *Safeguarding Against and Responding to the Breach of Personally Identifiable Information*, May 22, 2007, (OMB M-07-16) defines PII as “information which can be used to distinguish or trace an individual’s identity, such as their name, social security number, biometric records, etc. alone, or when combined with other personal or identifying information which is linked or linkable to a specific individual, such as date and place of birth, mother’s maiden name, etc.”

² Under Section 106(e) of the Housing and Urban Development Act of 1968 (12 U.S.C. § 1701x(e)), HUD may provide, make grants to or contract with public or private organizations to provide a broad range of housing counseling services to homeowners and tenants to assist them in improving their housing conditions and in meeting the responsibilities of tenancy or homeownership. HUD administers the housing counseling program under regulations outlined in 24 CFR Part 214, and HUD Counseling Program Handbook (7610.1).

be a responsible tenant or owner in other ways. The counseling is provided by HUD-approved housing counseling agencies³. More information on the HUD housing counseling program is available on [HUD's website](#).

The CFPB is in the process of implementing a new requirement, created under the Dodd-Frank Act, which requires lenders to provide consumers a list of HUD-approved housing counseling agencies when they apply for a federally-related mortgage loan (excluding reverse mortgages and timeshares). Lenders will have two methods of complying with the new requirement – they can use the CFPB tool discussed in this PIA, or they may use HUD's data of HUD-approved housing counseling agencies ("HUD-approved housing counseling agencies dataset", "HUD counselor dataset", or "dataset") following guidance provided by the CFPB. HUD collects (and maintains) the information in this dataset from HUD-approved housing counseling agencies that apply to participate in or are identified for participation in the HUD housing counseling program, and makes the data available (publicly) on the HUD website and through an application programming interface ("API") which it owns and manages.

Additionally, the CFPB is also making access to the HUD API available to users of its website, [consumerfinance.gov](#). The Bureau will not be modifying or otherwise changing the dataset. Rather, it will obtain the data from HUD and allow it to be retrieved using HUD's API. The Bureau will not be collecting any new information about HUD-approved housing counseling agencies, or any new information which otherwise changes or supplements the HUD counselor dataset.

As previously mentioned, the Bureau is also providing a new tool ("CFPB housing counselor locator tool" or "locator tool"), which takes the dataset and makes it searchable to return customizable results. The locator tool will allow consumers, lenders, and other members of the public to search by proximity (using ZIP code) to locate the ten closest counselors that meet the user's query. The locator tool uses a geocoding tool to determine the coordinates of ZIP codes entered by users to pull the appropriate result from the HUD counselor dataset and return a list of HUD-approved housing counseling agencies.

The HUD counselor dataset includes limited PII – contact information, including names and addresses – of individuals associated with HUD-approved housing counseling agencies. Additionally, the CFPB will be collecting zip codes input by the users of the locator tool in order to return search results, and it will use the zip codes and other data collected through the locator tool's use (analytics) in order to analyze usability of the tool. This PIA examines the privacy implications of increasing accessibility to this data by the CFPB, and the related locator tool found on the Bureau's website.

For more information about the CFPB website that hosts the CFPB housing counselor locator tool and access (through the API) to the HUD counselor dataset, see the [consumerfinance.gov PIA, December 1, 2011](#).⁴

SECTION 1.0 PURPOSE OF COLLECTION

³ HUD-approved housing counseling agencies are private and public nonprofit organizations that are exempt from taxation under section 501(a) pursuant to section 501(c) of the Internal Revenue Code of 1996, 26 U.S.C. §§ 501(a) and 501(c)), and approved by HUD, in accordance with HUD Counseling Program Handbook (7610.1) and 24 C.F.R. Part 214, to provide housing counseling services to clients directly, or through their affiliates or branches, and which meet certain requirements.

⁴ The ConsumerFinance.gov Privacy Impact Assessment, December 1, 2011 can be found at http://files.consumerfinance.gov/f/2012/01/CFPB_PIA_Social-Networks-Citizen-Engagement.pdf.

The CFPB will state the purpose and legal authority for collecting PII.

1.1 Why is the information being collected?

The CFPB is not collecting any new or additional information that changes or supplements the HUD counselor dataset. Housing counseling agencies provide the information contained in the HUD counselor dataset to HUD as part of their participation in the HUD housing counseling program. HUD makes this information available to the public. The CFPB is increasing access to the HUD counselor dataset in an effort to make the information more useful to the public, and in order to help lenders comply with the requirements outlined in the Dodd-Frank Act and the 2013 Home Ownership and Equity Protection Act (“HOEPA”) Final Rule. ZIP codes entered by users of the locator tool are collected in order to provide users with a list of HUD-approved housing counseling agencies within a specified range of their input ZIP code. Additionally, ZIP codes entered are used to evaluate use of the tool.

1.2 What legal authority and/or agreements allow the information to be collected?

The information contained in the HUD counselor dataset is provided by Housing counseling agencies to HUD pursuant to Section 106(e) of the Housing and Urban Development Act of 1968, 12 U.S.C. § 1701x(e), and HUD’s regulations outlined in 24 C.F.R. Part 214⁵.

1.3 Is the information searchable by a personal identifier – like a name or Social Security number? If so, what Privacy Act System of Records Notice(s) apply/applies to the information being collected?

Information in the HUD counselor dataset is governed by the HUD System of Records Notice (“SORN”), [HUD/DEPT-22 – Housing Counseling](#). While the CFPB will be making the HUD counselor dataset searchable by user ZIP codes, user entered ZIP codes are not considered part of HUD’s System of Records because in this instance the records are not uniquely retrieved by PII tied to the returned record.

1.4 Is there a records retention schedule that has been approved by the National Archives and Records Administration (NARA) for the information system(s)? Explain how long and for what reason the information is retained.

HUD’s schedule for records contained in the HUD counselor dataset is outlined in HUD’s SORN for the records, [HUD/DEPT-22 – Housing Counseling](#). Additionally, records collected through [consumerfinance.gov](#) (user analytics and ZIP codes entered in the locator tool) are being managed as permanent records until the disposition schedule for these records is approved by the National Archives and Records Administration, at which time, the CFPB will dispose of such files in accordance with the schedule.

⁵ Per 24 C.F.R. § 214.107(c) “(c) Appearance on list of HUD-approved and participating housing counseling agencies. For purposes of client referrals, participating agencies that provide housing counseling services directly to clients must provide HUD with the agency name and contact information, which may appear on HUD’s Web site. In addition, names and addresses of all participating agencies that provide housing counseling services directly may be made available to the public through HUD’s toll-free housing counseling hotline.”

- 1.5 Are there any forms or surveys that are associated with the collection of the information that would be covered by the Paperwork Reduction Act (PRA)?

The information contained in this dataset is provided by housing counseling agencies to HUD per OMB No. 2502-0573 (HUD-9900, Application for Approval as a Housing Counseling Agency) and OMB No. 2502-0261 (HUD-9902, Housing Counseling Agency Activity Report). OMB No. 3170-0023 (CFPB/High-Cost Mortgage and Homeownership Counseling Amendments to the Truth in Lending Act (“Regulation Z”))⁶ relates to ZIP codes entered by users to return results.

- 1.6 Are there any privacy risks for this system that relate to the purpose of the collection? If so, how will the CFPB mitigate these risks?

The CFPB’s use of HUD data and the related tool presents no privacy risks that relate to the purpose of the collection.

SECTION 2.0 OPENNESS AND TRANSPARENCY

The CFPB will be open and transparent. We should tell individuals about the PII we collect and how we will protect it, use it, and share it. We will provide an easy way for individuals to learn about what is happening to their PII.

- 2.1 Will individuals be given notice prior to the collection of personal information about them? If not, please explain.

The Bureau is republishing existing data collected by HUD as part of the housing counseling program. Housing counseling agencies who provide information to HUD as part of the housing counseling program are provided notice via HUD Form(s) 9900 and 9902, as well as 24 C.F.R. Part 214, HUD Counseling Program Handbook (7610.1), and program information available on the HUD housing counseling program website. Additional notice is also provided via HUD’s SORN, HUD/DEPT-22. Users of the locator tool are provided notice through this PIA.

- 2.2 Will individuals be given notice prior to their information being shared? If not, please explain.

See section 2.1.

- 2.3 Are there any privacy risks for this system that relate to openness and transparency? If so, how will the CFPB mitigate these risks?

The CFPB’s use of HUD data and the related tool presents no privacy risks that relate to openness and transparency. The CFPB is publishing this PIA concerning the increased access of the HUD counselor dataset (through the HUD API), and its new CFPB housing counselor locator tool to minimize risk related to openness and transparency.

⁶ Although OMB No. 3170-0023 is applicable as of publication of this privacy impact assessment, the Bureau intends to consolidate all Regulation Z control numbers into a single control number, OMB No. 3170-0015.

SECTION 3.0 DATA MINIMIZATION

The CFPB will limit the collection of PII to what is needed to accomplish the stated purpose for its collection. The CFPB should keep PII only as long as needed to fulfill that purpose.

3.1 Whose information is included in the system?

Executive Directors, POCs for, representatives, and other individuals associated with organizations who are HUD-approved housing counseling agencies. Limited information about users of the CFPB housing counselor locator tool is also included.

3.2 What PII will the system include?

Information about individuals associated with HUD-approved housing counseling agencies includes:

- Names (individuals and organizations)
- Organization address and contact information including:
 - Street address
 - City, state, ZIP code
 - Phone number
 - Fax number
 - Email addresses and website address

PII collected from users of the CFPB housing counselor locator tool includes:

- ZIP code entered for search results.

Additionally, consumerfinance.gov collects other non-identifying information from users of the CFPB housing counselor locator tool as part of normal operations supporting website functionality and security, (e.g. visit timestamps, browser version and operating system, pages viewed and time on site, etc.) for consumerfinance.gov, and to evaluate usability of the tool. More information about consumerfinance.gov is available in the consumerfinance.gov PIA and the consumerfinance.gov privacy policy⁷.

3.3 Why is the collection and use of the PII necessary to the project or system?

As discussed in Section 1.1, housing counseling agencies provide the information contained in the dataset to HUD as part of their participation in the HUD housing counseling program. The CFPB is not collecting any new or additional information that changes or supplements the dataset. Instead, the Bureau is republishing the HUD counselor dataset in an effort to make the information easier for the public to use, and in order to help lenders comply with the requirements outlined in Section 1450 of the Dodd-Frank Act and implemented through the 2013 HOEPA Final Rule. The CFPB collects ZIP codes in order to facilitate search results for users of its locator tool, and for conducting analysis of the tool's use.

3.4 Will the system aggregate previously unavailable data about the individual or create new data about the individual? If so, how will this data be maintained and used?

⁷ Available at <http://www.consumerfinance.gov/privacy-policy>.

No.

3.5 What controls exist to protect the consolidated data and prevent unauthorized access?

The HUD counselor dataset offered through consumerfinance.gov is a read-only application. Users may query the dataset using the CFPB housing counselor locator tool, or by using the HUD API, but cannot write to the system. Section 6.0 of this PIA discusses controls generally applied across all systems supporting the program.

3.6 Will the system monitor the public?

The CFPB will not monitor the public through this system. However, the CFPB conducts limited monitoring of the performance of the CFPB housing counselor locator tool and its database infrastructure to ensure adequate system performance. The CFPB also conducts limited monitoring of the website through which the public accesses the CFPB housing counselor locator tool, consumerfinance.gov, to keep the website secure and available to all users.

3.7 Will the system monitor employees or contractors?

No.

3.8 What kinds of reports can be produced on individuals? Will the data included in the reports produced be made anonymous?

The CFPB housing counselor locator tool permits users to query the HUD counselor dataset to return the ten closest counselors. The HUD API and the CFPB housing counselor locator tool also enables users to download or share data in the HUD counselor dataset in a variety of formats. HUD hosts the API, and users who develop a program and incorporate the API can present the HUD data in a variety of formats. It is likely that lenders or third-party developers will develop formats that are in compliance with the interpretive rule. Any information retrieved is limited to information outlined in Section 3.2. This information is already publicly available through HUD. The locator tool is programmed to always return the ten closest results, meaning users may not isolate a single record using the tool.

3.9 Are there any privacy risks for this system that relate to data minimization? If so, how will the CFPB mitigate these risks?

The CFPB's use of HUD data and the related tool presents no privacy risks that relate to data minimization.

SECTION 4.0 LIMITS ON USES AND SHARING OF INFORMATION

The CFPB will publish a notice about how we plan to use and share the PII that we collect from you. We will only share your PII in ways that are compatible with the notice or as stated in the Privacy Act.

4.1 Is the information in the project limited to only the information that is needed to carry out the purpose of the

collection?

Yes. This PIA relates to increasing accessibility to a publicly available dataset in an effort to make the information easier for the public to use, and to help regulated entities comply with requirements outlined in the Dodd-Frank Act and the 2013 HOEPA Final Rule. The CFPB is not collecting any new information that alters or supplements the HUD counselor dataset. ZIP codes are collected from users of the locator tool in order to return a list of HUD-approved housing counseling agencies in their area.

4.2 Will the CFPB share any of the information with other individuals, federal and/or state agencies, or private sector organizations? If so, how will the CFPB share the information?

As noted under Section 1.2, HUD and its authorizing statutes and regulations for the housing counseling program allow the public disclosure of the HUD counseling dataset. The CFPB is republishing this publicly available data on its website and creating a tool by which users can more easily search the dataset in order to locate HUD-approved housing counseling agencies in their area. ZIP codes entered by users of the locator tool for the purpose of returning results and conducting analysis of the tool's use are not shared.

4.3 Is the information collected directly from the individual or is it taken from another source?

As discussed in Section 1.1, housing counseling agencies provide the information contained in the HUD counselor dataset to HUD as part of their participation in the HUD housing counseling program. Consumers, lenders, and other members of the public who use the locator tool provide a ZIP code in order to return a list of the ten closest housing counseling agencies.

4.4 Will the project interact with other systems, whether within the CFPB or outside of the CFPB? If so, how?

The CFPB housing counselor locator tool and HUD API connection to its counselor dataset are intended for use by the public. The API, owned and managed by HUD, enables users to retrieve the HUD counselor dataset and use that data for their own applications or systems outside of CFPB. The locator tool and a link to the API are available through the Bureau's website, consumerfinance.gov. Otherwise, the system does not connect to other CFPB systems.

4.5 Are there any privacy risks for this project that relate to use limitation? If so, how will the CFPB mitigate these risks?

As this dataset has been and continues to be available to the public without limitation, there is no privacy risk relating to use limitation raised by the CFPB's use of HUD data and the related tool. Likewise, the use of input ZIP codes to evaluate use of the tool raises no privacy risks related to use limitation.

SECTION 5.0 DATA QUALITY AND INTEGRITY

The CFPB will make reasonable efforts to ensure that all PII it maintains is accurate, relevant, timely, and complete.

5.1 How will the information collected be verified for

accuracy and completeness?

CFPB accepts the HUD counselor dataset from HUD as accurate and complete, and does not alter the data or independently verify the accuracy and completeness of the dataset before republishing it through consumerfinance.gov, or making it available through the CFPB housing counselor locator tool. Users of the locator tool input ZIP codes directly, and the ZIP codes are therefore assumed accurate and complete. The Bureau relies on a geocoding tool to compare coordinates of ZIP codes entered against a list of coordinates of HUD-approved housing agencies in the dataset and returns a list of the ten closest results. Additionally, CFPB use automated controls to ensure integrity of the connection between its locator tool and the HUD API and corresponding dataset.

5.2 Are there any privacy risks for individuals whose information is collected or used by the project that relate to data quality and integrity? If so, how will the CFPB mitigate these risks?

The CFPB's use of HUD data and the related locator tool presents no privacy risks for this system that relate to data quality and integrity.

SECTION 6.0 SECURITY

The CFPB must protect PII from loss, unauthorized access or use, destruction, modification, or unintended or inappropriate disclosure.

6.1 Who will have access to the data in the project? What is the authorization process for access to the project?

The public has read-only access to dataset and CFPB housing counselor locator tool made available through consumerfinance.gov. There is no authorization process for read-only access to the dataset or for use of the CFPB housing counselor locator tool. Users cannot write to the system. The CFPB relies on the HUD API to make the dataset available and to populate results in the locator tool. CFPB employees do not have the ability to write to the system. Additional controls are discussed in Section 6.3.

6.2 Has the CFPB completed a system security plan for the information system(s) supporting the project?

Yes. Consumerfinance.gov, the website through which users access the locator tool and HUD API, resides in the CFPB Cloud 2 Environment, which received an Authority to Operate ("ATO") in May 2013. The Bureau reviews and updates (as necessary) the System Security Plan ("SSP") for consumerfinance.gov through the Continuous Monitoring process.

6.3 How will the system be secured?

Public access to consumerfinance.gov is limited to http and https and is proxied through a Microsoft Threat Management Gateway ("TMG"). Remote administrative access to consumerfinance.gov systems is through client Virtual Private Network ("VPN"), which provides user-level authentication and FIPS-140-2 encryption. Administrator accounts are approved and provisioned through the CFPB Access Control process. Logging is enabled on the consumerfinance.gov systems and is monitored by the CFPB Computer Security Incident Response Team ("CSIRT").

6.4 Are there mechanisms in place to identify security

breaches? If so, what are they?

In general, the CFPB follows the Treasury Department's directives related to security and privacy incidents. The CFPB has developed supplemental interim incident-reporting materials, and, upon moving onto its own network infrastructure, will issue new directives related to security and privacy incidents.

6.5 Are there any privacy risks for this system that relate to security? If so, how will the CFPB mitigate these risks?

The CFPB's use of HUD data and the related locator tool presents no privacy risks for that relate to security.

SECTION 7.0 INDIVIDUAL PARTICIPATION

The CFPB will give individuals, in most cases, the ability to access their PII, and allow them to correct or amend their PII if it is inaccurate.

7.1 What opportunities are available for individuals to consent to uses, decline to provide information, or opt out of the project? If no opportunities are available to consent, decline or opt out, please explain.

The CFPB is republishing publicly available information previously collected by HUD through the HUD housing counseling program. Individuals seeking to consent to uses, decline to provide information, or opt out of the project should pursue those opportunities through HUD. With regards to information collected by the locator tool, individuals who do not wish to provide their ZIP code may choose to not use the locator tool.

7.2 What procedures will allow individuals to access their information?

See section 7.1.

7.3 Can individuals amend information about themselves in the system? If so, how?

See sections 7.1 and 7.2.

7.4 Are there any privacy risks for this system that relate to individual participation? If so, how will the CFPB mitigate these risks?

The CFPB's use of HUD data and the related locator tool presents no privacy risks that relate to individual participation.

SECTION 8.0 AWARENESS AND TRAINING

The CFPB will train all personnel about the proper treatment of PII.

8.1 Describe what privacy training is provided to users, either generally or specifically relevant to the project.

The CFPB offers general privacy and security training to all employees of the CFPB, including Contractors who handle PII on behalf of the Bureau.

- 8.2 Are there any privacy risks for this system that relate to awareness and training? If so, how will the CFPB mitigate these risks?

The CFPB's use of HUD data and the related locator tool presents no privacy risks that relate to awareness and training.

SECTION 9.0 ACCOUNTABILITY AND AUDITING

The CFPB is accountable for complying with these principles. We will regularly check that we are meeting the requirements and take appropriate action if we are not doing so.

- 9.1 How does the system ensure that the information is used in accordance with the stated practices in this PIA?

As with all systems CFPB maintains and operates, there are internal controls to promote the appropriate use of information by CFPB employees. The CFPB provides its employees with appropriate privacy and security training to ensure information is used and has established role-based access to the data on consumerfinance.gov, thereby limiting those with write-access in order to maintain the integrity of the information. Because the CFPB is republishing data previously made publicly available by HUD, there are no external controls restricting its read-access or subsequent use.

- 9.2 Are there any privacy risks for this system that relate to accountability and auditing? If so, how will the CFPB mitigate these risks?

The CFPB's use of HUD data and the related locator tool presents no privacy risks that relate to accountability and auditing.