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Privacy Impact Assessment

REPUBLICATION OF THE HOME
MORTGAGE DISCLOSURE ACT
PUBLIC USE DATASET ON
CONSUMERFINANCE.GOV

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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.

This PIA concerns the republication of the Home Mortgage Disclosure Act Public Use Dataset (“HMDA Public Use Dataset” or “Dataset”). The Home Mortgage Disclosure Act of 1975, 12 U.S.C. 2801-2810 (“HMDA”), requires most mortgage lending institutions to collect, report to federal regulators, and make public certain data about mortgage loan applications and originations and purchases of mortgage loans. The Federal Financial Institutions Examination Council (“FFIEC”)² has made this loan-level data, with certain fields redacted to protect applicant and borrower privacy, available to the public since 1991.

In 2010, Congress amended HMDA to provide the CFPB with HMDA rule-writing, oversight, supervisory, and enforcement authority. To facilitate public access to the Dataset, the CFPB is republishing on consumerfinance.gov the Dataset that is available on the FFIEC’s website. The HMDA Public Use Dataset does not include any PII that directly identifies an individual, such as an individual’s name, address, or Social Security number. The Dataset includes information that, when combined with or linked to other publicly available information, may become identifiable. However, the CFPB does not use the

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 his or her 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 The FFIEC “is a formal interagency body empowered to prescribe uniform principles, standards, and report forms for the federal examination of financial institutions by the Board of Governors of the Federal Reserve System (FRB), the Federal Deposit Insurance Corporation (FDIC), the National Credit Union Administration (NCUA), the Office of the Comptroller of the Currency (OCC), and the Consumer Financial Protection Bureau (CFPB), and to make recommendations to promote uniformity in the supervision of financial institutions. In 2006, the State Liaison Committee (SLC) was added to the Council as a voting member.” <http://www.ffiec.gov/>.

Dataset to identify individuals. This PIA examines the privacy implications of the republication of the Dataset on consumerfinance.gov.

OVERVIEW

PROJECT / SYSTEM NAME: Republication of Home Mortgage Disclosure Act Public Use Dataset on consumerfinance.gov

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: Information about financial institutions
- Other Information: (including biometric and health or medical information)

Title X of the Dodd-Frank Wall Street Reform and Consumer Protection Act, Public Law No. 111-203, established the CFPB. The CFPB administers, enforces, and implements federal consumer financial laws, including HMDA. Since 1976, HMDA and its implementing regulation, Regulation C,³ have required most mortgage lending institutions to disclose to their federal regulators and the public information concerning home loan applications and home loans that the institutions originate or purchase during each year. Both HMDA and Regulation C have been amended several times since 1976 to expand their data collection and reporting requirements. Rulemaking authority for HMDA has been exercised by the Federal Reserve Board. For more information about HMDA, visit the FFIEC website at <http://www.ffiec.gov/hmda/>.

The information reported to regulators pursuant to HMDA and Regulation C is modified to protect loan applicant privacy and is made available to the public annually on the FFIEC’s website. The CFPB is republishing this HMDA Public Use Dataset on consumerfinance.gov in an effort to make the Dataset easier for the public to understand and use. The CFPB has also developed a data publishing application programming interface (“API”) to provide centralized

³ 12 CFR Part 1003 (previously, 12 CFR Part 203).

publication and user-friendly interfaces for public datasets available on consumerfinance.gov, beginning with HMDA. The data publishing API supports data visualizations, provides query tools that filter the data and allows users to create custom summary tables, and may facilitate further republication and use of the Dataset. The data publishing API also enables users to download or share data in a variety of formats.

This PIA examines the privacy implications of the republication of the HMDA Public Use Dataset on consumerfinance.gov. For more information about the CFPB website that hosts the data publishing API, see the Consumerfinance.gov Privacy Impact Assessment, December 1, 2011.⁴

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.

SECTION 1.0 PURPOSE OF COLLECTION

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

1.1 Why is the information being collected?

Financial institutions provide the information contained in the HMDA Public Use Dataset to their federal regulators pursuant to the requirements of HMDA and Regulation C. The regulators redact certain fields from the data for the purposes of protecting applicant and borrower privacy before making it available to the public. The CFPB is republishing this HMDA Public Use Dataset in an effort to make the information easier for the public to understand and use.

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

The information contained in the HMDA Public Use Dataset is provided by financial institutions to their federal regulators pursuant to Section 304(h) of HMDA, 12 U.S.C. § 2803(h).

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?

There are no direct personal identifiers in the HMDA Public Use Dataset, so it is not searchable by a direct personal identifier. Because information within the Dataset is not retrieved by a direct personal identifier, a System of Records Notice is not required.

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.

The HMDA Public Use Dataset is currently retained in accordance with the Federal Reserve Board Schedule N1-082-05-1, Home Mortgage Disclosure Act and Related Records. The CFPB will continue to retain these records until a CFPB records schedule is approved by NARA.

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 CFPB is not collecting new information. The information contained in this Dataset is provided by financial institutions to their federal regulators in accordance with the following information collections: OMB Nos. 3170-0008 (CFPB), 1557-0159 (Office of the Comptroller of the Currency), 3064-0046 (Federal Deposit Insurance Corporation), 7100-0247 (Federal Reserve Board), 2502-0539 (US Department of Housing and Urban Development), and 3133-0166 (National Credit Union Administration).

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?

As noted previously, the FFIEC already discloses the HMDA Public Use Dataset on its website. The republication of the Dataset on consumerfinance.gov makes the Dataset available to the public in an additional location and provides additional tools for users to use in interacting with the data. The CFPB does not believe that this republication of the Dataset presents any new privacy risks.

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.

Both HMDA and Regulation C provide notice to the public that federal agencies, including the CFPB, will collect the data that comprises the HMDA Public Use Dataset. Lenders are required to inform mortgage applicants that the Federal government requests information concerning the ethnicity, race, and sex of the applicant in order to monitor compliance with Federal statutes that prohibit lenders from discriminating against applicants on these bases.

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

Both HMDA and Regulation C provide notice to the public that the data that comprises the HMDA Public Use Dataset will be made public. Lenders are required to inform mortgage applicants that the Federal government requests

information concerning the ethnicity, race, and sex of the applicant in order to monitor compliance with Federal statutes that prohibit lenders from discriminating against applicants on these bases.

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?

Republication of the HMDA Public Use Dataset presents no new privacy risks for this system that relate to openness and transparency. The CFPB is publishing this PIA concerning the republication of the Dataset on consumerfinance.gov to minimize risk related to openness and transparency.

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?

The HMDA Public Use Dataset includes loan-level information concerning applications for home loans and home loans originated or purchased for dwellings in the United States and the Commonwealth of Puerto Rico during each calendar year.

3.2 What PII will the system include?

The HMDA Public Use Dataset does not include any information that directly identifies an individual. The HMDA Public Use Dataset includes the following information:

- Loan data
 - Application year
 - Loan or application type, purpose, amount (rounded to nearest thousand)
 - Action taken and denial reason, if applicable
 - Home Ownership and Equity Protection Act (HOEPA) flag
 - Lien status (first, subordinate, unsecured)
 - Rate spread on higher-priced mortgages
 - Purchaser type
 - Preapproval request
- Property data
 - Census tract, Metropolitan Statistical Area or Metropolitan Division, State, County
 - Property type

- Owner-occupancy status
- Originator data
 - Lender name
- Borrower data
 - Race, ethnicity
 - Sex
 - Annual income (rounded to nearest thousand)

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

As noted previously, HMDA requires financial institutions to collect, report to federal regulators, and make public information that comprises the HMDA Public Use Dataset. HMDA also requires the FFIEC to facilitate public access to the information that institutions must disclose. The CFPB is republishing the Dataset on consumerfinance.gov to improve public access to the Dataset.

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?

The HMDA Public Use Dataset on consumerfinance.gov will not aggregate previously unavailable data about any individual or create new data about any individual.

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

The HMDA Public Use Dataset on consumerfinance.gov is a read-only application. Users may query the Dataset but cannot write to the system.

3.6 Will the system monitor the public?

The CFPB will not monitor the public through its use of the data publishing API. However, the CFPB conducts limited evaluation of the performance of the data publishing API and its database infrastructure to ensure adequate system performance. The CFPB also conducts limited evaluation of the website through which the public accesses the data publishing API, consumerfinance.gov, to keep the website secure and available to all users.⁵

3.7 Will the system monitor employees or contractors?

⁵ The website is governed in accordance with the CFPB Privacy Policy, available at <http://www.consumerfinance.gov/privacy-policy>.

The data publishing API that publishes the HMDA Public Use Dataset does not monitor employees or contractors.

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

The data publishing API permits users to create visualizations from the Dataset and to query and filter the Dataset to create custom summary tables. The data publishing API also enables users to download or share data in the Dataset in a variety of formats.

As noted previously, the Public Use Dataset does not include any information that directly identifies an individual. Users may be able to isolate a single record, but the record will not contain any direct identifiers.

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

There is no privacy risk relating to data minimization raised by the republication of a publicly available dataset on consumerfinance.gov.

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. The CFPB is not collecting new information. This PIA concerns the republication of a publicly available dataset in an effort to make the information easier for the public to understand and use. Some users of the HMDA Public Use Dataset have identified difficulties with readily accessing and interacting with the data, and the CFPB seeks to address the concerns through republication of the Dataset on consumerfinance.gov.

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?

The CFPB is republishing, on consumerfinance.gov, a Dataset that is publicly available on the FFIEC website. As with the dataset available on the FFIEC website, the HMDA Public Use Dataset will be available to the public, including federal and state agencies and private sector organizations.

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

Financial institutions provide the information contained in the HMDA Public Use Dataset to their federal regulators. The regulators redact certain fields for the purpose of protecting applicant and borrower privacy and then share it with the public on the FFIEC website.

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

The data publishing API and the tools it offers are intended for use by the public. The API hosted on consumerfinance.gov enables users to retrieve the Dataset and use it for their own applications or systems. The data publishing API will not interact with other systems within the CFPB.

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 the HMDA Public Use Dataset has been and continues to be available to the public without limitation on the FFIEC website, there is no new privacy risk relating to use limitation raised by the republication of the Dataset on consumerfinance.gov.

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?

The CFPB accepts the HMDA Public Use Dataset from the FFIEC as accurate and complete, and does not alter the data or independently verify the accuracy and completeness of the dataset before republishing it on consumerfinance.gov. However, CFPB does use automated controls to ensure integrity of the HMDA Public Use Dataset received from the FFIEC and republished on consumerfinance.gov.

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?

Republication of the Dataset presents no new privacy risk related 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 the HMDA Public Use Dataset made available on consumerfinance.gov. There is no authorization process for read-only access to the Dataset. Users cannot write to the system.

The data publishing API is supported by a non-publicly available database layer that is not accessible by external users. CFPB Operations staff has access to the database layer for maintenance purposes. Access to this layer is granted through the CFPB Access Control Process and in accordance with the CFPB Acceptable Use Policy.

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

The data publishing API is an amendment to the Amazon Web Service (“AWS”) Cloud 2 System Security Plan (SSP). AWS Cloud 2 has been categorized as “Moderate” in accordance with the Federal Information Processing Standards

Publication (“FIPS PUB”) 199. The Authority to Operate (“ATO”) for AWS Cloud 2 was granted May 13, 2013. The data publishing API security environment will be reviewed as part of the AWS Cloud 2 reauthorization.

6.3 How will the system be secured?

The CFPB has implemented security controls and safeguards for the data publishing API to protect information contained in the system against unauthorized disclosure and access. These include:

- CFPB policies and procedures governing privacy and information security;
- Background checks on all personnel with internal access to the system;
- Initial and follow-on privacy and security awareness training for each individual with internal access to the system;
- Physical perimeter security safeguards;
- Security Operations Center to monitor antivirus and intrusion detection software;
- Risk and controls assessments and mitigation;
- Technical access controls, such as role-based access management and firewalls; and
- Appropriate disaster mitigation strategies, breach notification processes and plans, and secure channels for submitting transactional information.

The system also audits performance characteristics of the database infrastructure to alert when key performance indicators reach critical thresholds.

6.4 Are there mechanisms in place to identify security breaches? If so, what are they?

The CFPB has an incident-reporting plan and procedures for handling a security incident involving the data publishing API. The CFPB Computer Security Incident Response Team (“CSIRT”) evaluates daily use of the system and is responsible for reporting any incidents directly to the CFPB’s Information Systems Security Officer. This Officer coordinates all escalation, reporting and response procedures on behalf of the Bureau.

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

Republication of the Dataset presents no new privacy risks that relate to security. The Dataset that the data publishing API presents is disclosed to the public. As with all systems the 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 secured appropriately.

The CFPB only grants internal access to the system to authorized users who, based on their need to know, are restricted to the minimal amount of access and/or data required or appropriate to carry out their assigned job responsibilities. Access is terminated or reduced as necessary should the employee or contractor no longer have a need to know the information, change job functions, be terminated, or resign.

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.

There are no opportunities available for individuals to consent to uses, decline to provide information, or opt out of the republication of the HMDA Public Use Dataset on consumerfinance.gov, except that, under Regulation C, applicants may decline to provide information concerning ethnicity, race, and sex. Regulation C provides that, if an applicant declines to provide this information for an application taken in person, the lender must note this fact and then note the information on the basis of visual observation and surname, to the extent possible. If an applicant declines to provide the information for an application taken by mail or telephone or on the internet, the lender does not collect or disclose the information.

7.2 What procedures will allow individuals to access their information?

Because there are no direct personal identifiers in the HMDA Public Use Dataset, the Dataset is not searchable by a direct personal identifier. As such,

individuals are not able to access information concerning their individual mortgage loan applications or loans in the Dataset.

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

Because there are no direct personal identifiers in the HMDA Public Use Dataset, the Dataset is not searchable by a personal identifier. As such, individuals are not able to access or amend information concerning their application or loan in the Dataset.

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

Republication of the Dataset presents no new 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 privacy and security training to all CFPB personnel of the Bureau, including contractors who handle information on behalf of the CFPB.

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?

There are 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?

There are no external controls restricting the HMDA Public Use Dataset's read-access or subsequent use. As with all systems the 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.

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?

There are no privacy risks that relate to accountability and auditing.