

Sources and Uses of Data at the Bureau of Consumer Financial Protection



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1. Introduction

The Bureau of Consumer Financial Protection (Bureau) was created by the Dodd-Frank Wall Street Reform and Consumer Protection Act (Dodd-Frank Act). The Dodd-Frank Act states that the Bureau “shall seek to implement and ... enforce Federal consumer financial law consistently for the purpose of ensuring that all consumers have access to markets for consumer financial products and services and that [those markets] are fair, transparent, and competitive.”¹ Data informs this work to a great extent.

Outside of the Bureau’s Operations Division, three Divisions of the Bureau conduct most of the Bureau’s data-driven work: the Division of Supervision, Enforcement and Fair Lending (SEFL) is responsible for conducting supervisory, enforcement and fair lending activities; the Division of Research, Markets, and Regulations (RMR) is responsible for conducting research and monitoring the consumer financial products and services markets as well as developing, implementing, and assessing regulations; and the Division of Consumer Education and Engagement (CEE) is responsible for providing financial education to consumers and collecting, monitoring, and responding to consumer complaints regarding consumer financial products or services.

To fulfill its statutory functions and obligations, the Bureau obtains data to inform its decisions. These activities include:

- Writing rules, supervising companies, and enforcing the law
- Taking consumer complaints
- Providing financial education
- Researching the consumer experience of using financial products, and
- Monitoring financial markets for new risks to consumers

The Bureau has data governance processes for each stage of the data lifecycle, including intake, management, publication, and disposition of data. This report describes those processes as well as what data the Bureau collects, where data come from, how data are used, and how data are

¹ 12 U.S.C. § 5511.

accessed and “reused” within the Bureau.² Appendix A provides copies of the governance documents, Appendix B lists the Bureau’s data assets subject to the limitations described below, and Appendix C lists the Bureau’s Memoranda of Understanding with other governmental and quasi-governmental agencies that address the sharing of data.³ The Bureau intends to supplement this report with the text of its MOUs subject to obtaining the necessary approval of affected state and federal agencies.

Appendix B does not cover Bureau data collections from consumers on a voluntary basis through focus groups, one-on-one interviews, user testing or small-scale informal surveys, except where such data collection took place in the context of developing disclosures in a rulemaking or potential rulemaking context. The Bureau is compiling information with respect to the data collections excluded from this report and will supplement the report by adding it to Appendix B. The Bureau also is compiling and will add to Appendix B information on the third-party costs associated with the purchase and/or collection of information by or on behalf of the Bureau to the extent possible.

2. Data governance at the Bureau

Today, data intake, management, and publication are governed by the Bureau’s Policy on Information Governance and related directives and operational charters, as part of the Bureau’s data governance program.⁴ The Bureau’s Chief Information Officer (CIO)⁵ has delegated responsibility for this program to the Chief Data Officer (CDO), who generally oversees the Bureau’s data management. In this capacity, the CDO makes decisions regarding intake, management, disclosure, and disposition of Bureau data. The CDO reports to the Bureau’s CIO.

The CDO’s Office includes a Data Policy team that develops policies, standards, and guidance to help the Bureau manage its data assets throughout the data lifecycle. This team leads the

² This report does not address administrative data related to the Bureau’s operation, such as the Bureau’s own employment data or financial data.

³ This report uses the term “data asset” in recognition of the fact that what is sometimes colloquially referred to as a “dataset” is, in fact, multiple, related datasets.

⁴ See Appendix A for copies of the policy, standards, and data governance body charters.

⁵ The Bureau’s Director delegated to the CIO the authority to operate the Bureau’s information governance programs.

Bureau's data governance program, managing how Bureau employees collect, use, access, and disclose data. The Bureau has established several internal advisory bodies to review general data governance issues as well as specific data intakes and public disclosures of data, as described below.

The Bureau has data governance policies in place that govern how information and data are: brought into the Bureau; shared internally across Divisions; released to the public; securely stored, classified, and used; and ultimately disposed. In addition, some data collection authorities related to the day-to-day activities are delegated to specific divisions or offices, as noted below.

2.1 Bureau data governance policies

The CIO signed the Bureau's Policy on Information Governance in June 2014. It establishes the overall framework for the Bureau's data governance program. This policy sets in place guidelines that:

- Address what information the Bureau can and should take in, and how that information intake shall occur in order to ensure compliance with applicable laws, contractual obligations, and Bureau policy requirements.
- Set forth standards for assigning a sensitivity level that may afford additional guidelines and policies on its access, use, and overall management.
- Ensure information is adequately secured and responsibly used in accordance with applicable laws, contractual obligations, and Bureau policy requirements.
- Set forth standards for what information can and should be disclosed by the Bureau and its program offices, subject matter experts, and data owners, either to the general public or to other government entities.
- Describe the rules, roles, and responsibilities related to the retention, archiving, and destruction of electronic and physical information and related assets.

The Policy on Information Governance establishes the Bureau's Data Governance Board (DGB). It also describes how information governance oversight responsibilities may be delegated and outlines how the Bureau will take in, manage, and disclose information.

2.2 Bureau data governance bodies

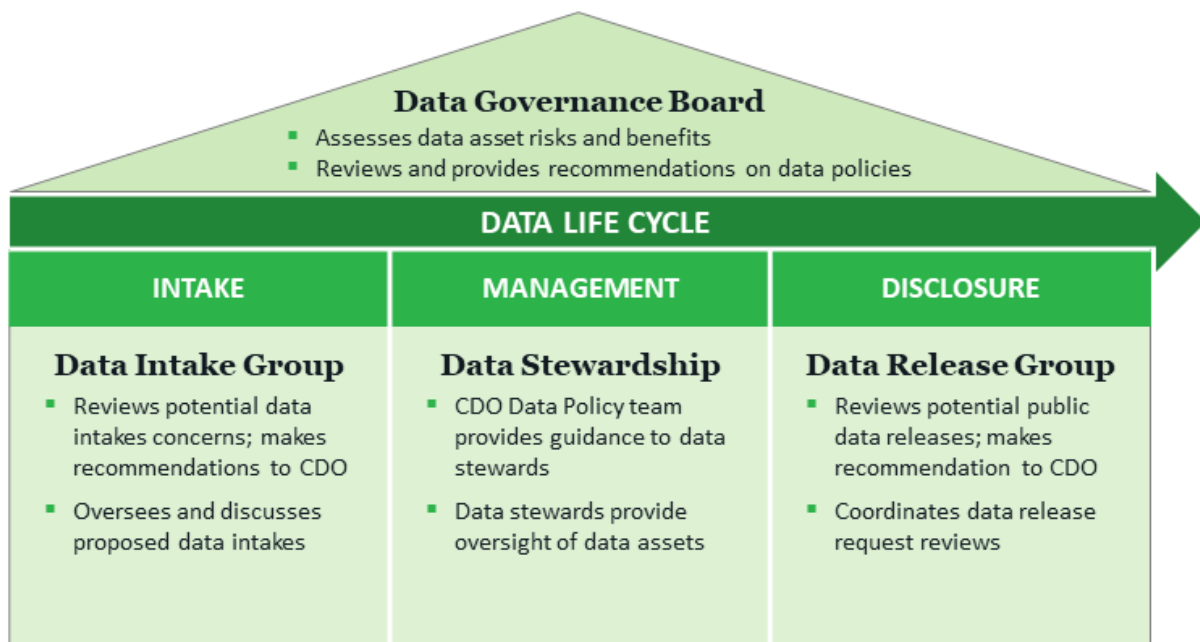
The Bureau manages its data through a centralized data governance program. In 2011, the Bureau stood up the Data Coordination Council (DCC) — chaired by the CIO with representation from every office in which data played an important role.⁶ A predecessor to the current Data Governance Board (DGB), the DCC served three primary objectives: 1) Coordinate internal data projects and policies; 2) Coordinate external data acquisition and sharing; and 3) Coordinate analytical resources. Subsequently, it was replaced by other data governance bodies, described below.

As the Bureau has grown, it has refined, documented, and improved its practices in response to changing technological and operational demands. This report is intended to describe the Bureau's current data practices.

The Bureau currently has chartered several internal bodies that work in coordination with each other as part of the data governance program to review the Bureau's data practices, review data intake and reuse requests, make recommendations regarding potential data disclosures to the public, and otherwise govern data.⁷ The diagram below illustrates their functions in the data lifecycle:

⁶ Participants included the Data Team, Data Librarian, RMR, Consumer Response, Enforcement, Supervision, Consumer Engagement, Front Office, Privacy, Records, Office of the General Counsel (now named the Legal Division), and Procurement.

⁷ See Appendix A for Policy on Information Governance and internal body charters.



2.2.1 Data Governance Board

The Bureau chartered the DGB in 2014 to replace the DCC as an advisory body on data policy. It advises the CDO on decisions regarding data intake, management, disclosure, and disposition, in accordance with Bureau policies.⁸ It also advises on creating and revising Bureau policies and procedures related to data. It is chaired by the CDO, and its members are senior staff, with cross-Bureau representatives including representatives from the CDO Data Policy team, Privacy team, Cybersecurity team, Office of Consumer Response, CEE, SEFL, RMR, Legal Division, External Affairs Division, Office of the Director, and the Operations Division Front Office.⁹

The DGB reviews data governance standards and directives and other Bureau data governance bodies' charters.¹⁰ The DGB ensures that the policies stay current with the Bureau's data needs and the rapidly evolving data security environment.

⁸ See Appendix A, at A4.

⁹ *Id.* at A4, section II(A).

¹⁰ *Id.* at A4, section IV.

The Bureau reviews data governance policies at least every five to seven years¹¹ and updates those policies as needed. For example, the Bureau is redrafting the sensitivity-leveling standard in 2018 to be more user-friendly and to align with the new government-wide guidance on Confidential Unclassified Information pursuant to Executive Order 13556.¹²

2.2.2 Data Intake Group

The Policy on Information Governance directs that the decision to acquire information be governed by eight guiding principles. The Bureau should: (1) ensure proper authority; (2) adhere to applicable law; (3) demonstrate due diligence; (4) avoid undue burden; (5) validate the reasonableness of an intake; (6) avoid redundancy; (7) align intakes with Bureau goals and objectives; and (8) standardize intakes where reasonably possible.¹³

The CIO formed the Bureau's Data Intake Group (DIG) to coordinate and review potential data intakes in accordance with the Policy on Information Governance, and to advise the CIO on related issues. The CIO established the DIG in October 2012 and signed a written charter in 2015. It is an operational committee that is coordinated by a representative of the Data Policy team, known as the DIG Coordinator, and the committee is comprised of staff-level technical experts representing the Bureau's Cybersecurity Office, Paperwork Reduction Act (PRA) Office, Records Office, Freedom of Information Act Office, Privacy Office, and the Legal Division.¹⁴ For data intake requests that require the CDO's approval, the DIG members provide recommendations before the CDO approves or denies the request.

The CIO has determined that certain public data and certain low-sensitivity non-public data, such as subscription-based website content, do not warrant review and approval by the CIO or his designee. Accordingly, the CIO has established exceptions to the general rule requiring approval before any data are stored on a Bureau computer or network. These exceptions are included in Appendix A.¹⁵

Additionally, where routine data intakes are a normal part of the Bureau's work, the CDO has granted the relevant operational office or division delegated authorities for these intakes within

¹¹ See Bureau of Consumer Fin. Prot., *Official Document Development and Approval*, at table 14: T&I Official Document Minimum Review and Timelines (Off. of Tech. & Innovation, Guideline TI-G-10-001, 2018).

¹² Exec. Order No. 13556, 3 C.F.R. part 2002 (2010).

¹³ See Appendix A, at A1, section II(A).

¹⁴ See Appendix A, at A5, section IIA (A).

¹⁵ See Appendix A, at A2, A3.

the Bureau's governance framework. For example, it delegated data governance responsibilities for consumer complaints to Consumer Response and delegated data governance responsibilities for data specific to supervisory and enforcement activities to Supervision and Enforcement, respectively.¹⁶ Each such office submits an annual report to the CDO and the DGB that describes the major data-related decisions and activities completed under the delegated authority. The CDO and DGB review the annual reports and information provided by each delegated authority to determine whether that delegation should be continued as drafted, amended, or rescinded.¹⁷

The Bureau generally obtains data, consistent with its authorities, from five main sources: public sources, government agencies, commercial vendors, financial institutions (FIs), and consumers.¹⁸ As governed by the Policy on Information Governance, DIG charter, and DIG procedures — except as noted above — the DIG generally reviews proposed intakes of data for intended use, intended access, and compliance with applicable law and regulations and Bureau policies, including privacy and data security requirements.

The Bureau obtains many data assets for a single purpose involving a single office or division, such as a usability study pertaining to the Bureau's website or a supervisory examination of a FI. Data intakes can also be intended for multiple uses, such as Call Reports,¹⁹ noted in the Core Data Assets section, or for one purpose that involves the participation of several Bureau offices, such as research pertaining to financial education. The Bureau is in the process of centralizing through the DIG the process of reviewing requests by one part of the Bureau to use information that was brought in for a different purpose (referred to here as "reuse"). The preexisting policy and practice regarding reuse is discussed in the Data Reuse section of this report.

As detailed in the Policy on Information Governance, specific rules govern how the Bureau shares information internally across business areas based on the sensitivity level of the information and the authority under which the information was received. Before the Bureau

¹⁶ When this report refers to an office within the Bureau, the office name is capitalized without the preface "office of." Divisions, which are comprised of multiple offices, are referred to by their acronyms which are set forth in the introduction.

¹⁷ See Appendix A, at A1 section IV.

¹⁸ There is a very small miscellaneous category — referred to in Appendix B as "other" — which mostly includes data intakes from non-profit research organizations.

¹⁹ Call Reports, also called Consolidated Reports of Condition and Income, are reports of condition and income that each national bank, state member bank, insured state nonmember bank, and savings association must file with the FDIC every quarter. Specific reporting requirements depend on the size and type of institution, but information included in the Call Reports generally pertains to the institution's income, investments, assets, liabilities, etc. See FFIEC, *Report Forms*, https://www.ffiec.gov/ffiec_report_forms.htm (last visited July 24, 2018).

adopted this policy in 2014, individual offices or divisions within the Bureau developed protocols for sharing data with other offices or divisions. See Section below, *Data collected for supervision or enforcement used for research, monitoring, assessments or rulemaking*.

The Bureau's Records Management Office has primary responsibility for developing and implementing the Bureau's record management program, including records retention schedules, in accordance with applicable laws, as described in the Information Governance Policy.²⁰ The rules around identification, classification and scheduling of official records are defined by the Bureau's Records Management Office.²¹ The DIG includes a member of the Records Office to advise on retention (archival and disposal) requirements for records and non-records at the time of information intake or creation. Annually, the Records Officer notifies the DIG of eligible data assets for potential removal and destruction. The DIG evaluates the eligible data asset and makes a recommendation to the CDO as to whether the data should be removed or the retention period extended for one year based on a written justification. Once the CDO makes a determination, the data catalog is updated to reflect the new retention period. Where information is governed by a legal agreement, these legal agreements may provide additional disposition requirements.

2.2.3 Data Release Group

The CDO chartered the Bureau's Data Release Group (DRG) in 2017 as an operational body comprised of staff-level technical experts. Members include representatives from the CDO's Data Policy team, Office of Research, Privacy team, Legal Division, and the Division of External Affairs (EA). If an office or division seeks to release a Bureau data asset, the DRG works to review and refine the proposed releases. The DRG has recommended the CDO approve five proposed data disclosures since 2016.

2.3 Data security and privacy

The Bureau's Privacy Policy establishes the Bureau's privacy principles,²² including safeguarding the data it acquires, acquiring only the information it needs to execute each task, and

²⁰ See Appendix A, at A1, section V.

²¹ These rules are set forth in the Bureau's *Agency File Code Policy*, and are consistent with federal law and National Archives and Records Administration (NARA) directives.

²² See Bureau of Consumer Fin. Prot., *Privacy Policy*, <https://www.consumerfinance.gov/privacy/privacy-policy/> (last visited July 30, 2018).

minimizing intake of direct personal identifiers or personally identifiable information (PII).²³ Where direct personal identifiers are necessary to perform Bureau work, such as responding to and monitoring consumer complaints, conducting enforcement investigations and litigation, or conducting supervisory activities, the Privacy Policy provides that access to the data assets that contain identifiers is to be limited to staff for whom access is relevant to their assigned duties.

The Bureau issues publicly available System of Records Notices (SORNs) pursuant to the Privacy Act of 1974. The SORNs describe personal information that the Bureau receives, why the Bureau receives such information, how the Bureau uses the information, and why and how the information may be shared. As shown in the table below, the Bureau has issued 26 SORNs, two of which have been rescinded.²⁴ Although individual consumers are not identified in most Bureau data, where applicable, individuals can submit requests to the Bureau under the Privacy Act to access, correct, or amend information that the Bureau may have about them.

TABLE 1: BUREAU SYSTEM OF RECORDS NOTICES

SORN name	SORN number
Freedom of Information Act/Privacy Act System	CFPB.001
Depository Institution Supervision Database	CFPB.002
Non-Depository Institution Supervision Database	CFPB.003
Enforcement Database	CFPB.004
Consumer Response System	CFPB.005
Social Networks and Citizen Engagement	CFPB.006
Directory Database	CFPB.007
Transit Subsidy	CFPB.008
Employee Administrative Records	CFPB.009
Ombudsman System	CFPB.010

²³ PII includes not only direct personal identifiers such as Social Security number, name, and email address but also includes any other information that, when combined with other data, could facilitate re-identification such as zip code, date of birth (MM/YY), and gender. See Office of Mgmt. & Budget, Circular No. A-130, *Managing Information as a Strategic Resource*, at Appendix II, (July 28, 2016).

²⁴ Bureau of Consumer Fin. Prot., *System of Records Notices (SORNS)*, <https://www.consumerfinance.gov/privacy/system-records-notices/> (last visited Aug. 27, 2018). Two notices were rescinded because they were not legally required, as explained in the applicable notices of rescindment. See *id.*

SORN name	SORN number
Correspondence Tracking Database	CFPB.011
Interstate Land Sales Registration Files (ILS) (Rescinded)	CFPB.012
External Contact Database	CFPB.013
Direct Registration and User Management System (DRUMS)	CFPB.014
Ethics Program Records	CFPB.015
CFPB Advisory Boards and Committees	CFPB.016
Small Business Review Panels and Cost of Credit Consultations	CFPB.017
CFPB Litigation Files	CFPB.018
Nationwide Mortgage Licensing System & Registry (NMLS)	CFPB.019
Site Badge and Visitor Management System	CFPB.020
Consumer Education and Engagement Records	CFPB.021
Market and Consumer Research Records	CFPB.022
Prize Competitions Program Records	CFPB.023
Judicial and Administrative Filings Collection (Rescinded)	CFPB.024
Civil Penalty Fund and Bureau-Administered Redress Program Records	CFPB.025
Biographies	CFPB.026

The Bureau also publishes Privacy Impact Assessments (PIAs) that describe the Bureau's practices related to collection of PII.²⁵ The Bureau has published 30 PIAs.

TABLE 2: BUREAU PRIVACY IMPACT ASSESSMENTS

PIA name
Geocoder Service PIA
Social Media PIA

²⁵ See Bureau of Consumer Fin. Prot., *Privacy Impact Assessments (PIAs)*, <https://www.consumerfinance.gov/privacy/privacy-impact-assessments/> (last visited Aug. 23, 2018).

PIA name
Freedom of Information Act/Privacy Act System.
Scheduling and Examination System (SES) PIA (November 2012 update)
Litigation and Investigation Support Toolset (LIST) PIA.
Matters Management System (MMS) PIA. (October 2012 update)
Consumer Response PIA.
Consumerfinance.gov PIA.
Directory Database System PIA.
CFPB Business Intelligence Tool.
Nationwide Mortgage Licensing System & Registry PIA.
HUD Counselor Tool PIA.
Civil Penalty Fund PIA.
Market Analysis of Administrative Data Under Research Authorities PIA.
Republication of the Home Mortgage Disclosure Act Public Use Dataset PIA.
Consumer Experience Research PIA.
Certain Supervision, Enforcement, and Fair Lending Data used for Market Research.
Consumer Education PIA.
Extranet PIA.
Industry, Expert, and Community Input and Engagement PIA.
Market Research in the Field.
Cloud 2 General Support System.
EEO Database System – iComplaints.
Infrastructure General Support System.
Compliance Tool PIA.
Publication of Consumer Response Complaint Narratives.
Supervision, Enforcement, and Fair Lending Data PIA.
Labor and Employee Relations System PIA.

PIA name

[Home Mortgage Disclosure Act Platform PIA](#)

[Home Mortgage Disclosure Act Data Collection PIA](#)

The Policy on Information Governance sets forth the principles governing who may be granted access to what data, based on the sensitivity level of the data and the user's assigned duties. The Bureau manages access to data at the level of each individual data asset for all network users, including contractors. In addition, all users are subject to the same training requirements and background checks. The Bureau grants access to information consistent with the information's sensitivity level (as outlined in the Bureau's *Information Sensitivity Leveling Standard*), the authority under which the Bureau collected the information, the Bureau's information sharing standards, cybersecurity policies and procedures, and applicable law or contractual obligations. The Bureau's Office of Cybersecurity uses the NIST Risk Management Framework²⁶ to prioritize data according to its sensitivity. The same office continuously monitors systems for indications of a potential system compromise, and routinely identifies and blocks a number of potential exploit attempts. To date, the Bureau is not aware of any attacks from outsiders that resulted in third parties gaining access to non-public data without appropriate authorization. The Bureau also has not experienced a "major incident" as that term is defined by OMB and FISMA.²⁷

OMB defines "breach" broadly to include instances in which a person other than an authorized user accesses or potentially accesses PII.²⁸ The Bureau has experienced 371 such breaches through June 2018. More than half of the Bureau's discrete breaches of PII occurred in connection with the Bureau's consumer response function, through which the Bureau has handled more than 1.5 million complaints. Those confirmed breaches generally occurred in one of three ways:

²⁶ NIST, *Risk Management*, [https://csrc.nist.gov/projects/risk-management/risk-management-framework-\(RMF\)-Overview](https://csrc.nist.gov/projects/risk-management/risk-management-framework-(RMF)-Overview), (last visited Sept. 4, 2018).

²⁷ Memorandum for the Heads of Exec. Dep'ts and Agencies from Mick Mulvaney, Director, Office of Mgmt. & Budget, M-18-02, (Oct. 16, 2017), available at <https://www.whitehouse.gov/sites/whitehouse.gov/files/omb/memoranda/2017/M-18-02%20%28final%29.pdf>; 44 U.S.C. § 3551 *et seq.*

²⁸ Memorandum for the Heads of Exec. Dep'ts and Agencies from Shaun Donovan, Director, Office of Mgmt. & Budget, M-17-12, (Jan. 3, 2017), available at https://www.whitehouse.gov/sites/whitehouse.gov/files/omb/memoranda/2017/m-17-12_0.pdf (regarding Preparing for and Responding to a Breach of Personally Identifiable information).

1. The Bureau fails to follow internal processes and provides an update to a consumer about his or her complaint prior to receiving three pieces of information that would validate the consumer's identity;
2. The Bureau attaches an incorrect document to a consumer's complaint; or
3. The Bureau sends an unencrypted email to the wrong consumer.

The breaches that occurred outside of the consumer response function typically were instances when a Bureau employee sent an email including PII to the wrong individual, either inside or outside the Bureau.

Almost all breaches (approximately 90 percent) involved one or more of the following data elements: first name, last name, email address, phone number, or account number. For almost all of these breaches, the number of individuals potentially impacted by each breach is most likely one. This means that those breaches each involve separate pieces of information and no multiple data lapses occurred for any breach.

It is also important to note that, as stated above, the Bureau uses the broad definition of PII promulgated by OMB when referring to confirmed breaches (meaning that PII encompasses any information that can be used to distinguish or trace an individual's identity, either alone or when combined with other information that is linked or linkable to a specific individual).

2.4 External auditing

The Bureau's data governance, privacy programs, and information security have been subject to a number of recent audits or other third-party analyses that are relevant to this report.

2.4.1 U.S. Government Accountability Office

The U.S. Government Accountability Office (GAO) audited the Bureau's information and data practices, and published a report on its review on September 22, 2014.²⁹ The GAO audit stated that the "CFPB has taken steps to protect the privacy of consumers and comply with requirements, restrictions, and recommended practices in the Dodd-Frank Act, [PRA], Privacy Act, E-Government Act, and NIST guidelines." The GAO's report contained 11 recommendations for the Bureau, focused primarily on formalizing and documenting existing

²⁹ See Gov't Accountability Off., GAO-14-758, Some Privacy and Security Procedures for Data Collections Should Continue Being Enhanced, (Sept. 22, 2014), available at <https://www.gao.gov/assets/670/666000.pdf>.

privacy and security practices.³⁰ The GAO “closed” each recommendation by April 17, 2017, meaning that the GAO determined that the Bureau took actions that satisfy the intent of its recommendation, as described below and reflected on the GAO’s website.³¹ To help ensure consistent implementation of its current processes and practices, the GAO recommended that the Director of the Bureau should “...establish or enhance written procedures including...”

1. The data intake process, including reviews of proposed data collections for compliance with applicable legal requirements and restrictions and documentation requirements about PRA applicability and OMB review under the PRA;
2. Anonymizing data, including how staff should assess data sensitivity, which steps to take to anonymize data fields, and responsibilities for reviews of anonymized data collections;
3. Assessing and managing privacy risks, including documentation requirements to support statements about potential privacy risks in PIAs and for determinations that PIAs are not required;
4. Monitoring and auditing privacy controls; and
5. Documenting information security risk-assessment results consistently and comprehensively to include all NIST-recommended elements.

These recommendations were resolved by documenting the existing processes and practices in written policies and procedures.

To enhance the protection of collected consumer financial data, the GAO also recommended that the Director of the Bureau should fully implement the following five privacy and security steps:

1. Develop a comprehensive written privacy plan that brings together the existing privacy policies and guidance;
2. Obtain periodic reviews of the privacy program’s practices as part of the independent audit of Bureau’s operations and budget;
3. Develop, implement, and provide role-based privacy training;

³⁰ *Id.* at 65-66.

³¹ *See id.* at “Recommendations” tab.

4. Update remedial plans for the information system that maintains consumer financial data and related components to include all identified weaknesses and realistic scheduled completion dates that reflect current priorities and available resources; and
5. Include an evaluation of the plans related to priorities and resources. Evaluate compliance with contract provisions relating to information security in the Bureau's review of the for service provider that processes consumer providers of financial data for the Bureau.

These recommendations were resolved by:

- a. Creating a comprehensive written privacy plan;
- b. Including the privacy program in the independent audit. (The results of the 2017 audit are summarized below.);
- c. Conducting role-based privacy and cybersecurity training annually;
- d. Reviewing and enhancing internal documentation related to the plan of actions and milestones program; and
- e. Analyzing and updating the internal risk management process and updating the procurement language.

Finally, the GAO recommended that, to provide greater assurance of compliance with PRA, the Director of the Bureau should also consult further with the OMB about whether PRA requirements apply to its credit card data collection and information-sharing agreement with the OCC, and document the result of this consultation.

This recommendation was resolved by re-confirming with OMB that the credit card collection was compliant with PRA and the conversation and approval was documented.

2.4.2 Office of the Inspector General

The Bureau's Office of the Inspector General (OIG) reviews the Bureau's privacy program and information security on an annual basis. In its September 27, 2017, memorandum to the Bureau Director,³² the OIG noted:

³² Memorandum to Richard Cordray, Director, Bureau of Consumer Fin. Prot. from Mark BialekOff, Inspector Gen., 2017 List of Major Management Challenges for the CFPB, (Sept. 17, 2017), *available at* <https://oig.federalreserve.gov/reports/cfpb-major-management-challenges-sep2017.pdf>.

Information security continues to be a key risk in the federal government, and as is the case for most federal agencies, the CFPB faces challenges due to the advanced persistent threat to information technology (IT) infrastructures. Although the CFPB has assumed responsibility for its IT infrastructure (the U.S. Department of the Treasury was previously responsible for the CFPB's IT infrastructure) and continues to mature its information security program, the agency faces challenges in fully implementing its information security continuous monitoring program. Specifically, the CFPB should implement a data loss prevention program and ensure that automated feeds from all systems, including contractor-operated systems, feed into the CFPB's security information event management tool.

The CFPB has taken several steps to develop and implement an information security continuous monitoring program that is generally consistent with federal requirements. For example, the CFPB has implemented a centralized logging information tool for CFPB systems. CFPB management continues to face challenges, however, associated with maturing its information security continuous monitoring program across the agency; such challenges include establishing alerting capabilities and continuous monitoring metrics and further automating tools for several of its manual information security continuous monitoring processes.³³

The Bureau is in the process of enhancing the continuous monitoring program, consistent with OIG's recommendations.

In its latest Independent Audit of the Consumer Financial Protection Bureau's Privacy Program in February 2018,³⁴ the OIG stated:

Overall, we found that the CFPB has substantially developed, documented, and implemented a privacy program that addresses applicable federal privacy requirements and security risks related to collecting, processing, handling, storing, and disseminating sensitive privacy data. Further, we noted that the CFPB has documented privacy policies and procedures covering a wide range of topics, including privacy roles and responsibilities, privacy impact assessment (PIA) and

³³ *Id.* at 2.

³⁴ Off. of Inspector Gen., 2017-IT-C-008, *Report on the Independent Audit of the Consumer Financial Protection Bureau's Privacy Program*, (Feb. 14, 2018), available at <https://oig.federalreserve.gov/reports/cfpb-privacy-program-feb2018.pdf>.

system of records notice (SORN) management, training, breach notification and response, and monitoring and auditing.

Although the CFPB has substantially developed, documented, and implemented a privacy program with related policies and procedures, we identified two areas that require improvement: identification and maintenance of a comprehensive inventory of PII and physical controls over the CFPB's portable media.³⁵

The Bureau has accepted the OIG's findings. To resolve this recommendation, the Bureau agreed to include administrative data systems (such as Bureau's own financial data) in the PII inventory (which currently contains public, vendor, other agency, FI, and consumer data); provide locks for laptops stored in the secure building after work hours; and monitor the locking of laptops to desks within the secure building.

2.4.3 2018 White Hat Hacking Exercise

In January of 2018, the Bureau signed an Interagency Agreement with the Department of Defense to leverage Risk and Vulnerability Assessment (RVA) services as a mechanism to identify potential gaps in cybersecurity controls. This "white-hat hacking" effort is the same service the Department of Homeland Security (DHS) provides to other federal agencies to assess technical vulnerabilities beyond those identified in their Cyber Hygiene program, in which the Bureau also participates. RVA testing was completed in the spring of 2018 with no "Critical" findings identified by the assessors, and three technical recommendations. The Bureau has completed remediation of all three recommendations made by the assessors. The review concluded that overall the Bureau's security posture is well-organized and maintained.³⁶

³⁵ *Id.* at 2.

³⁶ The Bureau is not releasing the report because of the technical security details contained therein.

3. Sources of data

The Bureau has five main external sources of data: public sources, government agencies, commercial vendors, FIs,³⁷ and consumers.³⁸ The Policy on Information Governance directs the Bureau to, wherever reasonably possible, avoid requesting or receiving duplicative information (whether from the same or different sources).³⁹ Therefore, the first approach to acquiring data involves identifying whether the data the Bureau needs, or a reasonable approximation thereof, are already available within the Bureau, in the public domain, or — to the Bureau’s knowledge — from another agency. If so, the Bureau explores using those data rather than creating a new collection. When existing sources are not sufficient, the Bureau seeks to collect the data from an external source.⁴⁰

3.1 Obtaining public data

When available, the Bureau uses public data. Data may have been collected and made public by a government agency or by a private party such as a researcher. Appendix B lists 32 public data assets the Bureau obtained or downloaded, three additional data assets that combine public data with non-public data obtained from another agency, and one additional data asset that combines public data with data procured from a commercial vendor. This is a best effort to provide a comprehensive listing of public data assets the Bureau has obtained, although this listing may be incomplete because (as previously discussed) Bureau policy permits employees to obtain certain public data without approval from the CDO. Therefore, for example, this listing does not include instances in which a Bureau employee may have downloaded or otherwise obtained a copy of a public report, including statistical appendices to such a report. Approval is required, however, for public microdata (consumer-level or account-level data) and any large data assets intended for Bureau-wide use, and those data assets are included in Appendix B.

³⁷ For the purposes of this report, the term “financial institution” refers to organizations and firms engaged in offering or providing consumer financial products or services, including those firms defined as ‘covered persons’ in the Dodd-Frank Act, and service providers to such organizations or reporting information to the Bureau. This term also refers to organizations acting on behalf of financial institutions.

³⁸ For the purposes of this report, the term consumer also encompasses organizations acting on behalf of consumers, individuals or firms acting as whistleblowers, and financial educators.

³⁹ See Appendix A at A1, section II(A); *id.* at section II(A)(6).

⁴⁰ For law enforcement work, data are usually collected directly from financial institutions for evidentiary reasons, to track chain of custody, and to maintain confidentiality. However, to reduce burden, the Bureau does obtain information from other government agencies in accordance with MOUs or other agreements, and in accordance with applicable law.

Much of the Bureau's public data assets consist of data assets released by government agencies including the Census Bureau's decennial census, the American Community Survey, American Housing Survey, Current Population Survey, Quarterly Census of Employment and Wages, and others. Public data from other sources include consumer finance and housing data published on the Board of Governors of the Federal Reserve System's public website, and records from public websites of state and municipal agencies.

3.2 Data sharing from and with other government agencies and regulators

In some cases, the Bureau may be aware that other government agencies collect data that meet the Bureau's analytical, supervisory, enforcement, research, complaint handling or other needs. In these cases, the Bureau works with the other agencies to obtain the data. This method can help to reduce burden on industry and minimize overall government costs, while generally providing high quality data. In some cases, such as data collected under the Home Mortgage Disclosure Act (HMDA), some of the data are public while a subset of the data is restricted.

Appendix B lists 20 non-public data assets that the Bureau has obtained from other government agencies, most of which are financial regulators, three data assets which combine public data with non-public data obtained from another agency as noted above, and three data assets which combine data obtained from another agency with either data obtained from a vendor or data obtained from financial institutions.⁴¹ This listing does not include instances in which the Bureau may have obtained a non-public report or document from another agency which was of low sensitivity (as defined in the Bureau's policy)⁴² because (as noted above) the Bureau does not centrally track instances in which employees obtain reports. This is a best effort to provide a comprehensive listing of data assets obtained by the Bureau from other agencies. However, the list may be incomplete because the determination of whether particular information is of low sensitivity as defined in the Bureau's policy requires the exercise of judgment by individual or employees which obtain such material. A further limitation in providing a comprehensive list is that, pursuant to the Information Governance Policy, authority for some data intakes – including data intakes by Supervision and Enforcement – are not centrally recorded but managed under a delegated authority pursuant to the Information Governance Policy,⁴³ as

⁴¹ One of the data assets – the National Mortgage Database, which is discussed further in the section of this report on Core Data Assets – is a combination of data procured from commercial vendors with data obtained from other agencies. The Supervision and Enforcement data assets combine data obtained from FIs with data obtained from other agencies.

⁴² See Appendix A, at A3.

⁴³ See Appendix A, at A1, section I(F).

explained in the *Data Governance at the Bureau* section of the report. Finally, especially during the early years of the Bureau's existence, some data assets may have been obtained from a government agency and not recorded.

For three data assets – specifically, Call Reports collected by the Federal Financial Institutions Examination Council (FFIEC) and by the National Credit Union Administration (NCUA), and data collected by the FFIEC pursuant to the Home Mortgage Disclosure Act – a subset of the data collected by an agency is public while other parts of the data collection are non-public and have been provided to the Bureau. In these instances, these data assets are listed as both public and agency data assets in Appendix B.

The Bureau's government data assets consist largely of nonbank, housing, credit card, consumer complaint, and education data.

Data-sharing agreements, often referred to as Memoranda of Understanding (MOU), are used between agencies to ensure the secure handling and use of data. A list of the Bureau's data-sharing MOUs is available in Appendix C. The Bureau intends to supplement this report with the text of its MOUs subject to obtaining the necessary approval of affected state and federal agencies.

An Interagency Access Request (IAR) is a request from another agency for confidential information collected by the Bureau (e.g., confidential investigative information (CII) or confidential supervisory information (CSI), typically collected by the Bureau during the course of an investigation or an examination and requested by another governmental agency as part of investigative or enforcement activity by that agency). The IAR process implements the Bureau's regulations on sharing the Bureau's confidential information with federal and state agencies. See 12 C.F.R. § 1070.43(b). Between Q3 of FY' 2012 and Q3 of FY' 2018, the Bureau processed 501 requests from 117 state, local, and federal agencies.

In addition, agencies that sign data-sharing agreements with Consumer Response can access consumer complaint data via the Bureau's Government Portal. As of July 2018, there were 78 state agencies, nine federal agencies, one local agency, and one organization acting on behalf of state regulators, with access to the government portal. Also, Congressional offices that sign data-sharing agreements with Consumer Response can access information about the consumer complaints they submit on behalf of their constituents via a secure Congressional Portal. Each office has access only to those complaints for which they also submit signed privacy waivers. As of August 2018, there were 149 Congressional offices with access to the Congressional Portal.

The Bureau refers consumer complaints that are outside of the Bureau's statutory authority to the prudential regulator responsible for the type of complaint.

The Bureau shares the restricted (*i.e.*, non-public) portion of HMDA data with the Federal Financial Institutions Examination Council agencies, U.S. Department of Housing and Urban Development, and the Federal Housing Finance Agency (FHFA).

3.3 Purchasing data from commercial vendors

If the data needed are not available within the Bureau and cannot be readily obtained from another government agency, they can sometimes be obtained through a commercial vendor. The Bureau's Policy on Information Governance directs that the Bureau should seek to ensure that it does not place unnecessary burdens (technical, financial, etc.) on external parties in the course of requesting or receiving information.⁴⁴ Therefore, if the Bureau is aware of commercially available data that potentially can meet the Bureau's needs in a timely and cost-effective manner, the Bureau makes reasonable efforts to purchase the data. This approach can also help to reduce industry burden and is generally more cost effective than conducting a new survey or collection.

Appendix B lists 31 data assets which the Bureau has purchased from vendors, two additional data assets which combine data collected from a financial institution with data purchased from a commercial vendor,⁴⁵ and one data asset which combines data obtained from other agencies with purchased data.⁴⁶ This listing does not include instances in which the Bureau may have purchased a research report or other low-sensitivity information from a third party, as such purchases are not centrally tracked by the Bureau's data team. This is a best effort to provide a comprehensive listing of purchased data assets. However, as noted above, the listing may be incomplete because the determination of whether particular information is of low sensitivity as defined in the Bureau's policy requires the exercise of judgment by individual employees. Further, especially during the early years of the Bureau's existence, some small data assets may have been purchased from a third party and not centrally recorded with the Bureau's data team.

Purchased data consist of: data aggregated at a geographic or industry level; data aggregated at the level of individual financial institutions; or de-identified (whenever appropriate) data at the account or consumer level. The Bureau purchases data that are off-the-shelf products that the vendor sells to any willing purchaser. Other procured data may be customized products

⁴⁴ See Appendix A, at A1, section II(A).

⁴⁵ To prepare a congressionally-mandated report on the value of remittance transfer history in predicting credit performance, (*see* 12 U.S.C. § 5602(e)), the Bureau collected transaction data from a remittance transfer provider and credit reporting data from a national credit reporting agency.

⁴⁶ See *supra* note, n.41.

compiled from data that the vendor has collected in the normal course of its business from financial institutions, consumers, or public records.

On several occasions, the Bureau or a Bureau vendor arranged to have data obtained from a vendor (specifically one of the three nationwide consumer reporting agencies) appended to data obtained from one or more financial institutions. Those instances are included in Appendix B. In all but one instance the financial institution provided the nationwide consumer reporting agency with information that enabled the agency to identify the individuals whose (de-identified) records had been provided to the Bureau or a Bureau vendor, as well as a match key. This enabled the consumer reporting agency to provide a file containing the (de-identified) relevant credit records and the match key to the Bureau so it could append the credit data to the financial institution data. In this way the financial institution's data remained with the Bureau or its vendor without direct identifiers.⁴⁷ In one instance the vendor that the Bureau used to collect the data on its behalf already had a de-identified set of credit records from a nationwide consumer reporting agency. The financial institutions provided the vendor with the match keys that the financial institutions used in furnishing data to the consumer reporting agency that enabled the vendor to append the credit records without obtaining any direct identifiers.

The Bureau also contracts with vendors from time to time to assist the Bureau in collecting data, or to collect data on behalf of the Bureau from FIs. These data collections are listed in Appendix B as data obtained from FIs and are discussed in the section of this report addressed to data collected from FIs. In two of these data collections, the vendor assisted in a mandatory data collection. As discussed in the section of this report on Core Data Assets, from 2012 through 2016 the Bureau collected credit card data pursuant to a supervisory request and contracted with a vendor who already collected credit card data from FIs. More recently, the Bureau has used a contractor to assist with collecting account-level data from a number of mortgage servicers pursuant to an order requiring the production of such data in connection with an assessment of a mortgage servicing rule.⁴⁸

The Bureau likewise has used vendors from time to time to assist the Bureau in collecting data from consumers or to collect data from consumers on behalf of the Bureau. This information is

⁴⁷ The first instance described in the text involved checking account data obtained by the Bureau to study the market for overdraft services in connection with a potential rulemaking. See the section of this report entitled "Data collected for supervision or enforcement used for research, monitoring, rulemaking or assessments of significant rules" for further discussion of these data. The second instance involved the credit card database, which is discussed in the section of this report on "Core Data Assets." The third instance involved the remittance transfer report. *See supra* note, n.44.

⁴⁸ The Bureau is required to conduct assessments of significant rules. *See* 12 U.S.C. § 5512(d). The Bureau has determined that the RESPA mortgage servicing rule is a significant rule. *See* Request for Information Regarding 2013 Real Estate Settlement Procedures Act Servicing Rule Assessment, 82 Fed. Reg. 21952 (May 11, 2017). The Bureau is authorized to require FIs to provide data in connection with such assessments. 12 U.S.C. § 5512(c)-(d).

collected through surveys, focus groups, or one-on-one interviews. The contractor may provide the raw data for the Bureau to analyze — de-identified where appropriate and requested by the Bureau — or the contractor may analyze the data and provide a summary report. Subject to the limitation previously noted, these data collections are listed in Appendix B as data obtained from consumers, and they are discussed in the section of this report that addresses data collected from consumers.

Some institutions, such as certain consumer reporting agencies, are both vendors of data and also financial institutions in their own right. To the extent that the Bureau obtains data from such an entity as an FI subject to the Bureau's regulatory authority, this report treats such information as coming from an FI.

3.4 Collecting data from financial institutions

The Dodd-Frank Act expressly authorizes the Bureau to require FIs to provide data to the Bureau in response to consumer complaints;⁴⁹ supervisory requests;⁵⁰ civil investigative demands made in the context of enforcement investigations;⁵¹ and orders seeking information for monitoring market developments and risks to consumers, or for conducting assessments of significant rules issued by the Bureau.⁵² In addition, the Bureau collects data pursuant to four federal laws requiring FIs to provide certain specified data to the Bureau: the Home Mortgage Disclosure Act (HMDA) (application-level mortgage data);⁵³ the Credit Card Accountability Responsibility and Disclosure Act (CARD Act) (consumer credit card agreements and college credit card marketing agreements);⁵⁴ the Truth In Lending Act (TILA) (terms of credit card plans and related information);⁵⁵ and the Installment Land Sales Act (ILSA) (land sales agreements).⁵⁶ The Equal Credit Opportunity Act, as amended by the Dodd-Frank Act, also requires financial institutions to provide certain specified data to the Bureau with respect to

⁴⁹ 12 U.S.C. § 5534; *see also* 12 U.S.C. § 5493(b)(3).

⁵⁰ 12 U.S.C. §§ 5514-16.

⁵¹ 12 U.S.C. §§ 5562-63.

⁵² 12 U.S.C. § 5512(c)-(d).

⁵³ 12 U.S.C. § 2801 *et seq.*

⁵⁴ 15 U.S.C. §§ 1632(d)(2), 1637(r)(2).

⁵⁵ 15 U.S.C. § 1646(b).

⁵⁶ 15 U.S.C. § 1701 *et seq.*

applications for loans by small businesses and minority-owned and women-owned businesses, but that requirement will not become effective until the Bureau issues an implementing regulation.⁵⁷ Regulation E likewise has a mandatory disclosure requirement with respect to prepaid card agreements that has not yet taken effect.⁵⁸

In addition, the Dodd-Frank Act expressly authorizes the Bureau to obtain information voluntarily from FIs.⁵⁹

Appendix B lists 58 data assets that the Bureau has obtained from FIs, two data assets which combine data from an FI with data from a commercial vendor,⁶⁰ and two data assets that combine data from FIs with data from consumers.⁶¹ In addition, Appendix B also includes the following each as a single data asset: all data collected by Supervision which includes data from financial institutions and other sources; all data collected by Enforcement which also contains data collected from financial institutions as well as from other sources; and all data collected by Consumer Response which likewise includes data from FIs and from other sources. This listing does not include low-sensitivity information such as a presentation or handout provided to the Bureau voluntarily by FIs in the course of meetings, conversations, or other communications in the normal course of business. The listing likewise does not include information provided by FIs voluntarily in response to Requests for Information, an Advanced Notice of Proposed Rulemaking, or a Notice of Proposed Rulemaking.

This is a best effort to provide a comprehensive listing of data assets obtained from FIs. The Bureau is confident that all mandatory data collections are included in Appendix B. However, the listing may be incomplete because, as previously noted, the determination of whether particular information is of low sensitivity as defined in the Bureau's policy requires the exercise of judgment by individual employees. Further, especially during the early years of the Bureau's

⁵⁷ 15 U.S.C. § 1691c-2.

⁵⁸ Prepaid Accounts Under the Electronic Fund Transfer Act (Regulation E) and the Truth in Lending Act (Regulation Z), 81 Fed. Reg. 83934 (Nov. 22, 2016).

⁵⁹ 12 U.S.C. § 5512(c)(4)(B)(1).

⁶⁰ See *supra* note, n.45. See also the discussion of the Credit Card Database in the section of this report on core data assets.

⁶¹ In developing mortgage disclosure forms, the Bureau conducted disclosure testing with both consumers and mortgage professionals. See Kleimann Comm'n Grp, Inc., *Know Before You Owe: Evolution of the Integrated TILA-RESPA Disclosures*, (July 9, 2012), available at http://files.consumerfinance.gov/f/201207_cfpb_report_tila-respa-testing.pdf (report on consumer testing submitted to the Bureau of Consumer Fin. Prot.). For a pilot project examining the potential of e-closings to improve the mortgage closing process, the Bureau collected both administrative data and data from consumers for a report the Bureau issues. Bureau of Consumer Fin. Prot., *Leveraging technology to empower mortgage consumers at closing* (2015), available at https://files.consumerfinance.gov/f/201508_cfpb_leveraging-technology-to-empower-mortgage-consumers-at-closing.pdf.

existence, some small data assets may have been obtained from an FI and not centrally recorded.

In some instances, financial institutions have collected data from consumers and provided that data to the Bureau. These are treated as data provided by an FI for purposes of Appendix B.

3.5 Collecting data from consumers

The Bureau obtains data directly from consumers through its Consumer Response function; interviews with potential witnesses conducted by Enforcement; and through research conducted by RMR and CEE. Research can take the form of a survey (conducted by phone or mail, in-person, or online), focus groups, one-on-one interviews, or laboratory or user tests. The Bureau also collects general feedback from consumers via the Bureau's "Tell Your Story" webpage. When the Bureau distributes money to victims of unlawful conduct through its Civil Penalty Fund, the Bureau may obtain information from individuals claiming to be or believed to be victims, to enable the Bureau to validate their entitlement to relief. Such information may include a claims form completed by the consumer or other documentation regarding the consumer's relationship with a particular FI.

Appendix B lists 31 data assets collected from consumers, two data assets which include data collected from consumers and data collected from financial institutions, plus the Enforcement and Consumer Response data assets which were discussed previously.⁶² Appendix B does not currently include any data assets collected through focus groups, one-on-one interviews, user testing or small-scale, informal surveys; as noted in the *Introduction*, the Bureau plans to supplement Appendix B to include those data assets. The listing in Appendix B is a comprehensive listing of formal surveys of consumers conducted by the Bureau.

⁶² Enforcement regularly collects information from consumers as part of investigations and litigation so that the enforcement data asset includes consumer information. On one occasion, Supervision also has collected data assets from one or more consumers. See *supra* note, 61 (for a discussion of data collected from consumers and financial institutions).

4. Uses of data

As noted above, data informs much of the Bureau's work. The following is a discussion of how the various sources of data are used. Often, data are obtained for only one purpose. The office or division requesting authorization to obtain data identifies how it will use such data when it acquires them. Some data assets, such as website usability results, are not useful for more than one purpose. Other data assets, such as Call Reports⁶³ (discussed in the Core Data Assets section), or Census data are brought in as general reference tools for use as the need arises or as an authoritative source for analyzing historical performance, following trends in a particular market and answering questions that may arise from time to time. Similarly, more than one Bureau office may participate in a single data collection, such as the *Financial Well-Being Survey in America* conducted by CEE with support from the Office of Research.⁶⁴ Data assets foundational to the Bureau's work are described in more detail in the *Description of core data assets and their uses* section of this report.

Subject to the limitations previously stated, Appendix B describes each of the Bureau's data assets. Where data were obtained for a specific purpose, the description explains that purpose. Where data were obtained as a resource to be used as needed, the description states the nature of the data without specifying a particular, single use. This section elaborates on the Bureau's uses of its data assets.

4.1 Public domain data

The data the Bureau collects from public sources can be placed into a number of categories with different use cases for each category. Some data assets consist of information that was collected from consumers either by government agencies or private researchers and made public. The following data assets fall within this category:

- United States Census
- American Housing Survey (Census Dep't)
- American Community Survey (Census Dep't)

⁶³ See *supra* note, n.19.

⁶⁴ See Bureau of Consumer Fin. Prot., *Financial Well-Being Survey Data*, <https://www.consumerfinance.gov/data-research/financial-well-being-survey-data/> (last visited July 27, 2018).

- Quarterly Census of Employment and Wages (Bureau of Labor Stat.)
- Current Population Survey (Census Dep't)
- Survey of Income and Program Participation (Census Dep't)
- Consumer Expenditure Survey (Bureau of Labor Stat.)
- Longitudinal Employer-Household Dynamics (Census Dep't)
- Panel Study of Income Dynamics (University of Michigan)
- Panel Study of Income Dynamics (University of Michigan)
- General Social Survey (NORC –University of Chicago)

These data assets are basic research tools that are used by Bureau researchers when relevant to address research questions of interest. For example, for research into credit invisibles, the Bureau combined Census data with data contained in one of its core data assets to estimate the incidence of consumers without a credit record and across different demographic groups.⁶⁵ To evaluate the definition of “rural” for purposes of special regulatory provisions available only to creditors operating predominantly in rural areas, the Bureau combined Census data with HMDA data to estimate the effects that alternative definitions of rural would have on the number of creditors that could take advantage of these special provisions.⁶⁶ For its payday loan rulemaking, the Bureau combined data from the Consumer Expenditure Survey with data from the Current Population Survey to estimate the percentage of payday borrowers who would be able to satisfy an ability-to-repay requirement.

Two of the Bureau’s public data assets – the Survey of Consumer Finances and the Survey of Household Economics and Decisionmaking (SHED) – consist of consumer surveys conducted by the Federal Reserve Board focused specifically on consumers’ use of financial products and services. Bureau researchers use these data assets in addressing research questions relating to consumers’ decisions regarding, and use of, such products. For example, the Bureau used public data from the SHED in preparing a report on student loans held by older Americans.⁶⁷

⁶⁵ See Bureau of Consumer Fin. Prot., *Data Point: Credit Invisibles* (2015), available at https://files.consumerfinance.gov/f/201505_cfpb_data-point-credit-invisibles.pdf.

⁶⁶ See Escrow Requirements under the Truth in Lending Act (Regulation Z), 78 Fed. Reg. 4726 (Jan. 22, 2013); Amendments Relating to Small Creditors and Rural of Underserved Areas Under the Truth in Lending Act (Regulation Z), 80 Fed. Reg. 59944 (Oct. 10, 2015).

⁶⁷ See Bureau of Consumer Fin. Prot., *Snapshot of Older Americans and Student Loan Debt* (2017), available at https://s3.amazonaws.com/files.consumerfinance.gov/f/documents/201701_cfpb_OA-Student-Loan-Snapshot.pdf.

Another category of public data assets consists of data another agency collects from financial institutions and makes public. The following data assets fall in this category:

- Federal Financial Institutions Examination Council (FFIEC) Call Reports
- National Credit Union Administration Call Reports
- Home Mortgage Disclosure Act (HMDA) public data
- FDIC Summary of Deposits
- These data assets are also basic research tools used for a variety of research purposes as well as to monitor trends in the markets for consumer financial products and services, define the scope of the Bureau's supervisory and enforcement jurisdiction with respect to depository institutions, and prioritize supervisory examinations. For example, the Bureau's supervision program uses a risk-based approach to prioritize which entities should be examined in a given time period with respect to which product lines, and that analysis may differ depending on estimates as to the size of FI's businesses.⁶⁸ The Bureau arrives at such estimates using public FFIEC and NCUA Call Reports, non-public data from other government agencies, supervisory data obtained from FIs; the Bureau has also used a data asset culled from public records with respect to auto loans and purchased from a vendor. These data assets are listed in Appendix B.
- In addition to these data assets, from time to time the Bureau has obtained more specialized public data assets for use for a particular rulemaking, study, or Bureau program. For these data assets, the description in Appendix B explains the purpose for which the data were obtained.

4.2 Other agency data

Appendix B lists the data assets obtained from other agencies, including data assets that combine public and non-public data obtained from another agency.⁶⁹ The Bureau obtained some of those data assets to use on an ongoing basis, as needed, to support Bureau supervision,

⁶⁸ As required under 12 U.S.C. § 5514 (b)(2).

⁶⁹ The combined public/non-public data are the FFIEC and NCUA Call Reports and a data asset listed in Appendix B comprised of public and non-public data from the Department of Education, with program-level information for post-secondary institutions, which the Bureau uses for its Paying for College tool. See Bureau of Consumer Fin. Prot., *Paying for College*, <https://www.consumerfinance.gov/paying-for-college/> (last visited Sept. 5, 2018).

enforcement, market monitoring, research, and rulemaking functions. This is true, for example, of FFIEC and NCUA Call Reports restricted data, and NMLS Mortgage Call Reports.

Other agency data assets listed in Appendix B were obtained for a specific rulemaking, research report, or other project. Appendix B lists these data assets and the purpose for which the data were obtained.

For example, in developing a definition of “qualified mortgage” under the Dodd-Frank Act, the Bureau obtained an extract from the Historical Loan Performance data asset from the Federal Housing Finance Agency and a separate loan file from the Federal Housing Authority to inform its understanding of the significance of debt-to-income ratios.⁷⁰ In conjunction with its work on a rule governing payday and auto title lending, the Bureau obtained data on the number and location of licensed storefront payday lenders from various states in order to estimate the impacts of the proposed rule.⁷¹ For its report to Congress on the use of arbitration agreements in consumer finance contracts, the Bureau obtained data from several states regarding class action settlements and also collected public data from court records regarding class action litigation and individual litigation.⁷²

4.3 Commercial vendor data

The Bureau has purchased a wide variety of data assets to meet a wide range of needs.

The Bureau’s Consumer Credit Panel, described in the *Description of core data assets and their uses* section of this report, consists of purchased credit reporting data to which other purchased and public data have been appended. The National Mortgage Database, also a core data asset described in the same section of the report, consists of purchased credit reporting data to which other purchased data and agency data are appended.

A number of the Bureau’s purchased data assets are off-the-shelf products that are widely viewed as industry-standard sources for studying historical trends and following

⁷⁰ Ability-to-Repay and Qualified Mortgage Standards Under the Truth in Lending Act (Regulation Z), 78 Fed. Reg. 64 08, 6525-6526 (Jan. 30, 2013).

⁷¹ See Bureau of Consumer Fin. Prot., *Supplemental Findings on Payday, Payday Installment and Vehicle Title Loans, and Deposit Advance Products* (June 2016), available at https://s3.amazonaws.com/files.consumerfinance.gov/f/documents/Supplemental_Report_060116.pdf

⁷² See Bureau of Consumer Fin. Prot., *Arbitration Study* (Report to Congress 2015), available at https://files.consumerfinance.gov/f/201503_cfpb_arbitration-study-report-to-congress-2015.pdf

current trends in particular markets. The following data assets fall within this category:

- Black Knight Home Price Index
- Mortgage Bankers Association National Delinquency Survey
- Mintel Comperemedia mailout survey data⁷³
- CoreLogic loan-level origination and performance data
- Blackbox Logic private label mortgage performance data
- Informa mortgage rates and fees⁷⁴
- Experian AutoCount (auto loan origination date from motor vehicle records)
- HSH mortgage rate data
- Black Knight mortgage loan-level origination and performance data⁷⁵
- Informa checking account rates and fees
- Measure One lender-level private student loan performance data
- Informa credit card rates and fees
- The Bureau also has purchased Strategic Business Insights MacroMonitor, a biannual survey covering consumers' use of financial products, for Bureau researchers to use as needed to address research questions that may arise. For example, in planning Bureau

⁷³ Mintel Comperemedia collects solicitations for various consumer financial products and services from a nationally representative panel of consumers and sells that data along with a appended credit bureau data to allow its customers to follow marketing trends by consumer segment. The Bureau purchases the Comperemedia data without the credit appends and instead contracts separately with one of the three nationwide consumer reporting agencies to append credit records.

⁷⁴ In addition to enabling the Bureau to follow pricing trends in the mortgage market, the Bureau uses Informa's mortgage rates and fees data to power the Bureau's Owning a Home tool. See Bureau of Consumer Fin. Prot., *Explore Interest Rates*, <https://www.consumerfinance.gov/owning-a-home/explore-rates/> (last visited July 24, 2018). Bureau researchers also have used these data for research examining the returns to consumers for shopping for a mortgage. See, e.g., Alexei Alexandrov & Sergei Kouyalev, *No Shopping in the U.S. Mortgage Market: Direct and Strategic Effects of Providing Information* (Bureau of Consumer Fin. Prot., Working Paper 2017-01, 2018), available at https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2948491.

⁷⁵ Black Knight sells data that is similar to the data sold by Core Logic. The Bureau previously subscribed to Core Logic but recently has switched to Black Knight following a competitive procurement process.

research with respect to overdraft, Bureau researchers used the MacroMonitor data to inform their strategy in recruiting participants for the Bureau's research.

- Similarly, the Bureau subscribes to Moody's Analytics creditrecast.com and to S&P Global to obtain information as needed regarding financial institutions and credit trends.
- In addition to these data assets, the Bureau has purchased a number of data assets to meet specific needs in a particular rulemaking, research project, or other Bureau program. The description in Appendix B explains the purpose for which these data were acquired.

4.4 Financial institution data

When the Bureau obtains data from FIs, the use of the data depends on the means through which and purpose for which the data were obtained. Data that the Bureau obtains from FIs (including market monitoring, research, and financial education as well as supervisory and enforcement) is usually "confidential information" pursuant to 12 C.F.R. part 1070. This includes "confidential supervisory information" (CSI) and "confidential investigative information" (CII),⁷⁶ and it is protected in accordance with Bureau regulation.⁷⁷

Supervision collects data from FIs to: (1) assess compliance with federal consumer financial law; (2) obtain information about the activities and compliance systems or procedures of the FI; and (3) detect and assess risks to consumers and to markets for consumer financial products and services. Similar to other federal and state bank supervisors, Bureau examiners collect and/or review policies and procedures, written responses to examiner questions, advertising materials, template form letters, individual loan files, and data assets related to supervised activities. Examiners review these data to check for compliance with federal consumer financial law and to determine trends or prevalence of various company practices. These data are also used in the Bureau's exam prioritization process.

After an enforcement matter is opened, Enforcement uses data obtained from FIs (among other sources) in investigating and, if necessary, litigating the matter. It may obtain such information during the investigatory stage through CIDs and via voluntary presentations or disclosures by

⁷⁶ "Confidential information" means "confidential consumer complaint information, confidential investigative information, and confidential supervisory information, as well as any other [Bureau] information that may be exempt from disclosure under the Freedom of Information Act pursuant to 5 U.S.C. 552 (b)." It does not include "information contained in records that have been made publicly available by the [Bureau] or information that has otherwise been publicly disclosed by an employee with the authority to do so." 12 C.F.R. §1 070.2(f).

⁷⁷ See 12 C.F.R. §§1 070.2, 1070.40.

FIs, or after the start of litigation through the discovery process. In the course of investigations, Enforcement investigators typically collect some combination of written answers to interrogatories, written reports, documents, and testimony.

The Office of Research and the various Markets Offices within RMR use data obtained from FIs for research and market monitoring, including research and monitoring that informs rulemakings and other policy making. These data may be submitted either voluntarily or in response to orders issued by the Bureau. The following are general descriptions of data collections for research, market monitoring, and rulemaking. See Appendix B for more details.

RMR conducts surveys of financial institutions to provide evidence for the Bureau's assessments of significant rules. The Bureau also uses surveys to better estimate the costs of rules under consideration. Appendix B lists all the data assets collected from FIs for these purposes, subject to the limitations previously noted. Several illustrative examples are discussed below. Except where noted, all of these data collections were voluntary.

Before deciding whether to propose an extension of an exemption under its remittance rule, the Bureau conducted a survey of depository institutions to understand the extent to which these institutions were using the exemption.⁷⁸ Before issuing an Outline of Proposals Under Consideration with respect to debt collection, the Bureau conducted a survey of debt collectors to better understand their operations and costs.⁷⁹

RMR also obtains data from FIs to prepare research reports and to support the Bureau's policymaking. Appendix B lists all the data assets collected from FIs for these purposes, subject to the limitations previously noted. Several illustrative examples are discussed below.

To understand how the consumer financial markets, consumers, financial entities, or other economic factors might have changed as the result of Bureau rules on the manufactured housing market, the Bureau obtained application-level data from creditors engaged in manufactured housing lending. It used these data to prepare a white paper on this subject.⁸⁰

⁷⁸ See Electronic Fund Transfers, 79 Fed. Reg. 55970 (Sept. 18, 2014).

⁷⁹ See Bureau of Consumer Fin. Prot., *Study of Third Party Debt Collection Operations* (2016), available at <https://www.consumerfinance.gov/data-research/research-reports/study-third-party-debt-collection-operations/>.

⁸⁰ See Bureau of Consumer Fin. Prot., *Manufactured-housing Consumer Finance in the United States* (White Paper, 2014), available at https://files.consumerfinance.gov/f/201409_cfpb_report_manufactured-housing.pdf.

In connection with a report that the Bureau was required to submit to Congress on the private student loan market,⁸¹ a number of FIs provided the Bureau de-identified account-level data through a third-party analytics firm the FIs selected and with which the FIs contracted.⁸² The firm also de-identified the individual lenders. For another required report,⁸³ a remittance transfer provider provided de-identified consumer-level transactional data to the Bureau and provided to one of the nationwide consumer reporting agencies information which enabled the agency to provide the Bureau with credit reporting data and a match key the Bureau could use to append the credit data to the transactional data. This enabled Bureau researchers to assess whether the reporting of remittance transfers could potentially broaden access to credit.⁸⁴ For a third required report,⁸⁵ the three nationwide credit reporting agencies each provided de-identified consumer-level data containing a number of different credit scores to enable Bureau researchers to study differences in scores sold to consumers and to creditors.⁸⁶

To help the Bureau evaluate how consumers and consumer financial markets might change as the result of potential regulation of certain short-term loan products, several FIs provided the Bureau with aggregate-level data on overdraft usage following the elimination of deposit advance products. The Bureau used these data for a report it issued⁸⁷ in conjunction with its payday proposal.⁸⁸

In addition to these data collections initiated by RMR, in response to requests by the Private Student Loan Ombudsman several servicers provided summary information about business

⁸¹ 15 U.S.C. §1077(a)-(b).

⁸² See Bureau of Consumer Fin. Prot., *Private Student Loans* (2012), available at https://files.consumerfinance.gov/f/201207_cfpb_Reports_Private-Student-Loans.pdf.

⁸³ 12 U.S.C. §5602(e).

⁸⁴ See Bureau of Consumer Fin. Prot., *Report on the Use of Remittance Histories in Credit Scoring* (2014), available at https://files.consumerfinance.gov/f/201407_cfpb_report_remittance-history-and-credit-scoring.pdf.

⁸⁵ 15 U.S.C. §1708(a).

⁸⁶ See Bureau of Consumer Fin. Prot., *Analysis of Differences between Consumer- and Creditor-Purchased Credit Scores* (2014), available at https://files.consumerfinance.gov/f/201209_Analysis_Differences_Consumer_Credit.pdf.

⁸⁷ See Bureau of Consumer Fin. Prot., *Supplemental Findings on Payday, Payday Installment, Vehicle Title Loans, and Deposit Advance Products* (2016), available at <https://www.consumerfinance.gov/data-research/research-reports/supplemental-findings-payday-payday-installment-and-vehicle-title-loans-and-deposit-advance-products/>.

⁸⁸ See Payday, Vehicle Title, and Certain High-Cost Installment Loans, 81 Fed. Reg. 47864 (July 22, 2016).

practices related to student borrowers' use of income driven repayment options and student loan performance. The Ombudsman analyzed these data in a special report.⁸⁹

As part of its program to engage with financial service innovators and promote consumer-friendly innovation, the Bureau from time to time has entered into research partnerships in which FIs shared de-identified data enabling the Bureau to study the effects of particular innovations. Appendix B lists all the data assets collected from FIs for these purposes, subject to the limitations previously noted. Several illustrative examples are discussed below.

One FI worked with the Bureau to conduct a randomized control trial of alternative methods of stimulating savings by prepaid card customers. The FI shared the test data, including de-identified data from surveying consumers, with the Bureau for analysis.⁹⁰ The Bureau currently is analyzing de-identified data supplied by another FI from a test of alternative methods to stimulate savings in connection with tax refunds.

- The Bureau has also required⁹¹ FIs to provide various types of data, as discussed in Appendix B. Appendix B lists all the data assets collected from FIs for these purposes, subject to the limitations previously noted. Several illustrative examples are discussed below:
- For its arbitration report, the Bureau required a number of FIs to provide samples of their standard customer agreements to enable the Bureau to study the prevalence and terms of arbitration agreements.⁹²

⁸⁹ See Bureau of Consumer Fin. Prot., *Update from the CFPB Student Loan Ombudsman: Transitioning from default to an income-driven repayment plan* (2017), available at <https://www.consumerfinance.gov/data-research/research-reports/update-cfpb-student-loan-ombudsman-transitioning-default-income-driven-repayment-plan/>.

⁹⁰ See Bureau of Consumer Fin. Prot., *Tools for Saving: Using Prepaid Accounts to Set Aside Funds* (2016), available at https://s3.amazonaws.com/files.consumerfinance.gov/f/documents/092016_cfpb_ToolsForSavingPrepaidAccounts.pdf.

⁹¹ See generally 12 U.S.C. § 5512(c)(4)(B)(ii).

⁹² See Bureau of Consumer Fin. Prot., *Arbitration Study* (Report to Congress 2015), available at https://files.consumerfinance.gov/f/201503_cfpb_arbitration-study-report-to-congress-2015.pdf. The Bureau relied on this report in issuing a rule regulating the use of predispute arbitration agreements in consumer finance contracts, 82 Fed. Reg. 33210 (July 17, 2017), but Congress enacted a joint resolution of disapproval pursuant to the Congressional Review Act, 5 U.S.C. § 801 *et seq.* and the Bureau thereafter published a Federal Register notice revoking the rule, 82 Fed. Reg. 55500 (Nov. 22, 2017).

- In connection with the mandated 2015 and 2017 credit card industry reports, the Bureau required a number of credit card issuers to provide aggregate-level data regarding various metrics such as application and approval rates.⁹³ The Bureau also required those issuers to provide additional information (including policies, sample marketing materials, sample disclosures) it used for deeper analyses conducted as part of these reports. The Bureau required several issuers that specialized in offering subprime credit cards to provide aggregate-level data as well.
- In connection with its consideration of potential rulemaking relating to overdraft services the Bureau required a number of core processors to produce, on an anonymized basis, certain information regarding overdraft policies and outcomes for the depository institutions supported by these processors to understand the market.
- To understand developments with respect to person-to-person payments, the Bureau required a service provider to provide certain information to the Bureau regarding its offering.

4.5 Consumer data

Consumer Response handles complaints and inquiries about financial products and services submitted by consumers about companies. Consumer Response conducts analyses of consumer complaint data with respect to FIs, financial products, and issues described in the complaint, and shares such analysis within the Bureau. The Bureau uses this analysis for supervisory purposes; for investigative or other enforcement purposes; for rulemaking and market monitoring purposes; and to inform work to meet the financial education needs of the public and needs or challenges faced by certain special populations identified in the Dodd-Frank Act, such as students, servicemembers, and older Americans.⁹⁴

The Bureau also collects data from consumers and a variety of professionals and entities who serve them (such as financial educators, credit counselors, social workers) through focus groups, interviews, user testing, and informal surveys. As previously explained, except with respect to

⁹³ See, e.g., Bureau of Consumer Fin. Prot., *The Consumer Credit Market* (2015), available at <https://www.consumerfinance.gov/data-research/research-reports/the-consumer-credit-card-market/>; Bureau of Consumer Fin. Prot., *The Consumer Credit Card Market* (2017), available at https://files.consumerfinance.gov/f/documents/cfpb_consumer-credit-card-market-report_2017.pdf.

⁹⁴ See Bureau of Consumer Fin. Prot., *How We Use Complaint Data*, <https://www.consumerfinance.gov/complaint/data-use/> (last visited July 24, 2018).

data collections that informed disclosure testing, Appendix B does not currently include these data collections. The Bureau intends to supplement Appendix B to do so. The discussion below summarizes the purposes for which data is collected from consumers with some illustrative examples.

The Bureau has collected data from consumers in connection with a number of rulemakings or potential rulemakings. For example, the Bureau conducted focus groups among prepaid card users prior to initiating work on the prepaid card rulemaking,⁹⁵ and in conjunction with a potential rulemaking involving debt collection. The Bureau likewise has conducted user testing of model disclosure language in connection with rulemakings or potential rulemakings, including the prepaid rulemaking⁹⁶ and a potential debt collection rulemaking. Generally, this testing takes the form of iterative rounds of one-on-one interviews, conducted by a vendor, in which consumers are exposed to model forms under development and asked questions designed to elicit their understanding of the forms.

Other data collections from consumers support the Bureau's work to design and improve financial education initiatives and to measure the reach or how the consumer financial markets, consumer behavior, financial entity behavior, or other economic factors might change as the result of its financial education programs. For example, the Bureau gathers metrics related to materials visited on the Bureau's website to help understand what information consumers access. In addition, the Bureau has conducted a series of focus groups and one-on-one interviews to understand consumers' knowledge and experiences with respect to various consumer financial products and services. These data collections resulted in a series of "Consumer Voices" reports.⁹⁷ Other data collections include user testing of contemplated consumer education materials and tools.

The Bureau also has conducted a number of formal quantitative surveys. Appendix B lists all such surveys. Several illustrative examples are discussed below.

⁹⁵ See, e.g., Prepaid Accounts Under the Electronic Fund Transfer Act (Regulation E) and Truth in Lending Act (Regulation Z), 81 Fed. Reg. 83934, 83944-45 (Nov. 22, 2016).

⁹⁶ See ICF Int'l, *Final Report of Findings: Post Proposal Testing of Prepaid Card Disclosures* (submitted to the Bureau in Oct. 2015), available at http://business.cch.com/BFLD/201510_cfpb_report-findings-testing-prepaid-card-disclosures.pdf.

⁹⁷ See, e.g., Bureau of Consumer Fin. Prot., *Consumer Voices on Credit Reports and Scores* (2015), available at https://files.consumerfinance.gov/f/201502_cfpb_report_consumer-voices-on-credit-reports-and-scores.pdf.

In connection with a potential debt collection rulemaking, the Bureau conducted the Survey of Consumer Experiences with Debts in Collection.⁹⁸ This was a mail survey sent to a nationally representative sample of consumers selected from the Bureau's Consumer Credit Panel, which is discussed in the Core Data Assets section of this report. Before issuing the TILA-RESPA Integrated Disclosure Rule,⁹⁹ the Bureau conducted a quantitative test comparing consumer comprehension using the contemplated new disclosure forms with consumer comprehension using the preexisting forms.¹⁰⁰

The 2017 National Financial Well-Being in America Survey,¹⁰¹ conducted for the Offices of Financial Education and Financial Protection for Older Americans, was an online survey conducted to measure the financial well-being of adults in the United States. These data were created as a foundation for internal and external research into financial well-being and are relevant to work being done by researchers in the Office of Research who have access to the (de-identified) data.

5. Data reused within the Bureau

This section discusses instances in which data has been obtained by one part of the Bureau for one purpose and then used by another part of the Bureau for a different purpose. The discussion below first clarifies what is covered in this section.

The analysis or insights derived from the data one Bureau office collects can be useful to help inform the work of other offices in the Bureau. Therefore, after analyzing the data that it has

⁹⁸ See Bureau of Consumer Fin. Prot., *Consumer Experiences with Debt Collection* (2017), available at https://s3.amazonaws.com/files.consumerfinance.gov/f/documents/201701_cfpb_Debt-Collection-Survey-Report.pdf.

⁹⁹ See Integrated Mortgage Disclosures Under the Real Estate Settlement Procedures Act (Regulation X) and the Truth In Lending Act, 79 Fed. Reg. 79730 (Dec. 31, 2013).

¹⁰⁰ See Bureau of Consumer Fin. Prot., Testing “Know Before You Owe Mortgage Forms: Qualitative and Quantitative Tests Show New Forms Improve Consumer Understanding, Aid Comparison Shopping, and Help Prevent Surprises (Nov. 20, 2013), available at https://files.consumerfinance.gov/f/201311_cfpb_factsheet_kbyo_testing.pdf.

¹⁰¹ See Bureau of Consumer Fin. Prot., *Financial Well-Being in America* (2017), available at https://s3.amazonaws.com/files.consumerfinance.gov/f/documents/201709_cfpb_financial-well-being-in-America.pdf.

collected, a Bureau office may share its analysis within the Bureau. The office conducting the analysis may share it proactively or in response to a question from another office. Additionally, one Bureau office may request another office to conduct an analysis of data the office receiving the request has collected and share findings or insights from such analysis. The Bureau does not centrally track these types of sharings and they are not considered a “reuse” for purpose of this report.

For example, to prepare its annual calendar of supervisory examinations, Supervision regularly consults with Markets to obtain information to help inform Supervision’s risk-based prioritization and to define the scope of contemplated examinations. On an ad hoc basis, Supervision may also consult the relevant Markets Office prior to conducting a particular examination to discuss market trends that may be relevant to the examination.

In addition, periodically data is obtained for multiple purposes. The Call Reports, whose uses are noted in the Core Data Assets section of this report, are an example of data assets that are brought in for multiple purposes. The Bureau does not define these as reuses. The Bureau also distinguishes between “reuse” and instances in which two or more Offices within the Bureau work jointly on a particular project and jointly use data in that context. For example, the Research regularly supports Supervision with respect to fair lending examinations requiring complex econometric analyses of supervisory data; the Research also supports Enforcement from time to time on request to provide analyses of complex data assets obtained in the course of an investigation. CEE and the Office of Research collaborate on a number of research studies by exchanging ideas with respect to a research topic, research design, or a data collection instrument and share data in such endeavors. For example, the Office of Research collaborated with Financial Education in connection with the *Financial Well-Being Survey in America*.¹⁰²

In contrast to the above examples, and as noted above, data obtained for a particular purpose may prove relevant to work being conducted by another division for a different purpose. This has occurred most frequently with respect to data collected by Supervision for purposes of supervisory exams and later considered potentially relevant for research, market monitoring, rulemaking, or the assessment of significant rules, all of which is led by Research, Markets and Regulation. Consequently, in 2013 Supervision and RMR developed an information sharing framework, a copy of which is included in Appendix A, pursuant to which RMR has from time to time been able to reuse Supervision data as discussed below.

¹⁰² See *id.*

Enforcement data has been much less commonly shared, but on two occasions, discussed below, Enforcement and RMR entered into agreements to share specific data assets. These agreements also are contained in Appendix A.

The Bureau is currently working to centralize the process of authorizing and cataloging reuse requests through the Data Intake Group and the Chief Data Officer.

5.1 Public domain data

Public data are, by definition, available to any member of the public and any governmental agency. The Bureau does not track the reuse of these data because, as public data, they are available for and intended for a variety of analyses by anyone within government or the general public and they generally do not contain sensitive data.

5.2 Other agency data

Reuse of other agency data depends upon the nature of that data. Certain agency data, while non-public, is intended to be used on an ongoing basis by employees in multiple parts of the Bureau who have a need to know information contained in the data asset. This is true, for example, of the restricted version of the FFIEC and NCUA Call Reports, NMLS Mortgage Call Reports, or the non-public elements of the HMDA data asset, which may be used by certain employees in the SEFL and RMR.

Where the data constitutes another agency's confidential information, such as confidential supervisory or investigative information, the Bureau treats it in accordance with its and other agency's applicable regulations regarding the treatment of confidential information.¹⁰³

Generally, the Bureau and the agency providing information have an MOU or another form of agreement — such as a FFIEC interagency agreement or letter authorizing usage — which governs how the Bureau can use and reuse the data it obtains from the agency or its representatives. Access to, and reuse of, these data are restricted in accordance with the MOU or agreements.

5.3 Commercial vendor data

As previously explained, the Bureau purchases data from vendors. Some of these purchases are “off the shelf” products that are available for purchase by anyone in the private sector or

¹⁰³ See 12 C.F.R. part 1070.

government. Other products, described further in the section of this report on Core Data Assets, are customized for the Bureau from data that the vendor collects for sale. All of those data assets are listed in Appendix B, subject to the limitations previously discussed.

Most of the data assets the Bureau has procured from vendors were procured to be used generally as relevant to understand historical patterns or current trends in particular markets or in consumers' preferences and uses regarding consumer financial products and services. The uses of these data assets thus falls outside the definition of "reuse." The Bureau is not aware of any instance in which it purchased data for a specific and limited purpose and then reused for another purpose.

Additionally, access to, and reuse of, these data are restricted in accordance with the applicable license agreements.

5.4 Financial institution data

As previously noted, the Bureau collects data from FIs to support different aspects of the Bureau's work. To avoid re-collecting the same or similar data, the Bureau can use data collected for a particular purpose for a different purpose if authorized and consistent with governing law. The sub-sections that follow describe the types of data the Bureau has obtained from FIs and how it reuses that data.

5.5 Data collected for supervision, used for enforcement

Enforcement and the Office of Fair Lending's Enforcement team access CSI to (1) ensure consistent application of the enforcement and supervisory tools, and (2) consider, through the ARC¹⁰⁴ process, whether Enforcement or Supervision should address a potential violation. Supervision shares information, including CSI, with Enforcement if that information is relevant to the duties of the Enforcement employees who will receive and use that information, including: to support a matter that has been referred to Enforcement through the ARC process, to support an ongoing investigation or litigation, or when sharing Supervision prioritization information. The information Supervision shares with Enforcement includes any information that would support the finding of a violation of federal consumer financial law, including reports

¹⁰⁴ "A RC" refers to "Action Review Committee" and is the process SEFL uses to decide whether an Examination Report or Supervisory Letter should be referred to the Office of Enforcement for investigation.

of examination, supervisory letters, and relevant materials from an institution (e.g., marketing materials, disclosures, account statements, etc.).¹⁰⁵

The process by which information is shared is outlined in SEFL governance documents and is part of the routine operation of the division. Current SEFL practice limits Enforcement access to Supervision work-papers to those Enforcement employees who require the information for specific tasks related to their job functions.

5.5.1 Data collected for supervision or enforcement used for research, monitoring, rulemaking, or assessments of significant rules

Data that the Bureau obtains for its supervision and enforcement work is generally considered CSI or CII, respectively, and is protected in accordance with Bureau regulation.¹⁰⁶ Bureau requirements regarding CSI and CII govern how the Bureau reuses this information internally.¹⁰⁷

In a number of instances, Supervision and RMR collaborated to develop data collections intended to support supervisory activities, which also could potentially be of value for market monitoring and/or research. These data collections are discussed below:

- *Credit card database* – As discussed in the Core Data Assets section of this report, from 2012 through 2016, the Bureau used its supervisory authority to collect, on a monthly basis, de-identified account-level data from credit card issuers. The data specifications

¹⁰⁵ See SEFL Integration 3.3, Appendix A13. When Enforcement accesses supervisory information Bureau policies require that such information be maintained separately from other sources of data collected by Enforcement. The Bureau is not releasing the policy documents containing this requirement because those documents contain other policies whose release would reveal either confidential law enforcement processes or techniques followed by Enforcement in conducting investigations and confidential information regarding SEFL's file structures. If file structures were released publicly it could create data security risk. If confidential law enforcement processes were released publicly, a potential wrong-doer would be able to structure their activities in a manner that might enable them to circumvent the Bureau's ability to detect those activities through use of its standard investigative techniques.

¹⁰⁶ See 12 C.F.R. §§1070.2, 1070.40.

¹⁰⁷ Bureau of Consumer Fin. Prot., *Policies and Procedures Manual* (Office of Enforcement, Version 3.0, 2017), available at https://s3.amazonaws.com/files.consumerfinance.gov/f/documents/201710_cfpb_enforcement-policies-and-procedures-memo_version-3.0.pdf.

for this data collection paralleled a preexisting data request by the OCC. The Bureau used these data for research and market monitoring as well as supervisory activities.¹⁰⁸

- *Payday*— In 2012, the Bureau collected account-level data on payday loans in connection with a series of supervisory examinations. De-identified versions of these data were also used to study payday loan products and consumers' use of them and resulted in a number of research reports¹⁰⁹ and papers.¹¹⁰
- *Deposit advance products (DAP)* – The Bureau collected a random sample of checking account data and transaction-level data from a sample of FIs offering DAP in connection with a series of supervisory examinations. De-identified versions of these data were also used to understand consumers' experiences with the product; in addition, these data provided insights into consumers' experiences with related products. These data were used in two research publications that were relied on in the Bureau's rulemaking,¹¹¹ and several research papers.¹¹²
- *Overdraft*— The Bureau collected aggregated, de-identified data regarding overdraft usage at a number of large FIs and de-identified transaction-level data for a random sample of de-identified checking accounts from these banks. It used these data to analyze the market for overdraft services and consumer choices and outcomes and this

¹⁰⁸ This data collection was reviewed by the General Accountability Office. See Gov't Accountability Off., GAO-14-758, *Some Privacy and Security Procedures for Data Collections Should Continue Being Enhanced*, (Sept. 22, 2014), available at <https://www.gao.gov/assets/670/666000.pdf>.

¹⁰⁹ See, e.g., Bureau of Consumer Fin. Prot., *Payday Loans and Deposit Advance Products* (White Paper on Initial Data Findings, 2013), available at https://files.consumerfinance.gov/f/201304_cfpb_payday-dap-whitepaper.pdf; Bureau of Consumer Fin. Prot., *CFPB Data Point: Payday Lending* (Office of Research, 2014), available at https://files.consumerfinance.gov/f/201403_cfpb_report_payday-lending.pdf; Bureau of Consumer Fin. Prot., *Supplemental Findings on Payday, Payday Installment and Vehicle Title Loans and Deposit Advance Products* (2016), available at https://files.consumerfinance.gov/f/documents/Supplemental_Report_060116.pdf.

¹¹⁰ See, e.g., Kathleen Burke, Jesse Leary & Jialan Wang, *Information Disclosure and Payday Lending in Texas*, (May 2016), available at <https://drive.google.com/file/d/0B-xlEFaWMd6IczNhQzRSRmJfSiQ/view>.

¹¹¹ See Bureau of Consumer Fin. Prot., *Payday Loans and Deposit Advance Products* (White Paper on Initial Data Findings, 2013), available at https://files.consumerfinance.gov/f/201304_cfpb_payday-dap-whitepaper.pdf; Bureau of Consumer Fin. Prot., *Online Payday Loan Payments* (2016), available at https://files.consumerfinance.gov/f/201604_cfpb_online-payday-loan-payments.pdf.

¹¹² See e.g., Charles J. Romeo, *Estimating the Change in Surplus From the Elimination of Deposit Advance Products* (Off. of Research Working Paper No. 2018-02, 2018), available at https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3135496.

resulted in several research reports.¹¹³ The Bureau subsequently contracted with one of the three nationwide consumer reporting agencies to provide credit data along with a match key that enabled the Bureau to match the credit data to the transaction data.¹¹⁴ Bureau researchers used these de-identified data to produce a research report.¹¹⁵

- *Credit card*— In 2013, Supervision obtained aggregate-level data from nine card issuers that were used for credit card industry reports that the Bureau was required to produce. In 2015, Supervision obtained match keys from nine credit card issuers for accounts in the Credit Card Database, discussed in the Core Data Assets section of this report, which enabled the Bureau to identify accounts in the database with a rewards feature and Supervision obtained certain aggregate-level data from five issuers in connection with supervisory prioritization efforts. RMR developed these data requests in collaboration with Supervision. In addition, these five issuers and four other issuers received orders pursuant to the Bureau's market monitoring authority¹¹⁶ seeking aggregate-level information comparable to the information obtained in 2013 and four other issuers received orders seeking a different set of aggregate-level information. For the 2017 report, all requests were made using the market monitoring authority.

As discussed above, data that Supervision collected in the normal course of its examination work has proven to be relevant for work undertaken by RMR and has been shared pursuant to the previously-referenced data-sharing framework established in 2013 by SEFL and RMR. See Appendix A. The framework was established to enable RMR to use CSI (where appropriate) to support its work, to minimize burden on industry, and to ensure the confidential nature of the information.

Of note, the framework allows RMR to access CSI when such access would further RMR's mission of informing the public, policy makers, and the Bureau's own policy-making with data-driven analysis of consumer finance markets and consumer behavior. The framework also contains access restrictions and approval requirements to protect the confidential nature of such information.

¹¹³ See, e.g., Bureau of Consumer Fin. Prot., *CFPB Study of Overdraft Programs* (White Paper of Initial Data Findings, 2013), available at https://files.consumerfinance.gov/f/201306_cfpb_whitepaper_overdraft-practices.pdf; Bureau of Consumer Fin. Prot., *CFPB Data Point: Checking Account Overdraft* (2014), available at https://files.consumerfinance.gov/f/201407_cfpb_report_data-point_overdrafts.pdf.

¹¹⁴ For more details, see the section of this report on data purchased from commercial vendors.

¹¹⁵ See Bureau of Consumer Fin. Prot., *CFPB Data Point: Frequent Overdrafters* (2017), available at <https://www.consumerfinance.gov/data-research/research-reports/cfpb-data-point-frequent-overdrafters/>.

¹¹⁶ See 12 U.S.C. § 5512(c)(4).

From time to time, data Supervision has collected in the normal course of conducting examinations has proven relevant for particular research or market monitoring projects of the Bureau. Specifically:

Rulemaking and potential rulemakings. The Bureau has used supervisory information to inform a number of rulemakings. To enhance their understanding of the payday market in connection with the payday rulemaking, members of the rulemaking team reviewed certain data collected through supervisory examinations of payday lenders. Similarly, in connection with a potential debt collection rulemaking, members of that team reviewed certain data collected through supervisory examinations of debt collectors. In preparation for a potential rulemaking regarding the collection and reporting of small business lending data, which is a rule as required by the Dodd-Frank Act,¹¹⁷ members of the team reviewed certain data collected from small business fair lending examinations. In the HMDA rulemaking,¹¹⁸ RMR used supervisory data from fair lending examinations to evaluate the incremental benefits that certain potential data points would have in furthering the statutory objectives. In connection with a potential overdraft rulemaking, members of the team examined supervisory data regarding opt-in rates for overdraft services.

- *Assessments of significant rules*— Bureau researchers who are preparing statutorily mandated assessments of the Bureau's significant rules use data collected in the course of supervisory examinations of market participants for assessment purposes.¹¹⁹ Reviewing the data also has enabled the researchers to identify data gaps that are being filled through other means.
- *Credit card industry report* — In preparing the 2017 credit card industry report,¹²⁰ Markets staff examined information collected by Supervision relating to deferred interest offers.

¹¹⁷ 15 U.S.C. §1691c-2.

¹¹⁸ See Home Mortgage Disclosure (Regulation C), 80 Fed. Reg. 66128 (Oct. 26, 2015).

¹¹⁹ The Bureau's obligation to conduct assessments as required by 12 U.S.C. §5512(d). The Bureau has determined thus far that three of its rules are significant: 1) Request for Information Regarding Remittance Rule Assessment, 82 Fed. Reg. 15009 (Mar. 24, 2017); 2) Request for Information Regarding 2013 Real Estate Settlement Procedures Act Servicing Rule Assessment, 82 Fed. Reg. 21952 (May 11, 2017); and 3) Request for Information Regarding Ability-to-Repay/Qualified Mortgages Rule Assessment, 82 Fed. Reg. 25246 (June 1, 2017).

¹²⁰ See Bureau of Consumer Fin. Prot., *The Consumer Credit Card Market* (2017), available at https://files.consumerfinance.gov/f/documents/cfpb_consumer-credit-card-market-report_2017.pdf.

- *Paperwork Reduction Act estimates* – To inform the Bureau’s estimate of the burden associated with paperwork requirements under the Fair Credit Reporting Act, Research reviewed related information collected in supervisory examinations.
- *Proxy methodology* – Bureau researchers used data Supervision collected from mortgage lenders through fair-lending examinations to prepare a report assessing the effectiveness of a methodology developed by the Bureau to proxy the race and ethnicity of consumers when that information is unknown.¹²¹
- *Mortgage-related data* – Bureau researchers have used supervisory data from mortgage examinations and the restricted (non-public) HMDA data for several research projects in conjunction with Bureau policymaking work. On one occasion, researchers examined supervisory mortgage data to determine whether the data could be used to evaluate potential effects of the Bureau’s mortgage rules on manufactured housing lending, but the data proved not to be useful for that purpose. In a second instance, researchers analyzed supervisory mortgage data to explore variations in origination points and fees but again the data proved not to be useful. Researchers likewise were unsuccessful in seeking to use supervisory data to develop an alternative means of calculating the Average Prime Offer Rate, which is embedded in certain regulatory provisions.¹²² On one occasion, researchers were able to use certain information collected through Supervision as part of a study on the returns to consumers from mortgage shopping.¹²³
- *Student lending* – To develop data specifications for a data request to student loan servicers, Research and Markets staff examined certain examination information regarding data collected by servicers. The Bureau has not made the then-contemplated data request to servicers to date.
- *Consumer-permissioned access to data* – To inform policy-making relating to consumers’ ability to access transactional data about their accounts through third-party

¹²¹ Bureau of Consumer Fin. Prot., Using Publicly Available Information to Proxy for Unidentified Race and Ethnicity (2014), available at https://files.consumerfinance.gov/f/201409_cfpb_report_proxy-methodology.pdf.

¹²² 12 C.F.R. § 1026.35.

¹²³ Alexei Alexandrov & Sergei Kouyalev, *No Shopping in the U.S. Mortgage Market: Direct and Strategic Effects of Providing Information* (Bureau of Consumer Fin. Prot., Working Paper 2017-01, 2018), available at https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2948491.

aggregators,¹²⁴ the Markets team working on this issue reviewed certain agreements that Supervision had obtained through supervisory requests.

- *Auto finance research* – Bureau researchers are using supervisory data from auto finance exams to conduct three separate research projects on issues in the auto finance market. None of these projects has reached the point of a published research paper.

The sharing of enforcement data for research, market monitoring, and rulemaking has been rare. There have been some instances in which data collected by Enforcement in the normal course of an investigation have proven relevant to other work at the Bureau, and the data were reused for these purposes. Specifically:

- *Installment and automobile title lender data* – In the course of an investigation, Enforcement obtained data from certain companies which shed light on the size of the market for vehicle title and installment loans and the market share of certain participants in that market. These data were used by researchers and analysts who were working on a potential rulemaking to define larger participants in the market for personal loans. The Bureau has subsequently suspended work on that rulemaking.¹²⁵
- *Payday* – The Bureau used standard-form agreements (*i.e.*, the text of the contracts), some of which were secured from payday lenders as part of Enforcement investigations, for a report¹²⁶ that the Bureau was required to submit to Congress¹²⁷ regarding mandatory pre-dispute arbitration. The Bureau used the agreements in conducting its analysis of the prevalence and terms of arbitration agreements in the payday market.
- *Small dollar lending* – Through Enforcement investigations of a number of different types of liquidity lenders, as well as through an order directed to certain lenders for risk-assessment purposes, the Bureau obtained loan-level data that the Bureau used to better understand risks to consumers. The Bureau published two reports based in part upon

¹²⁴ See 12 U.S.C § 533.

¹²⁵ Off. of Mgmt. and Budget, *Bureau of Consumer Fin. Prot. - Agency Rule List – Spring 2018*, https://www.reginfo.gov/public/do/eAgendaMain?operation=OPERATION_GET_AGENCY_RULE_LIST¤tPub=true&agencyCode=&showStage=active&agencyCd=3170&Image58.x=36&Image58.y=25&Image58=Submit (last visited Aug 27, 2018).

¹²⁶ See Bureau of Consumer Fin. Prot., *Arbitration Study* (Report to Congress, 2015), at section 2, available at https://files.consumerfinance.gov/f/201503_cfpb_arbitration-study-report-to-congress-2015.pdf.

¹²⁷ 12 U.S.C. § 5518(a).

these data,¹²⁸ which were used in the Bureau’s rulemaking¹²⁹ regarding vehicle title loans.

5.5.2 Data collected by the Division of Research, Markets, and Regulations and used for other purposes

Although insights developed by RMR from data obtained by RMR and analyses of those data can be relevant to Supervision and Enforcement, the sharing of such insights and analyses falls outside the scope of “reuse” as defined for this report. Supervision and Enforcement do not generally use, in exams or cases, raw data obtained from RMR. The Bureau is aware of two instances, however, in which such data has been reused:

- RMR shared with Enforcement a subset of arbitration agreements – originally obtained for the arbitration study the Bureau was required to conduct¹³⁰ – to facilitate intra-Bureau feedback and input on the arbitration rule, and to help build institutional knowledge about trends in contract provisions.
- On another occasion, a subset of data that were originally obtained for the 2015 Credit Card Report,¹³¹ relating to debt collection, were shared with Supervision for the purpose of educating staff on market trends.

5.6 Consumer data

As previously explained, this Report covers certain types of data collections from consumers. Appendix B will be supplemented with information with respect to data collections from

¹²⁸ See Bureau of Consumer Fin. Prot., *Single Payment Vehicle Title Lending* (2016), available at <https://www.consumerfinance.gov/data-research/research-reports/single-payment-vehicle-title-lending/>; Bureau of Consumer Fin. Prot., *Supplemental Findings on Payday, Payday Installment, and Vehicle Title Loans and Deposit Advance Products* (2016), available at <https://www.consumerfinance.gov/data-research/research-reports/supplemental-findings-payday-payday-installment-and-vehicle-title-loans-and-deposit-advance-products/>. These reports also used data obtained by the Bureau through orders issued pursuant to section 5514(c)(4) of the Dodd-Frank Act and data voluntarily supplied by a research firm which had obtained loan-level data from several lenders.

¹²⁹ See Payday, Vehicle Title, and Certain High-Cost Installment Loans, 82 Fed. Reg. 54472, (Nov. 17, 2017).

¹³⁰ See Bureau of Consumer Fin. Prot., *Arbitration Study* (Report to Congress, 2015), available at https://files.consumerfinance.gov/f/201503_cfpb_arbitration-study-report-to-congress-2015.pdf.

¹³¹ See Bureau of Consumer Fin. Prot., *The Consumer Credit Card Market* (2015), available at https://files.consumerfinance.gov/f/201512_cfpb_report-the-consumer-credit-card-market.pdf.

consumers on a voluntary basis through focus groups, one-on-one interviews, user testing, and small-scale informal surveys. The Bureau is not aware of any instances in which it has reused such data collections, which tend to be of a very small scale and for a limited purpose.

Appendix B does list data collected from consumers through surveys as well as through disclosure research. As previously noted, RMR and CEE have jointly worked on a number of these surveys and have shared the data from those surveys. The Bureau is not aware of any instance in which data from any of these surveys has been reused.

The Bureau also is not aware of any instance in which data collected from consumers through investigative interviews by Enforcement have been reused. The same is true with respect to the one instance in which Supervision collected data from consumers.¹³²

The Bureau views data collected through Consumer Response as intended to be collected for multiple purposes beyond simply resolving additional complaints, and therefore does not consider multiple uses of this data to be reuse. With that said, this section describes how consumer complaint data is accessed and used within the Bureau.

Bureau staff that do not need access to direct personal identifiers use a de-identified version of consumer complaint data for the following purposes:

- Supervisory activities including examination prioritization and scoping of exams;
- Enforcement investigations;
- Market monitoring; and
- Research to support rulemaking and other policymaking by RMR, to inform the financial education work of the Office of Financial Education and the work of other offices within CEE servicing specific consumer populations, such as servicemembers, older Americans, students, and traditionally underserved consumers.

The Private Student Loan Ombudsman uses the complaint data involving students to monitor the resolution of individual complaints, to obtain additional information by speaking directly to

¹³² See *supra* note, n.62.

complainants, to publish reports based upon the complaint data,¹³³ and to review and attempt to resolve informally complaints related to student loans — all as required by statute.¹³⁴

The Office of Servicemember Affairs uses the complaint data involving current and former servicemembers to support its work monitoring complaints by service members and their families and responses to those complaints as required by statute.¹³⁵

In addition, in some cases Enforcement needs to contact consumers who have submitted complaints to obtain evidence for an investigation or witnesses for a judicial proceeding. Designated employees within Enforcement may access the complaint data asset that includes direct identifiers.

6. Description of core data assets and their uses

There are several data assets that the Bureau considers to be foundational to its work, and these core data assets are summarized below. The Bureau obtains these assets from a variety of sources, as discussed above, including the public domain, vendors, FIs, or consumers. They are considered foundational because they provide insight into consumer financial markets or support regulatory activities and are persistent rather than a one-time collection. Access to these data assets is restricted pursuant to Bureau policy as described above and in accordance with applicable law, including 12 C.F.R. part 1070 and the Privacy Act of 1974, 5 U.S.C. § 552a.

- *Consumer complaints*— As noted above, Consumer Response receives consumer complaint data from consumers describing their issues with companies providing financial products or services. Consumer Response also receives complaint data in the form of company responses to those consumers. It also receives inquiries and feedback from consumers.

¹³³ See, e.g., Bureau of Consumer Fin. Prot., *Annual Report of the CFPB Student Loan Ombudsman* (2017), available at https://files.consumerfinance.gov/f/documents/cfpb_annual-report_student-loan-ombudsman_2017.pdf.

¹³⁴ 12 U.S.C. § 5535.

¹³⁵ 12 U.S.C. § 5493(e)(1)-(2).

As discussed above, the Bureau primarily uses complaint data for the purpose of responding to consumer complaints, as well as market monitoring, supporting the supervision of FIs, Enforcement activities, and for trends analysis for consumer financial education and engagement (e.g., servicemembers, older Americans). Where appropriate, Bureau staff use a de-identified version of the data asset that does not contain direct personal identifiers.

- *Enforcement activities data* – Data collected in the course of Enforcement activities. This is not one data asset, but rather a number of data assets maintained separately for each Enforcement matter, each with access restrictions. These data are considered CII, and they are governed by regulation and Bureau requirements regarding CII.¹³⁶ If any of these data are shared with RMR as discussed above, access restrictions apply to such data.
- *Supervisory activities data* – Data collected in the course of supervisory activities. This is not one data asset, but rather a number of data assets maintained separately for each supervisory matter, each with access restrictions. These data are considered CSI, and they are governed by regulation and Bureau requirements regarding CSI.¹³⁷ If any of these data are shared with RMR as discussed above, access restrictions apply to such data.
- *Consumer Credit Panel (CCP)* – The CCP is a nationally representative panel (1 in 48 sample) of approximately five million de-identified consumer credit records that is updated monthly and dates back to 2001.¹³⁸ The Bureau procured these data through a competitive procurement process from one of the three nationwide credit reporting agencies, each of which is in the business of selling such data. The CCP data also includes marketing data (such as estimated income) which the Bureau’s vendor sells for marketing purposes. The CCP excludes direct identifiers and the vendor does not provide the name of the lender, or other furnisher of data contained in the vendor’s records, but instead provides a unique identifier for each data furnisher.

¹³⁶ See 12 C.F.R. §1 070.40.

¹³⁷ See *id.*

¹³⁸ For any record randomly chosen to be part of the CCP, the CCP also includes the deidentified record of co-borrowers or joint account holders. The total number of records in the CCP is approximately 11 million.

The Bureau's vendor matches the records in the CCP to a public database of servicemembers maintained by the Department of Defense so that records pertaining to servicemembers are flagged. The Bureau also procured, from a separate vendor, income data at the nine-digit (zip +4) zip code level and arranged to have the CCP vendor match that data to records in the CCP.

The Bureau uses these data primarily for research and market monitoring and have been used for a number of research reports,¹³⁹ the Bureau's biennial reports to Congress on the credit card industry,¹⁴⁰ and to inform rulemakings. These data are also used for the monthly publication of Consumer Credit Trends.¹⁴¹

The Bureau also uses the CCP as a "sampling frame" for conducting certain surveys. The Bureau provides sampling criteria to the nationwide consumer reporting agency that provides the CCP data and it selects individuals to receive such surveys and mail them. The agency in turn strips the responses of any direct identifiers and provides the responses to the Bureau with a match key that the Bureau can use to match the response to the CCP but without any direct personal identifiers. This enables the Bureau's researchers to use the CCP data to weight responses and adjust for non-response bias and to study results for discrete segments such as segments defined by credit tier. The

¹³⁹ Research reports prepared using the CCP include: Bureau of Consumer Fin. Prot., *CFPB Data Point: Medical Debt and Credit Scores* (2014), available at https://files.consumerfinance.gov/f/201405_cfpb_report_data-point_medical-debt-credit-scores.pdf; Bureau of Consumer Fin. Prot., *Consumer Credit Reports: A Study of Medical and Non-medical Collections* (2014), available at https://files.consumerfinance.gov/f/201412_cfpb_reports_consumer-credit-medical-and-non-medical-collections.pdf; Bureau of Consumer Fin. Prot., *CFPB Data Point: Credit Invisibles* (2015), available at https://files.consumerfinance.gov/f/201405_cfpb_report_data-point_medical-debt-credit-scores.pdf; Bureau of Consumer Fin. Prot., *CFPB Data Point: Becoming Credit Visible* (2017), available at <https://www.consumerfinance.gov/data-research/research-reports/cfpb-data-point-becoming-credit-visible>; Bureau of Consumer Fin. Prot., *CFPB Data Point: Student Loan Repayment* (2017), available at <https://www.consumerfinance.gov/data-research/research-reports/cfpb-data-point-becoming-credit-visible>; Bureau of Consumer Fin. Prot., *Quarterly Consumer Credit Trends: Public Records* (2018), available at <https://www.consumerfinance.gov/data-research/research-reports/quarterly-consumer-credit-trends-public-records/>; Bureau of Consumer Fin. Prot., *Quarterly Consumer Credit Trend: Growth in Longer-Term Auto Loans* (2017), available at <https://www.consumerfinance.gov/data-research/research-reports/quarterly-consumer-credit-trends-growth-longer-term-auto-loans/>.

¹⁴⁰ See, e.g., Bureau of Consumer Fin. Prot., *The Consumer Credit Card Market* (2017), available at https://files.consumerfinance.gov/f/documents/cfpb_consumer-credit-card-market-report_2017.pdf.

¹⁴¹ See Bureau of Consumer Fin. Prot., *Consumer Credit Trends*, <https://www.consumerfinance.gov/data-research/consumer-credit-trends/> (last visited July 25, 2018).

Bureau used this approach to conduct the first nationally representative survey of consumers with debts in collection.¹⁴²

- *National Mortgage Database (NMDB)* – The NMDB is a joint project with the Federal Housing Finance Agency and is a source of information about the U.S. mortgage market based on a 5 percent sample of residential mortgages. It consists of three primary components: (1) account-level origination and loan performance data along with credit information associated with the accounts; (2) the quarterly National Survey of Mortgage Originations (NSMO); and, (3) the annual American Survey of Mortgage Borrowers (ASMB). To construct the NMDB, one of the three nationwide consumer reporting agencies provides quarterly mortgage account-level data and associated credit data for a nationally representative sample (5 percent) of mortgages active at any time since January 1998. The credit records start prior to the time the mortgage was first reported (but no earlier than 1998). The consumer reporting agency updates the account and credit data quarterly and adds a 5 percent sample of new mortgages to the database. The records are de-identified and the identities of creditors, servicers, or other furnisher of data to the consumer reporting agency are de-identified as well before the data is provided to the FHFA or the Bureau. The NMDB includes approximately 12 million residential mortgages.¹⁴³

For loans represented in the NMDB that were purchased or guaranteed by Fannie Mae, Freddie Mac, the Federal Housing Administration (FHA), the Department of Veterans Affairs (VA), or the Department of Agriculture, the nationwide consumer reporting agency appends to the NMDB records administrative data reported to the purchaser or guarantor. That consumer reporting agency also appends HMDA data and additional servicing and property records procured from a vendor. All matches and appending is conducted by the nationwide consumer reporting agency behind a firewall. The details of the processes used to append the data while protecting consumer privacy are explained in a technical paper on the construction of the NMDB.¹⁴⁴

¹⁴² See Bureau of Consumer Fin. Prot., *Consumer Experiences with Debt Collection* (2017), available at <https://www.consumerfinance.gov/data-research/research-reports/consumer-experiences-debt-collection-findings-cfpbs-survey-consumer-views-debt/>.

¹⁴³ The NMDB includes the deidentified records of co-borrowers; in total, it includes 18.6 million credit records. See Robert B. Avery, et al., *Technical Report 1.2* (Nat'l Mortg. Database, Bureau of Consumer Fin. Prot., and Fed. Housing Fin. Agency, Technical Report Series, 2017) at p.14, available at https://www.fhfa.gov/PolicyProgramsResearch/Programs/Documents/NMDB-Technical-Report_1.2_10302017.pdf.

¹⁴⁴ See *id.*

On a quarterly basis, the consumer reporting agency responsible for providing the data in the NMDB selects a random sample of NMDB borrowers who recently obtained new mortgages and mails a survey to those selected regarding their origination experiences. Once a year, the consumer reporting agency selects a random sample of existing borrowers, using criteria for selecting the sample provided by the FHFA and the Bureau, and mails a survey seeking information regarding the borrowers' mortgage servicing experience. When it receives the responses, the consumer reporting agency provides the FHFA and the Bureau with the de-identified responses and a match key that can be used to match back to the data in the NMDB.

The Bureau is using the NMDB for market monitoring and assessments of significant rules, and it makes data publicly available on a periodic basis regarding mortgage performance trends.¹⁴⁵ There have also been four "NMDB Technical Reports" issued with results from the originations surveys,¹⁴⁶ and Bureau researchers used the survey data to prepare a report on the extent to which consumers shop for mortgages.¹⁴⁷ In addition, two "NMDB Staff Working Papers"¹⁴⁸ jointly prepared by staff of the FHFA and the Bureau have been published.

- *Home Mortgage Disclosure Act (HMDA)* – HMDA requires many FIs to maintain, report, and publicly disclose information about applications for and originations of mortgage loans.¹⁴⁹ Beginning with HMDA data collected in 2017 and submitted in 2018, responsibility to collect and process HMDA data transferred from the Board of Governors of the Federal Reserve System to the Bureau. For prior years, the Bureau has obtained the data collected by the Board including the small number of fields that were

¹⁴⁵ See Bureau of Consumer Fin. Prot., *Mortgage Performance Trends*, <https://www.consumerfinance.gov/data-research/mortgage-performance-trends/> (last visited July 25, 2018).

¹⁴⁶ See NMDB, *National Mortgage Database*, <https://www.fhfa.gov/PolicyProgramsResearch/Programs/Pages/National-Mortgage-Database.aspx> (last visited July 25, 2018).

¹⁴⁷ See Bureau of Consumer Fin. Prot., *Consumers' Mortgage Shopping Experience* (2015), available at <https://www.consumerfinance.gov/data-research/research-reports/consumers-mortgage-shopping-experience/>.

¹⁴⁸ See NMDB, *National Survey of Mortgage Originations*, <https://www.fhfa.gov/PolicyProgramsResearch/Programs/Pages/National-Survey-of-Mortgage-Originations.aspx> (last visited July 25, 2018).

¹⁴⁹ See 12 C.F.R. part 1003.

excluded from the public data asset. Appendix B contains an entry for the public dataset and a separate entry for the restricted data asset.

HMDA's purposes are to provide the public and public officials with sufficient information to enable them to determine whether institutions are serving the housing needs of the communities and neighborhoods in which they are located, to assist public officials in distributing public sector investments in a manner designed to improve the private investment environment, and to assist in identifying possible discriminatory lending patterns and enforcing antidiscrimination statutes.¹⁵⁰ In the context of home mortgage lending, the Bureau (like other financial regulators) uses HMDA data to identify possible discriminatory lending patterns and to enforce anti-discrimination statutes like the Equal Credit Opportunity Act. As part of supervising very large banks and nonbank mortgage lenders, the Bureau reviews the accuracy of HMDA data and the adequacy of HMDA compliance programs.

The Bureau also uses HMDA data for market monitoring and research purposes, including research to inform rulemakings.

- *Credit Card Database (CCDB)* – The CCDB is a sample of de-identified account-level (such as account balance) credit card data. The CCDB does not contain transaction level data pertaining to consumer purchases.

In 2012, the Bureau began collecting account-level data on credit card accounts maintained by nine credit card issuers covering 25 million to 75 million accounts.¹⁵¹ The collection's specifications mirrored a collection that the Office of the Comptroller of the Currency (OCC) had been conducting since 2008 from 16 large national banks covering approximately 520 million accounts.¹⁵² The Bureau's initial collection included data back to 2008. The combined collections covered approximately 85 percent of the market. Both collections involved credit card accounts of the FIs involved and the collections were performed by a contractor who already collected and maintained credit

¹⁵⁰ *Id.*

¹⁵¹ See Gov't Accountability Off., GAO-14-758, *Some Privacy and Security Procedures for Data Collections Should Continue Being Enhanced*, at 16, (Sept. 22, 2014) available at <https://www.gao.gov/assets/670/666000.pdf>. The Bureau provided this range to GAO, rather than an exact number, in order to limit the risk that the identity of particular credit card issuers providing data could be inferred from a more exact number. Subsequent to the GAO report there was a change in the composition of the issuers participating in the data collection, which increased the number of accounts.

¹⁵² See *id.* at 22.

card data from FIs. Both collections took place using the respective agencies' supervisory authority. Neither collection captured data about individual purchases. The FIs also provided the contractor with a match key that enabled the contractor to match the records to a de-identified set of records from a nationwide consumer reporting agency.

Neither the Bureau nor the OCC nor the contractor received data containing any direct personal identifiers. Pursuant to the MOU between the OCC and the Bureau, each agency shared its data with the other agency through their common vendor.

In early 2016, the OCC ceased its data collection of account-level credit card data, and at the end of 2016, the Bureau did the same. In 2017, the Bureau arranged to obtain similar de-identified account-level data, (Reporting Form FR Y-14M), from the Board of Governors of the Federal Reserve System.¹⁵³ The Y-14M data do not include any personal identifiers nor do they include the linkages to the credit reporting data and do not include any personal identifiers. The data covers the period starting in 2012. The Board's data covers approximately 500 million accounts representing 75 percent of the market.¹⁵⁴ For some institutions, the Bureau currently retains the ability to run aggregate reports off the full data asset through the Board's vendor, and the Bureau retains a 40 percent sample of the de-identified account-level data (*i.e.*, approximately 200 million accounts).

The Bureau has used the CCDB for market monitoring, including the preparation of a biennial report to Congress on the credit card market¹⁵⁵ and to inform decisions about priorities for supervisory examinations and the scope of such examinations. It has also used the CCDB for a number of working papers prepared by Bureau researchers,¹⁵⁶ as well as for research that has informed rulemakings and supervision.

¹⁵³ Board of Governors of the Fed. Res. Sys., *FRY-14M*, (for more information on the Y-14M collection), <https://www.federalreserve.gov/apps/reportforms/reportdetail.aspx?sOoYJ+5BzDYnbJw+U9pka3sMtCMopzoV> (last visited September 13, 2018).

¹⁵⁴ *See id.*

¹⁵⁵ *See* Bureau of Consumer Fin. Prot., *The Consumer Credit Card Market* (2017), available at https://files.consumerfinance.gov/f/documents/cfpb_consumer-credit-card-market-report_2017.pdf.

¹⁵⁶ *See, e.g.*, Ryan Sandler & Charles J. Romeo, *The Effect of Debt Collection Laws on Access to Credit* (Office of Research, Working Paper No. 2018-01, 2018), available at https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3124954; Alexei Alexandrov, Daniel Grodzicki & Özlem

- *Call Reports* – These include the Reports of Condition and Income from FIs in various financial markets. The data are collected by prudential regulators (by the FFIEC or the NCUA) and state regulators (through the Conference of State Bank Supervisors (CSBS)). The Bureau uses these data in a variety of research and analysis contexts. For example, these data provide the authoritative basis for determining which depository institutions have assets over \$10 billion and thus fall within the Bureau’s supervisory and enforcement jurisdiction.¹⁵⁷ The Bureau likewise has used Call Report data to monitor the market for overdraft services and to report on the amount of overdraft fees paid by consumers and the fees’ contribution to bank earnings.¹⁵⁸ The Bureau used Call Report data in combination with HMDA data (as well as Census data and data from the Bureau’s Consumer Credit Panel) to estimate the effect that alternative definitions of “small creditor” and “small servicer” would have in conjunction with several of the Bureau’s mortgage rulemakings under title XIV of the Dodd-Frank Act.¹⁵⁹

7. Conclusion

The Bureau is issuing this report in order to provide transparency with respect to the Bureau’s data governance program and its data collections. The Bureau is issuing concurrently with this report a [Request for Information](#) in which it seeks public comment on the program and collections, including ways to improve their efficiency and effectiveness.

Bedrie-Defolie, *Consumer Demand for Credit Card Services* (Office of Research, Working Paper No. 2018-03, 2018), available at https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3135421.

¹⁵⁷ See Letter from Steven L. Antonakes, Assistant Director, Bureau of Consumer Fin. Prot., to Chief Executive Officer (regarding Interagency Statement for Determining Asset Size of Institutions for Federal Consumer Financial Law Supervisory and Enforcement Purposes), available at https://files.consumerfinance.gov/f/2012/01/CFPB_Institutions_Size_Letter_11-17-2011.pdf.

¹⁵⁸ Gary Stein, New Insights on Bank Overdraft Fees and 4 Ways to Avoid Them, Bureau of Consumer Fin. Prot. Blog (Feb. 25, 2016), available at <https://www.consumerfinance.gov/about-us/blog/new-insights-on-bank-overdraft-fees-and-4-ways-to-avoid-them/>.

¹⁵⁹ See Escrow Requirements under the Truth in Lending Act (Regulation Z), 78 Fed. Reg. 4726 (Jan. 22, 2013); Amendments Relating to Small Creditors and Rural of Underserved Areas Under the Truth in Lending Act (Regulation Z), 80 Fed. Reg. 59944 (Oct. 10, 2015); Amendments to the 2013 Mortgage Rules Under the Truth in Lending Act (Regulation Z), 79 Fed. Reg. 65300 (Nov. 3, 2014).

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APPENDIX A:

Data governance policies and charters and data-sharing procedures

Introduction

The policies, charters, and data-sharing procedures included below are formatted so that members of the public with disabilities are able to access and use the information contained in this report as required by federal law.¹⁶⁰ In addition, the Bureau is posting on its website concurrently with the release of this report [PDF copies of the original documents](#) contained in this Appendix.

¹⁶⁰ Section 508 of the Rehabilitation Act of 1973, 29 U.S.C. § 794d, generally requires each federal agency using electronic and information technology to ensure that the technology allows persons with disabilities seeking information from the agency to access and use the information. This includes, but is not limited to, computers, Web sites, multimedia, software and web-based software, electronic documents and forms, and office equipment.

A1: Policy on information governance

Policy on information governance at the CFPB

I. Overview and scope

The Dodd-Frank Wall Street Reform and Consumer Protection Act (the Act), Public Law No. 111-203, title X, which created the Consumer Financial Protection Bureau (CFPB or Bureau), establishes that the Bureau “shall seek to implement and, where applicable, enforce Federal consumer financial law consistently for the purpose of ensuring that all consumers have access to markets for consumer financial products and services and that [such] markets ... are fair, transparent, and competitive.”¹⁶¹

In the normal course of carrying out its statutory mandates, the Bureau collects information from consumers who seek the Bureau’s help through the consumer response function and from the institutions involved in the complaints; from covered persons who are the subject of supervisory examinations or enforcement activity, as well as from whistleblowers and third parties who may have information relevant to an enforcement action; from individuals or third parties in the performance of market monitoring or research activities; and for other purposes authorized by law.

The policy contained in this document will set in place rigorous guidelines and processes, as well as recognize and account for existing procedures, which:

- Inform what information the Bureau can and should intake, and how that information intake shall occur in order to ensure compliance with applicable laws, contractual obligations, and Bureau policy requirements.
- Facilitate the assignment of a sensitivity level that may afford additional guidelines and policies on its access, use, and overall management.
- Ensure information is adequately secured and responsibly used in accordance with applicable laws, contractual obligations, and Bureau policy requirements.
- Inform what information can and should be disclosed by the Bureau and its program offices, subject matter experts, and data owners, either to the general public or to other government entities.
- Describe the rules, roles, and responsibilities related to the retention, archiving, and destruction of electronic and physical information and related assets.

¹⁶¹ 12 U.S.C. § 5511, Pub. L. 111-203, title X, § 1021 (2010).

A. Information governance documentation

Information-related activities at the CFPB are governed by a hierarchical collection of documents that provides increasingly specific requirements, guidelines, and rules for information-related behaviors within the Bureau.

Policies

Policies describe the Bureau's broad rules and guidelines for particular stages in the information lifecycle (Intake, Management, Disclosure, and Disposition), and define the high-level boundaries of acceptable information-related behaviors. The Chief Information Officer (CIO) is responsible for developing Bureau-wide information governance policies for executive review and Director sign-off.

Standards

Standards provide specific guidance around components of the information lifecycle and are supported by specific procedures. The CIO is responsible for reviewing and approving information governance standards.

Procedures

Procedures describe the specific activities that the Bureau employs to execute information-related policies and standards, make decisions, and communicate with stakeholders. They also define the technical steps for executing components of information management. Procedures are developed by the operational bodies responsible for implementation.

B. Scope

All information received, created, stored, or disclosed by the Bureau or by a third party on behalf of the Bureau, regardless of format, is subject to this policy unless otherwise noted below. Information may be qualitative or quantitative. Information formats include but are not limited to structured databases, unstructured files, text/narratives, physical documents/media, and audio or video media. Subsets, extracts, aggregations, or other transformations of information that is subject to this policy are themselves subject to the policy.

Out of scope

Bureau employees' electronic communications such as emails, voicemails, text messages, etc. are considered information transmission mechanisms, not covered information, and are generally not subject to this policy. To the extent that any electronic communication contains information that is in scope for this policy (e.g., an Excel spreadsheet attached to an email, an embedded table with account numbers, a discussion of statistics in an email, etc.),

the transmission of that information may be treated as an activity implicating the information lifecycle under this policy.

Any classified information received by the Bureau is not governed by this policy and will be handled in accordance with governing law.

Financial information related to Bureau operations is also considered outside the scope of this policy. This information is managed by the Office of the Chief Financial Officer. The CIO will have final responsibility for determining what types and sources of information are subject to this policy, and may grant policy exceptions as deemed appropriate.

C. Bureau-wide, office, or division-specific policies

Existing Bureau-wide, office, or division-specific information governance policies that do not conflict with this policy will remain in effect, until and unless they are found to be in conflict with this policy, at which point they will be reviewed by the Data Governance Board (“DGB”, defined below, or “Board”) and CIO with input from the DGB.

To the extent that any Bureau-wide or office or division-specific policy is found by the CIO to be in conflict with this policy, this policy governs. The CIO, with advice from the DGB, will be responsible for reviewing, clarifying, and/or revising said policies to bring them into alignment.

D. Applicable law controls

To the extent that this policy conflicts with any applicable law, that law governs over the policy.

E. Data governance board

The DGB is a committee chaired by the CIO. This Board has responsibility for assessing the benefits and risks associated with managing the Bureau’s information. The DGB will advise the CIO on decisions regarding intake, management, disclosure, and disposition of information in accordance with this policy.

Responsibilities of the DGB

The responsibilities of the DGB include, but are not limited to, advising the CIO in making the following decisions:

1. Determining whether given information should be brought into the Bureau

2. Categorizing information as Public, Low, Medium, or High sensitivity
3. Developing and enforcing standards for managing Public, Low, Medium, and High sensitivity information
4. Reviewing and approving information governance standards
5. Reviewing and approving decisions to delegate authority to individuals or committees
6. Reviewing decisions made by delegated authorities
7. Reviewing policy exceptions granted by the CIO.

Ultimately, it is the responsibility of the CIO to make all decisions regarding information governance, or to delegate those decisions to another authority.

F. Delegation of responsibilities

The CIO may for operational purposes, and at his/her discretion, delegate any information governance oversight responsibilities to any Associate, Deputy Associate or Assistant Director in the various CFPB offices, the DGB, and/or operational committee established by the DGB.¹⁶² The CIO (with the assistance of the DGB) will be required to specify criteria under which certain delegated information activities must be reviewed by the DGB or approved directly by the CIO.

In cases where this responsibility is delegated, the responsible Associate, Deputy Associate or Assistant Director, DGB, or operational committee will be required to provide the CIO with a regular, detailed report on information-related activities.

All major decisions approved by a delegated authority (whether an individual or an operational committee) will be reviewed by the CIO and the DGB no less than once per year.

G. Definitions

Please refer to the *Information Governance Definitions* document for relevant definitions.

II. Information Intake

This section of the policy provides the principles that guide Bureau decision-making regarding information intake, describes the responsibility and authority of the CIO to oversee and approve

¹⁶² Unless specified otherwise, the CIO also retains the delegated authorities.

information intake, and establishes the role of the Data Governance Board in assisting the CIO with these responsibilities.

A. Information intake guiding principles

The ability to intake and analyze information is fundamental to the Bureau's mission. Analysis informs Enforcement and Supervisory decisions, guides policy development and rule-making, provides critical information about the condition of consumer financial markets, and supports decision-making about the Bureau's internal policies and operations. In order to ensure that the Bureau is careful, consistent, and responsible in its intake of these critical information assets, the decision to intake information must be governed by several guiding principles:

1. Ensure proper authority – any information received by the Bureau must be acquired under authorities established in the Dodd-Frank Act and/or other applicable law.
2. Adhere to applicable law – the Bureau must at all times comply with existing law governing the intake and use of information.
3. Demonstrate due diligence – the Bureau should assess the reliability of a source before requesting or receiving information from it.
4. Avoid undue burden – the Bureau should seek to ensure that it does not place unnecessary burdens (technical, financial, etc.) on external parties in the course of requesting or receiving information
5. Validate reasonableness – the Bureau should request or receive only information that is likely to be reasonably necessary to fulfill the Bureau's responsibilities, and that has value in light of any risks of that collection to the consumers or entities to whom the information relates. Care should be taken to ensure that the volume and specific data elements requested are reasonable in light of the purposes that will be served.
6. Avoid redundancy – the Bureau should, wherever reasonably possible, avoid requesting or receiving information (either through the same source or from different sources) that is duplicative.
7. Align with bureau goals & objectives – any decision to receive information should align with the Bureau's purpose, objectives, and functions; its strategic goals; its responsibility to protect the privacy or confidentiality of consumers' and financial institutions' proprietary, personal, or confidential information; and its responsibility to maintain the public trust.
8. Standardization – whenever reasonably possible, information should be brought on board with formats, field names, and definitions consistent with preexisting usage and standards that have been set across the Bureau.

B. Responsibility for information intake decisions

All decisions to intake information must be approved by the Bureau's CIO (or by parties to whom the CIO has delegated responsibility for intake activities in accordance with Section 1.F) in accordance with the guiding principles listed above.

C. Responsibility for information intake standards and procedures

The Bureau's CIO (or by parties to whom the CIO has delegated responsibility for intake activities in accordance with Section I.F) shall, at a minimum, determine the following at the time of intake of information:

1. The sensitivity level for that information (See *Information Sensitivity Leveling Standard*)
2. The owner of the information asset, for High Sensitivity information
3. Any restrictions on use or disclosure for that information as defined by applicable law and/or contractual obligations

III. Information Management

This section of the policy, concerning information management, is comprised of three primary subsections:

1. Information Storage – Establishes guidelines regarding the storage of information (Public, Low, Medium, or High sensitivity) within the CFPB data environment; and
2. Intra-Bureau Information Sharing & Information Access: – Establishes guidelines regarding access to information by CFPB employees and contractors; and
3. Information Use – Establishes guidelines regarding acceptable use of CFPB information.

A. Information storage

1. Centralized storage

Regardless of the sensitivity of any information or the authority under which it was received, all Bureau information shall be properly secured, tracked for performance and usage, updated, and stored consistently.

Care will be taken to design a storage system where records subject to federal laws such as the Privacy Act of 1974, 5 U.S.C. § 552a, or other relevant laws, are identified and managed in accordance with those laws.

Medium and High Sensitivity information should not be stored locally on user laptops or desktop computers, or other non-centralized physical media (such as CD/DVDs, external hard drives, or non-CFPB-issued thumb drives), and CFPB information (regardless of sensitivity) shall *never* be stored on non-CFPB computers or computers that have not been approved by the CFPB for this purpose.

When Medium or High Sensitivity information is received on non-encrypted physical media, it shall be moved to a secure, centralized location (or to a CFPB-approved, encrypted device if this is not possible). Once copied over, the original physical media shall be properly sanitized, returned to the originator, or securely stored per Bureau records retention rules. In the event that a computer or storage device containing information is lost or stolen (or there is suspicion of a potential loss or theft), the CFPB Service Desk must be notified immediately (see *Information Security Program Policy* and *Privacy Incident Response Procedures* for additional detail on information leaks and breaches).

2. Local Storage Exceptions for High Sensitivity Information

When local storage of high sensitivity information is unavoidable (*e.g.*, when performing an on-site examination where access to the Bureau's central information storage locations is unavailable), exception approval must be granted by the CIO and relevant Associate Director (AD) in writing. While exceptions may be granted for certain categories of information, these exceptions must be reviewed and approved by the CIO and relevant AD at least annually.

In the event that a local storage exception has been granted, information will be moved to an approved storage location and removed from the non-secure media/location as soon as practicable.

3. Information Protection/Encryption

Information stored in centralized, secure, access-restricted locations will not be required to be encrypted. All medium or high sensitivity information held (even temporarily) in non-secure locations must be password-protected and/or encrypted when not in use. This must be accomplished by using CFPB-approved devices such as CFPB-issued laptops and CFPB-issued thumb drives. All medium or high sensitivity physical information (including paper files) shall be stored in an access-restricted location.

4. Source Masking

In the course of its supervisory, enforcement and other activities, the Bureau receives certain information the existence of which is confidential and may not be disclosed either to the general public or to other individuals within the Bureau. In order to ensure this confidentiality, this information may be ‘masked’ (e.g., by using numeric identifiers to name folders instead of institution names, etc.) when it is received by the Bureau, or as soon as practicable after such receipt. The CIO, with the advice of the DGB, shall be responsible for reviewing and approving standards and procedures for properly masking data.

5. Information Restrictions

In the event that the Bureau receives information that contains data elements (e.g., social security numbers), the internal access to which is restricted by applicable law, including but not limited to Section 1022(c)(4)(C) of the Dodd-Frank Act; by contractual agreement; or by Bureau policy; the information shall be treated in accordance with such restrictions.

6. Third-party Information Storage

Information held by third parties on behalf of the CFPB is generally subject to all of the same rules and restrictions as information held directly by the CFPB. When a third party is a government contractor, the contract should include the requirements regarding information storage and related topics. Because authority to issue and make changes to the contract lies with the Contracting Officer, the CIO will coordinate with the Contracting Officer on any concerns or issues that arise. With respect to other types of third-party agreements, the CIO may, as authorized by law, approve exceptions to specific information management provisions as appropriate.

B. Intra-Bureau Information Sharing & Information Access

Access to information will be consistent with the sensitivity level of the information (see *CFPB Information Sensitivity Leveling Standard*), the authority under which the information was received, the Bureau’s information sharing standards, and applicable law or contractual obligations. This policy will be documented by information access standards and procedures that will clearly define which Offices/Divisions may access information based on the above factors.

1. Intra-Bureau Information Sharing

Sharing of information across business areas within the Bureau is governed by specific rules based on the sensitivity level of the information and the authority under which the information was received.

In the event that neither office or division-specific policies nor the established Bureau information sharing standards cover an instance of desired information sharing, the issue will be referred to the DGB which will be responsible for both resolving the immediate instance and amending, as necessary, the standards to cover the situation in the future.

2. Information Access Permissions Rules

- a. Public and low sensitivity information may be shared internally without restriction or acquired through request without additional approval(s).
- b. Medium sensitivity information access will be granted to users with certain roles.
- c. Access to high sensitivity information will require demonstrated business need.

The CIO, with the advice of the DGB, shall have the responsibility for reviewing and approving standards and procedures that provide detailed information access rules, requirements, and processes.

Note that in the event that a user is acting as a service provider for another office or division, that user will be deemed to be a member of the group they are supporting for purposes of access permissions.

3. Access Permissions Request Escalation

In the event that the permissibility of access for an individual is unclear or contested, the request will be referred to the CIO with advice from the DGB for review and clarification.

4. Information Read/Write Privileges

The CIO and any delegated authorities will calibrate the level of read/write/modify privileges it grants to individuals requesting information based upon the nature and extent of the need that the requesting individual demonstrates in his or her request, as well as the user's role. In general, the CFPB will provide the minimal level of privilege necessary to perform assigned duties.

5. Revocation of Information Access Rights

Information access rights shall be reviewed, suspended and/or revoked in a number of cases, including:

- When the business or role-based need that justified access to the medium or high sensitivity information no longer exists
- When an employee/contractor leaves the CFPB
- When there is a real or suspected risk of breach, or the need for fuller investigation of information activities
- In response to certain disciplinary actions
- In response to certain ethics opinions

6. Information Access Audit

Periodic audits of access rights related to High Sensitivity information will be performed in order to ensure that appropriate access has been granted, and that information access rights have been revoked timely and appropriately. These audits will include review with information owners.

C. Information Use

The CIO and delegated authorities will determine permissible use of information primarily by taking into account the sensitivity level of the information, the authority under which the information was received, applicable laws, contractual obligations, and the applicable information sharing standards. Permissible use of information may also be informed by other factors, such as the input of information owners.

Note that in the event that a user is acting as a service provider for another office or division, that user will be deemed to be a member of the group they are supporting for purposes of identifying permissible uses.

This policy will be documented by a *Permissible Information Use Matrix* that will clearly define how information may be used based on the above factors.

1. Identifying Permissible Uses

Identifying the permissible use(s) for information occurs at the time of intake and is the responsibility of the CIO with advice from the DGB, operational bodies charged by the CIO and/or DGB with information intake oversight, and/or divisional or office representatives to whom the CIO has delegated authority. Additional acceptable uses may be evaluated after intake, but must comply with this policy and may require review and/or approval from the CIO.

2. Desired Use Escalation

In the event that the permissibility of the desired use of given information is unclear or contested, the request will be referred to the CIO who will, with advice from the DGB, review and clarify. The outcome of this review should be used to amend the *Permissible Information Use Matrix* in order to inform similar requests going forward.

3. User Acknowledgement

Users may be required to provide affirmative acknowledgement of information usage restrictions. In these cases, the need for affirmative acknowledgement will also be determined at the time of information intake by the person or governance body with applicable oversight responsibilities.

4. Use of Transformed Information

In certain cases information that is, in its raw form, restricted from particular uses may be appropriate for those uses when transformed. This transformation may be achieved through a number of methods, including aggregation, sampling, removal of certain data elements, etc. Transformed information should be evaluated against all information use criteria (e.g., the implied sensitivity level of the resulting transformed information, the authority under which the information was received, applicable laws, contractual obligations, and the applicable information sharing standards) to determine if additional uses are permissible. In cases where permissible uses of the transformed information are unclear, users should consult with the CIO or the appropriate delegated authority for review and approval.

IV. Information Disclosure

This section describes the responsibility and authority of the CIO to oversee and approve disclosures¹⁶³ within the scope of the CIO's authority, and establishes the role of the Data Governance Board in assisting the CIO with these responsibilities. It provides the principles that guide the CIO decision-making regarding discretionary disclosures of information to the public or other external entities.¹⁶⁴

A. Disclosure Guiding Principles

The ability to disclose information, whether in its raw form, in aggregation, or as part of reports, studies, or other analytical outputs, is fundamental to the CFPB's mission. In order to ensure that the Bureau is careful, consistent, and responsible in its disclosure of information, the decision to disclose must be governed by several guiding principles:

1. Ensure Proper Authority – any information disclosed by the CFPB must be disclosed under or for the purpose of exercising authorities established in the Dodd-Frank Act and/or other applicable law.
2. Adhere to Applicable Law – the Bureau must at all times comply with existing law governing the disclosure of information.
3. Comply with Contractual Restrictions – the CFPB shall comply with all restrictions on disclosure specified in any contract, agreement, MOU, or other legally-binding document that governed the receipt of the information.
4. Risk-Benefit Analysis – when deciding whether to disclose information, the CFPB should weigh the benefits of disclosure against any potential risks to consumers or to other entities.
5. Align With Bureau Goals & Objectives – any decision to disclose information should align with the Bureau's purpose, objectives, and functions; its strategic goals; its responsibility to protect the privacy of consumers' and financial institutions' proprietary, personal, or confidential information; and its responsibility to maintain the public trust.

¹⁶³ Disclosure is defined as transmission of information outside the Bureau. Transmission of information from one Bureau office or division to another is considered information sharing, not disclosure.

¹⁶⁴ Nothing in this policy shall be construed to modify the delegations of authority made in 12 C.F.R. part 1070 that pertain to decision-making related to the disclosure of information.

B. Public, Inter-governmental, and other Third-Party Disclosures

Special considerations may exist depending on whether an anticipated disclosure is to the general public, to other governmental entities, or to other non-governmental third parties.

Public Disclosures

When disclosing information to the general public, the CFPB shall evaluate the risk that individual consumers or their financial information may be identified by the disclosure of information. This risk evaluation must take into account not only the specific information being disclosed by the Bureau, but any existing publicly available information that, when combined with the disclosed data, could result in increased consumer identification risk.

In addition to individuals' privacy interests, any decision to disclose information should protect institutions' commercially sensitive or proprietary information, and the identities of persons to whom "confidential information" pertains (*e.g.*, the identities of supervised institutions when the information is received under supervisory authority).

Inter-Governmental Disclosures

Any disclosures of Medium or High Sensitivity information between the CFPB and another governmental entity shall be governed by appropriate legal sharing documentation (*e.g.*, Memorandum of Understanding, Access Request, etc.) that defines who may have access to the information, how the information may be used, and any restrictions on further disclosure by the receiving entity.

In addition, any agreement to disclose information to another entity must include assurances that the receiving entity will treat the information as described in the governing legal documentation.

Other Third Parties

Any agreement between the CFPB and other non-governmental third parties under which the CFPB discloses information shall be governed by appropriate legal sharing documentation (*e.g.*, contracts, etc.) that defines who may have access to the information, how the information may be used, and any restrictions on further disclosure by the receiving entity. Agreements that are Federal Government Contracts may be subject to additional requirements and should be evaluated in consultation with the Procurement Office and/or assigned Contracting Officer.

In addition, any agreement to disclose information to another entity must include assurances that the receiving entity has information governance policies and procedures as described in the governing legal documentation.

C. Disclosure of Transformed Information

In certain cases, information that is restricted from disclosure in its raw form may be disclosed when transformed. This transformation may be achieved through a number of methods, including aggregation, sampling, removal of certain data elements, etc. In all cases, however, the disclosure of transformed information must adhere to the rules laid out in section D below.

D. Responsibility for Disclosure Decisions

All decisions to disclose information within the CIO's scope of authority must be approved by the Bureau's CIO (or by parties to whom the CIO has delegated responsibility for Disclosure activities in accordance with Section I.F) in accordance with the guiding principles and rules listed above.

Bureau Clearance

Nothing in this policy shall be construed to modify or ameliorate the requirement that work product that discloses information adhere to the clearance procedures in effect at the Bureau.

V. Information Disposition

This section of the policy, concerning information disposition, provides the principles that guide Bureau decision-making regarding the retention, archiving, and destruction of information; describes the responsibility and authority of the CIO related to information disposition; and establishes the role of the Data Governance Board in assisting the CIO with these responsibilities.

This information disposition policy considers the important distinction between official Bureau 'records', and non-record information. While many of the requirements and restrictions defined for records and non-records may be similar or identical, the legal impetus, underlying policy goals, and detailed operational processes may differ in significant ways.

A. Responsibility for Information Disposition Decisions

The CFPB Records Management Office has primary responsibility for decisions related to disposition of information, as directed by applicable laws. The CIO will have the responsibility to support, and where applicable, enforce these decisions, and will be assisted in these responsibilities by the Data Governance Board.

B. Bureau Records vs. Non-Records

In accordance with the Federal Records Act of 1950, Federal Records are,

"...all books, papers, maps, photographs, machine readable materials, or other documentary materials, regardless of physical form or characteristics, made or received by an agency of the United States Government under Federal law or in connection with the transaction of public business and preserved or appropriate for preservation by that agency or its legitimate successor as evidence of the organization, functions, policies, decisions, procedures, operations, or other activities of the Government or because of the informational value of the data in them." (44 U.S.C. § 3301, Definition of Records).

All other information received, created, stored, or disclosed by the Bureau or by a third party on behalf of the Bureau is considered non-record information and is subject to corresponding disposition policy requirements.

Employees and third parties (other than Federal Government contractors) should consult with the CFPB Records Management Office to determine the appropriate classification of information. For Federal Government contractors, the status of the records will be determined by the terms of the contract, applicable provisions of the Federal Acquisition Regulation, and the Federal Records Act if applicable.

C. Bureau Record and Non-Record Disposition

The rules around identification, classification and scheduling of official records are defined and enforced by the CFPB Records Management Office. These rules are set forth in the Bureau's *Agency File Code Policy*, and are consistent with Federal law and National Archives and Records Administration (NARA) directives.

When possible, retention (archival and disposal) requirements for records and non-records should be identified at the time of information intake or creation, and should be maintained as part of related information metadata.

Additional details concerning the retention, archiving and/or destruction of non-record information may be found in the Bureau's *Agency File Code Policy*.

D. Third-Party Record and Non-Record Retention

All legal agreements with third parties should provide disposition requirements where applicable. The Bureau shall document any contractual disposition requirements and

adhere to those requirements wherever practicable. For Federal Government contractors, disposition of records will be addressed by the contract, applicable guidance specified in the Federal Acquisition Regulation, and the Federal Records Act if applicable.

E. Disposition of Physical Information Assets

Physical information assets (whether paper or electronic assets such as external hard drives or thumb drives) are subject to the same policy considerations as their electronic counterparts. In the event that information held on a physical electronic device is to be destroyed, the device shall be completely erased to ensure that information cannot be reconstructed at a later date. In the event that medium or high sensitivity information contained on paper is to be destroyed, the paper shall be placed in a secure shred bin for proper disposal.

VI. Revision History

Action	Date	Approval Authority
Initial version	June 10, 2014	Richard Cordray, Director, CFPB
Technical corrections	July 22, 2014	Richard Cordray, Director, CFPB

VII. Effective and expiration dates

This Policy will become effective on September 30, 2014

A2: Public information intake & management policy exception

Public information intake & management policy exception

A. Overview

CFPB's *Information Governance Policy* sets in place rigorous guidelines and processes around the intake of information. The CIO has developed this exception to the *Information Governance Policy* as related to certain types of publicly available information.

A. Excepted guidelines and processes

Information intake

Certain public information (as outlined in section D) may be brought into the Bureau at the discretion of individual Bureau employees or contractors and without the need for approval from the CIO or other delegated authority.

Information management

Public information may be stored in any CFPB-approved location or device. Access may be provided to any Bureau employee or contractor without additional approvals.

B. Guidelines and processes NOT excepted

Disclosure and disposition

Information, which qualifies for this exception, is only exempted from the Intake and Management guidelines, but said information *is not* exempted from CFPB's *Information Governance Policy* Disclosure and Disposition policy requirements.

C. Other Bureau policies

Nothing in this memo shall be construed as an exception to adhere to the requirements of any applicable law or regulation, including but not limited to the Dodd-Frank Act, the Right to Financial Privacy Act, e-Government Act, and the Privacy Act, or any Bureau policy other than the *Information Governance Policy*.

D. Public information excepted from intake requirements

In general, information that is small, unstructured and legally available to the public for use is eligible for this exception. Examples include:

- Free newsletters (electronic or paper)
- Publicly available studies and academic papers
- Text from websites
- Newspaper or magazine content
- Direct identifiers of public figures that have been made public as part of the content being acquired (*e.g.*, journalists' bylines, names of business executives, individual images or audio/video files of public figures, etc.), unless such direct identifiers are being gathered, stored, or used in a way that would implicate the Privacy Act
- Data tables from publicly available sources
- Information received with no material contractual or legal restrictions on collection, access, distribution, or use

E. Public information NOT excepted from intake requirements

Certain information, even though publicly available, requires review and approval due to legal, privacy, operational or other reasons.

- Any public information which the Bureau does not have a clear authority to intake or is of a nature that other federal laws may restrict us from collecting (*e.g.*, First Amendment protected activities such as religious affiliation)
- Data from social media sources (*e.g.*, Twitter feeds, Facebook posts), other than social media information specifically directed at the Bureau (*e.g.*, responses to Tweets from @CFPB)
- Any microdata (consumer-level or loan-level) data in structured datasets
- Any information that has been made public illegally (*e.g.*, classified or proprietary information that has been leaked to the public)
- Any information that implicates compliance actions under applicable information law (*e.g.*, creating a new Privacy Impact Assessment, System of Records Notice, Paperwork Reduction Act Information Collection Request)
- Any information where the data rights or other limitations associated with the data restrict the Bureau from collecting or intaking said information
- Information with significant contractual, MOU-based, legal or other restrictions on collection, access, distribution, or use

- Large information assets which are intended for Bureau-wide use (e.g., Census Bureau data, geographic mapping files)¹⁶⁵
- Information which, if misused or inappropriately disclosed, would likely cause significant harm to individuals, entities or the Bureau

F. Applicability of exception

It is the responsibility of the individual/office wishing to intake public information under this exception to: a) ensure that the desired information clearly falls within the scope of the exception; and, b) be able to articulate or demonstrate applicability. The Data Governance Lead or Data Intake Group Coordinator must be consulted if there is any uncertainty about the applicability of this exception. The Data Governance Lead or Data Intake Group Coordinator will consult with subject matter experts regarding whether there are any applicable laws or regulations that would restrict the use of the exception.

G. Term of exception

This exception will become effective on September 30, 2014, and is granted for a period of one year, at which time it may be renewed by the CIO. If not renewed, this exception will expire. The CIO may, at his/her discretion, rescind this exception at any time.

The CIO will retain the right to exercise any authority that is excepted under this document, and to review any activities excepted under this document.

Signature: _____ Date: _____

Ashwin Vasani, Chief Information Officer, Consumer Financial Protection Bureau

¹⁶⁵ For additional information on what data assets are available or intended for Bureau-wide use, contact the Data Governance Team at CFPB_DataPolicy@cfpb.gov.

A3: Low sensitivity information intake policy exception

Low sensitivity information intake policy exception

A. Overview

CFPB's *Information Governance Policy* sets in place rigorous guidelines and processes around the intake of information. The CIO has developed this exception to the *Information Governance Policy* as related to certain types of low sensitivity information.

A. Excepted guidelines and processes

Information intake

Certain Low sensitivity information (as outlined in section D) may be brought into the Bureau at the discretion of individual Bureau employees or contractors and without the need for approval from the CIO or other delegated authority.

Guidelines and processes NOT excepted

Management, Disclosure and Disposition

Information, which qualifies for this exception, is only exempted from the Intake guidelines, but said information *is not* exempted from CFPB's *Information Governance Policy* Management, Disclosure and Disposition policy requirements.

B. Other Bureau policies

Nothing in this memo shall be construed as an exception to adhere to the requirements of any applicable law or regulation, including but not limited to the Dodd-Frank Act, the Right to Financial Privacy Act, e-Government Act, and the Privacy Act, or any Bureau policy other than the *Information Governance Policy*.

C. Low sensitivity information excepted from intake requirements

In general, information that is small or unstructured, and does not have significant restrictions, is eligible for this exception. Examples include:

- Public information that has been sampled, aggregated, consolidated, or otherwise altered by the Bureau
- Non-public or proprietary information from widely available sources which does not have significant contractual or legal restrictions on access, distribution or use (*e.g.*, periodicals, subscription-based web site content)
- Small procured datasets or information intended for a specific purpose, such as research reports on particular companies, industries, products, or consumer segments

D. Low sensitivity information NOT excepted from intake requirements

Certain information, even though low sensitivity, requires review and approval due to legal, privacy, operational or other reasons.

- Any low sensitivity information which we do not have a clear authority to intake or is of a nature that other federal laws may restrict us from collecting (*e.g.*, First Amendment protected activities such as religious affiliation)
- Proprietary datasets which have significant contractual or legal restrictions on access, distribution or use
- Data from social media sources (*e.g.*, Twitter feeds, Facebook posts), other than social media information specifically directed at the Bureau (*e.g.*, responses to Tweets from @CFPB)
- Any microdata (consumer-level or loan-level) data in structured datasets
- Any information obtained as part of an information collection effort which requires review by Cybersecurity (*e.g.*, a collection performed by a third-party which requires review of the third-party's systems)
- Any information that implicates compliance actions under applicable information law (*e.g.*, creating a new Privacy Impact Assessment, System of Records Notice, Paperwork Reduction Act Information Collection Request)
- Any information where the data rights or other limitations associated with the data restrict the Bureau from collecting or intaking said information
- Large information assets which are intended for Bureau-wide use (*e.g.*, certain procured datasets)
- Information which, if misused or inappropriately disclosed, would likely cause significant harm to individuals, entities or the Bureau

E. Applicability of exception

It is the responsibility of the individual/office wishing to intake Low sensitivity information under this exception to: a) ensure that the desired information clearly falls within the scope of the exception; and, b) be able to articulate/demonstrate applicability. The Data Governance Lead or Data Intake Group Coordinator must be consulted if there is any uncertainty about the applicability of this exception. The Data Governance Lead or Data Intake Group Coordinator will consult with subject matter experts regarding whether there are any applicable laws or regulators that would restrict the use of the exception.

F. Term of exception

This exception will become effective on September 30, 2014, and is granted for a period of one year, at which time it may be renewed by the CIO. If not renewed, this exception will expire. The CIO may edit or rescind this exception at any time.

The CIO will retain the right to exercise any authority that is excepted under this document, and to review any activities excepted under this document.

Signature: _____ Date: _____

Ashwin Vasan, Chief Information Officer, Consumer Financial Protection Bureau

A4: Local information storage policy exceptions

Local information storage policy exceptions

A. Overview

CFPB's *Information Governance Policy* states that Medium and High Sensitivity information should not be stored locally on user laptops or desktop computers, and must be stored in centralized, CFPB-approved locations. The *Information Governance Policy* also recognizes that in certain circumstances temporary local storage of high sensitivity information may be necessary. Accordingly, this document provides exceptions to the centralized storage requirements in certain situations.

A. Local storage exception conditions

Connectivity to CFPB network unavailable

When Medium or High Sensitivity information is received by a CFPB employee or contractor who temporarily does not have access to the CFPB network, the information may be stored locally on the user's computer. When the task is complete and the user has access to the CFPB network, the user must move the information back to the appropriate centralized storage area and remove it from local storage as soon as reasonably practical.

Information required locally for work or business reasons

Certain tasks require information to be available locally on a user's laptop (e.g., when information will be needed offline, when performance issues make using centralized storage impossible or impractical). When performing such tasks, users are permitted to temporarily store Medium and High sensitivity information locally. When the task is complete or the issue resolved, the user must move the information back to the appropriate centralized storage area and remove it from local storage as soon as reasonably practical.

Physical information

Physical information (e.g., paper, CD/DVDs) is excepted from the centralized storage requirement in section III.A.1 of the Bureau's *Information Governance Policy*. It

must, however, be stored in accordance with Bureau policy and any applicable law or regulation.¹⁶⁶

B. Division or office-specific procedures

Divisions and offices within CFPB may establish additional local information storage procedures. Any such procedures must be at least as restrictive as this Local Information Storage Exception.

C. Other Bureau policies

Nothing in this memo shall be construed as an exception to adhere to the requirements of any applicable law or regulation, or any Bureau policy other than the *Information Governance Policy*.

D. Term of exception

This exception will become effective on September 30, 2014, and is granted for a period of one year, at which time it may be renewed by the CIO and relevant Associate Directors. If not renewed, this exception will expire. The CIO may edit or rescind this exception at any time.

The CIO will retain the right to exercise any authority that is excepted under this document, and to review any activities excepted under this document.

Signature: _____ Date: _____
Ashwin Vasan, Chief Information Officer, Consumer Financial Protection Bureau

Signature: _____ Date: _____
Steve Antonakes, Associate Director for Supervision, Enforcement & Fair Lending,
Consumer Financial Protection Bureau

¹⁶⁶ See Bureau of Consumer Fin. Prot., *CFPB Internal Policies*, http://team.cfpb.local/wiki/index.php/CFPB_Internal_Policies, <http://team.cfpb.local/wiki/index.php/Category:Policy> (last visited Sept. 6, 2018 (for additional information on Bureau policies)).

A5: Voluntarily supplied contact information intake policy exception

Voluntarily supplied contact information intake policy exception

A. Overview

CFPB's *Information Governance Policy* sets in place rigorous guidelines and processes around the intake of information. The CIO has developed this exception to the *Information Governance Policy* as related to certain types of voluntarily supplied contact information.

A. Excepted guidelines and processes

Information Intake

Voluntarily supplied contact information (as outlined in section D) that qualifies under this Exception may be brought into the Bureau at the discretion of the individual Bureau employees or contractors, and without CIO (or other delegated) approval.

B. Guidelines and processes NOT excepted

Management, disclosure, and disposition

Information which qualifies for this exception is only exempted from the Intake portion of the *Information Governance Policy*, and *is not* exempted from CFPB's *Information Governance Policy* Management, Disclosure and Disposition policy requirements.

C. Other Bureau policies

Nothing in this memo shall be construed as an exception to adhere to the requirements of any applicable law or regulation, including but not limited to the Dodd-Frank Act, the Right to Financial Privacy Act, e-Government Act, and the Privacy Act, or any Bureau policy other than the *Information Governance Policy*.

D. Voluntarily supplied contact information excepted from intake requirements

An individual's or financial institution's contact information is not subject to the review and approval process as long as the individual or institution who is supplying the information has done so voluntarily, and understands the reasonably foreseeable purposes for which the Bureau may use the information. This information may include items such as:

- Full Name
- Title
- Company
- Phone number
- Email address
- Address

In order to be eligible for this exception, the above information must not be associated with any additional data about that individual or institution (*e.g.*, personal financial information, demographics, survey responses etc.). The contact information must be used for administrative purposes only, and not for market research or other analyses.

E. Voluntarily supplied contact information NOT excepted from intake requirements

As noted above, if contact information is associated with any additional information about that individual or institution, it no longer qualifies under this exception and must be reviewed and approved. This includes but is not limited to:

- An individual's social security number or financial account numbers
- Any other information which, if misused or inappropriately disclosed, would likely cause significant harm to individuals, business entities or the Bureau.

F. Applicability of exception

It is the responsibility of the individual/office wishing to intake contact information under this exception to: a) ensure that the desired information clearly falls within the scope of the exception; and, b) be able to articulate/demonstrate applicability. The Data Governance Lead or Data Intake Group Coordinator must be consulted if there is any uncertainty about the applicability of this exception. The Data Governance Lead or Data Intake Group Coordinator will consult with subject matter experts regarding whether there are any applicable laws or regulations that would restrict the use of the exception.

G. Term of exception

This exception will become effective on September 30, 2014, and is granted for a period of one year, at which time it may be renewed by the CIO. If not renewed, this exception will expire. The CIO may, at his/her discretion, rescind this exception at any time.

The CIO will retain the right to exercise any authority that is excepted under this document, and to review any activities excepted under this document.

Signature: _____ Date: _____
Ashwin Vasan, Chief Information Officer, Consumer Financial Protection Bureau

A6: Information sensitivity leveling standard

Information sensitivity leveling standard

Background and overview

All information held by (or on behalf of) the CFPB is assigned a Sensitivity level. The Sensitivity level determines important rules, guidelines and expectations around the storage, access, use, and disclosure of information. The CIO, or any other individual or committee to whom the CIO has delegated authority, is responsible for determining the appropriate Sensitivity level of information.

Given the complex and often subjective nature of sensitivity determination, this document does not attempt to provide detailed, prescriptive rules for assigning sensitivity levels. Rather, it is intended to guide the Bureau in the process of making those decisions. As such, it will continue to evolve as proscriptive rules are identified and guidelines evolve.

Limitations

Sensitivity levels under this Standard are not intended to either parallel or replace any categories of classified national security information (e.g., Classified, Secret, Top Secret).

Sensitivity levels under this Standard do not align with or have any direct bearing on whether a given piece of information would be released under a FOIA or Privacy Act request.¹⁶⁷

Sensitivity levels under this Standard do not align with or have any direct bearing on whether a given piece of information constitutes a Record under the Federal Records Act.¹⁶⁸

Sensitivity levels under this Standard do not align with or have any direct bearing on whether a given piece of information is classified under the Control Unclassified Information program.¹⁶⁹

¹⁶⁷ See Bureau of Consumer Fin. Prot., *FOIA*, <http://team.cfpb.local/wiki/index.php/FOIA> (last visited Sept. 6, 2018) (for additional information on FOIA).

¹⁶⁸ See Bureau of Consumer Fin. Prot., *Records Management Information Center*, http://team.cfpb.local/wiki/index.php/Records_Management_Information_Center (last visited Sept. 6, 2018) (for additional information on Records).

¹⁶⁹ See Exec. Order No. 13,556, 3 C.F.R. part 2002 (2010) (for more details on Controlled Unclassified Information).

There is no direct correlation between the Sensitivity levels under this Standard and the security categorization of CFPB information systems under National Institute of Standards and Technology (NIST) publications or the Federal Information Security Management Act (FISMA).¹⁷⁰

Determining information sensitivity levels

All information received by the Bureau will be assigned a sensitivity level (Public, Low, Medium, or High). The sensitivity level can be based on a number of factors, but is primarily determined by:

- The authority under which the information was received
- Legal restrictions related to the information
- Any contractual restrictions, such as MOUs, non-disclosure agreements, contracts, etc.
- Presence and sensitivity of PII or Direct Identifiers, or level of re-identification risk
- The commercial sensitivity of the information
- Whether the information is available to the general public
- Bureau policy considerations arising from the content of the information

A. Public information

Public Information is information that is available to the general public through sources other than the CFPB (e.g., other governmental bodies, universities, free publications, etc.).

Characteristics of public information

Is Not Public if:

- Includes raw data acquired through Enforcement or Supervisory authorities, or otherwise constitutes confidential investigative information, confidential supervisory information, or confidential consumer complaint information
- Contains Direct Identifiers of an individual who has not provided consent for its provision, use, or disclosure (e.g., SSN, address, full name, account numbers etc.), unless such Direct Identifiers are of public figures and have been made public as part of the content being acquired (such as journalists' bylines, names of business executives, individual images or audio/video files of public figures, etc.)

¹⁷⁰ See Bureau of Consumer Fin. Prot., *Cybersecurity*, <http://team.cfpb.local/wiki/index.php/Cybersecurity> (last visited Sept. 6, 2018) (for additional information on Cybersecurity, including policies, processes, standards, and templates).

- Contains confidential, proprietary or commercially sensitive information
- Was made available to the public via illegal means (*e.g.*, leaked documents)

Is Public if:

- Available to the general public by legal means with no restrictions regarding access or use

Sample implications of public leveling

- Bureau employees, contractors, or consultants may be granted access without the need for additional approvals
- Information may generally be shared internally without restrictions
- May be exempted from data intake governance requirements; see *Public Information Intake Exception* for more details

Examples of public information

- Publicly released macroeconomic data such as employment statistics, GDP, etc.
- News articles from publicly available sources

B. Low sensitivity information

Low sensitivity information is generally information that is not generally available to the public, but which would not likely cause significant harm if misused.

Characteristics of low sensitivity information

Is Not Low Sensitivity if:

- Includes raw data acquired through Enforcement or Supervisory authorities, or otherwise constitutes confidential investigative information, confidential supervisory information, or confidential consumer complaint information
- Contains Direct Identifiers of an individual who has not provided consent for its provision, use, or disclosure (*e.g.*, SSN, address, full name, account numbers etc.), unless such Direct Identifiers are of public figures and have been made public as part of the content being acquired (such as journalists' bylines, names of business executives, individual images or audio/video files of public figures, etc.)
- Contains information which could cause significant harm to individuals if improperly used or disclosed (*e.g.*, SSN, account numbers, etc.)
- Contains information which could cause significant harm to business entities if improperly used or disclosed (*e.g.*, trade secrets)

- Received from a third party under contract or other agreement with significant restrictions regarding use, access, or disclosure

Is Low Sensitivity if:

- Is commercially available to the general public without material restrictions on access or use (e.g., magazine subscriptions)

May Be Low Sensitivity if it:

- Contains PII with low re-identification risk
- Contains Direct Identifiers of an individual who has provided explicit consent for its provision, use, or disclosure, assuming the information will be used in a manner consistent with the purpose for which the consent was provided
- Derived from information received through Enforcement or Supervisory authorities and through aggregation, source masking, or other techniques, does not reveal the identity of any consumer or business entity involved

Sample implications of low sensitivity leveling

- Bureau employees, contractors, or consultants may be granted access without the need for additional approvals
- Information may generally be shared internally without restrictions
- May be exempted from data intake governance requirements; see *Low Sensitivity Information Intake Exception* for more details

Examples of low sensitivity information

- Purchased periodicals or industry reports that do not contain PII or trade secrets
- General Bureau-wide information that is intended to be available to all employees

C. Medium Sensitivity Information

Medium sensitivity information is generally information that is confidential, but that does not contain highly sensitive data such as Direct Identifiers concerning individuals or sensitive proprietary information concerning business entities.

Characteristics of medium sensitivity information

Is Not Medium Sensitivity if:

- Includes raw data acquired through Enforcement or Supervisory authorities, or otherwise constitutes confidential investigative information, confidential supervisory information, or confidential consumer complaint information
- Contains Direct Identifiers of an individual who has not provided consent for its provision, use, or disclosure (e.g., SSN, address, full name, account numbers, etc.), unless such Direct Identifiers are of public figures and have been made public as part of the content being acquired (such as journalists' bylines, names of business executives, individual images or audio/video files of public figures, etc.)
- Contains information which could cause significant harm to individuals if improperly used or disclosed (e.g., SSN, account numbers, etc.)
- Contains information which could cause significant harm to business entities if improperly used or disclosed (e.g., trade secrets)

May Be Medium Sensitivity if:

- Is commercially available with restrictions on access or use
- Poses a risk of re-identification, either on its own or when there is a reasonable expectation of re-identification when combined with other information
- Derived from information received through Enforcement or Supervisory authorities and through aggregation, source masking, or other techniques, does not reveal the identity of any source of data or of any consumer or business entity involved
- Certain types of confidential Bureau information (such as certain sensitive and pre-decisional documents)

Sample implications of medium sensitivity leveling

- Access may be granted to users with relevant roles
- Should be stored in a central, access-controlled location

Examples of medium sensitivity information

- Commercially-available loan-level data that does not contain direct identifiers
- Procured data with significant contractual or MOU-based restrictions

D. High sensitivity information

High sensitivity information is information which carries with it a significant legal, reputational or financial risk to the Bureau, individuals and/or business entities, should it be improperly accessed, used, or disclosed.

Characteristics of high sensitivity information

Is High Sensitivity if:

- Includes raw data acquired through Enforcement or Supervisory authorities, or otherwise constitutes confidential investigative information, confidential supervisory information, or confidential consumer complaint information
- Contains Direct Identifiers of an individual who has not provided consent for its provision, use, or disclosure (e.g., SSN, address, full name, account numbers etc.), unless such Direct Identifiers are of public figures and have been made public as part of the content being acquired (such as journalists' by lines, names of business executives, individual images or audio/video files of public figures, etc.)
- Contains information which could cause significant harm to individuals if improperly used or disclosed (e.g., SSN, account numbers, etc.)
- Contains information which could cause significant harm to business entities if improperly used or disclosed (e.g., trade secrets)
- Otherwise deemed to carry a significant legal, reputational, operational or financial risk to the Bureau

Sample implications of high sensitivity leveling

- To receive access, users must have a demonstrated business need
- Should be stored in a central, access-controlled location

Examples of high sensitivity information

- Raw Supervisory Exam information
- Raw Enforcement information
- Raw consumer complaint information
- CFPB employee names and home addresses when presented together

Sign & Date

This Standard shall become effective on September 30, 2014.

Signature: _____ Date: _____

Ashwin Vasan, Chief Information Officer, Consumer Financial Protection Bureau

A7: Data Governance Board Charter

Consumer Financial Protection Bureau

Data Governance Board Charter

I. Purpose of the Data Governance Board

The ability to intake, analyze and publicly release information is fundamental to the Consumer Financial Protection Bureau's (CFPB) mission. The Consumer Financial Protection Bureau's (CFPB or Bureau) Data Governance Board ("DGB") is a committee chaired by the Chief Data Officer (CDO).¹⁷¹ The DGB has responsibility for assessing the benefits and risks associated with managing the Bureau's data. The DGB will advise the CDO on decisions regarding intake, management, disclosure, and disposition of data in accordance with Bureau policies. The DGB is established in accordance with the *Policy on Information Governance at the CFPB*.

II. Membership

A. Members

The DGB will consist of members from the following Divisions and Offices:

1. The CDO, Chair of the DGB
2. A representative from the CDO Policy Team
3. A representative from the Office of Consumer Response
4. A representative from the Consumer Education and Engagement Division
5. A representative from the Supervision, Enforcement and Fair Lending Division
6. A representative from the Research, Markets and Regulations Division
7. A representative from the Privacy Team
8. A representative from the Cybersecurity Team
9. A representative from the Legal Division
10. A representative from the External Affairs Division
11. A representative from the Office of the Director

¹⁷¹ Per the *Policy on Information Governance at the CFPB*, the Chief Information Officer (CIO) may for operational purposes, and at his/her discretion, delegate information governance oversight authority to individuals or to operational committees. The CIO has delegated the authority to chair the DGB to the CDO. The CIO may still exercise his/her information governance oversight authority at his/her discretion.

12. A representative from the Operations Division Front Office

B. Delegates

DGB members may, as needed, send a delegate to a meeting in their place. Delegates of members will have the same authority as the member they are representing. The DGB may invite other attendees to attend meetings or engage on topics of interest, as they deem appropriate.

C. Membership selection

The members shall be identified by the senior leadership in the areas identified in Section 1.B. It is ideal for members to have the ability to weigh in on substantive information governance issues and to have knowledge of the related issues for their Office or Division. Leadership may change their choice of appointed representative at any time by notifying the CDO Policy Team.

III. Meeting support and facilitation

The Data Policy Team is responsible for:

- Scheduling and facilitating regular meetings
- Planning meeting agendas
- Compiling and sharing materials for DIG member review, prior to the meeting
- Facilitating the collection and submission of recommendations to the CDO
- Facilitating the escalation of appropriate issues to the DGB, as necessary
- Recording all decisions, and
- Maintaining relevant DGB documentation (*e.g.*, meeting presentations, minutes, recommendations) in a central location

IV. Responsibilities of the DGB

Facilitated by the Data Policy Team, it is the role of the DGB is to advise the CDO on any decisions regarding information governance. The responsibilities of the DGB include, but are not limited to, advising the CDO in making the following decisions:

- Determining whether given information should be brought into the Bureau or released by the Bureau, where the Data Intake Group or Data Release Group elevates a request to the DGB
- Developing and implementing sensitivity leveling standards for managing Bureau information
- Reviewing and approving certain information governance standards

- Reviewing and approving decisions to delegate authority to individuals or committees
- Reviewing summaries of work conducted by delegated authorities
- Reviewing policy exceptions
- Advising the CDO on general information governance related issues
- Providing timely review, feedback and recommendations of issues brought before the DGB.

V. DGB process & authorities

A. Meeting schedule

The DGB will generally meet no less than once every two months. Meetings shall be held at a time convenient to as many members as possible.

B. Advising the CDO

The DGB is responsible for advising the CDO on all parts of the *Policy on Information Governance* at the CFPB, along with certain required consultations as enumerated below.

C. Required consultations on certain decisions

Certain decisions as described below will require either post-hoc or ante-hoc consultation with the DGB.

1. Reviewing decisions prior to CDO approval

While final authority for the decisions below lies with the CDO, the decisions below shall generally be reviewed with the DGB prior to the CDO making a decision. The CDO may bypass this requirement in extraordinary circumstances (*e.g.*, when timelines do not permit ante-hoc review), but will still ensure post-hoc review in cases where review prior to the decision is not reasonably possible.

- a) **Delegation of authority.** Any and all authorities contained in the *Policy on Information Governance at the CFPB*, may be further delegated to any individual or operational committees. The CDO shall consult with the DGB on decisions to delegate authority prior to finalizing any formal delegation.
- b) **Review and approval of data governance standards or governance body charters.** The CDO has the authority to approve or reject any Bureau Data Governance Standards and to charter new Bureau governance bodies.

The CDO shall review any Bureau Data Governance Standard or charter with the DGB prior to the CDO approving or rejecting the Standard or charter.

- c) **Bureau-wide policy exceptions.** The CDO may approve exceptions to the aforementioned policy as appropriate. The DGB shall review Bureau-wide policy exceptions granted by the CDO. This review is not required for limited exceptions that may impact only a single dataset or a single user or small group of users.

2. Oversight of delegated decisions

Summaries of major data-related information management processes and practices made by delegated authorities shall be reviewed by the DGB at year-end. Divisions or Offices with a delegated authority may seek assistance from the Data Policy Team, the DGB or the CDO should any questions arise. The DGB may set guidelines around what constitutes a “major data-related decision” for the purposes of this requirement. Examples may include, but are not limited to, revising existing Standards, intaking new datasets, managing access controls, and data disclosure processes.

Each individual or committee with delegated authority shall provide information to the DGB summarizing major data-related information management processes and practices which the individual or committee has undertaken. The DGB will prescribe the frequency and format by which the decisions will be reviewed.

The DGB will not have authority to overturn any of the decisions made by delegated authorities, but may use the information reviewed to inform recommendations to the CIO or CDO as to the scope of the delegations or changes to future delegated information management processes and practices.

D. Documentation

The CDO Policy team will maintain and circulate, as needed, documentation about Data Governance Board decisions. This includes recommendations to the CIO or CDO about approving or rejecting proposed delegations of authority, new Standards, and exceptions to the *Policy on Information Governance* at the CFPB.

VI. Revision History

Action	Date	Approval Authority
Initial version	July 29, 2014	Ashwin Vasan, CIO, CFPB
Second version	November 14, 2017	Jerry Horton, CIO, CFPB

VII. CIO Signature and Effective Date

Approved: _____ Date: _____
Jerry Horton, Chief Information Officer

This Charter will become effective when signed.

A8: Data Intake Group Charter

Consumer Financial Protection Bureau Data Intake Group Charter

I. Purpose of the Data Intake Group

The ability to intake and analyze information is fundamental to the Consumer Financial Protection Bureau's (CFPB) mission. This analysis informs Supervision, Enforcement and Fair Lending decisions, guides policy development and rulemaking, provides critical information about the condition of consumer financial markets, and supports decision-making about CFPB's internal policies and operations. The DIG is established in accordance with the *Policy on Information Governance* at the CFPB.

The Data Governance Board (DGB) formed the Data Intake Group (DIG) as an operational committee to 1) coordinate CFPB data intake compliance and 2) ensure that the CFPB is responsible for its intake of information.

II. Membership

A. Members

The DIG consists of the following members:

- A representative from the Data Policy Team
- A representative from the Legal Division
- A representative from the Privacy Team
- A representative from the Cybersecurity Team
- A representative from the Enterprise Data Team
- A representative from the Paperwork Reduction Act Office
- A representative from the Records Management Office
- A representative from the Freedom of Information Act Office

B. Delegates

DIG members may, at their own discretion, have a delegate from their office or Division attend a meeting in their place. Delegates will have the same authority as the member they are representing. The DIG may invite other CFPB stakeholders to attend meetings or engage in relevant topics.

C. Membership selection

Members shall be identified by senior leadership in the areas identified above. Leadership may change their choice of appointed representative at any time by notifying the Data Governance Board or Data Policy Team.

III. DIG Coordinator

The Data Policy Team will appoint a DIG Coordinator to facilitate CFPB data intakes and manage the DIG process. The DIG Coordinator is responsible for determining the appropriate path by which the CFPB may consider intaking information, including whether proposed intakes:

- Require DIG review
- May be brought in under a delegation of authority
- May be brought in under an exception to, or are otherwise exempt from requirements
- May be brought in after a determination that compliance assessments and requirements have otherwise been completed

The DIG Coordinator, with support from the Data Policy Team, is responsible for:

- Scheduling regular meetings
- Planning meeting agendas
- Working with staff who would like to request data intakes
- Compiling and sharing materials for DIG member review, prior to the meeting
- Facilitating the collection and submission of recommendations from each DIG member
- Facilitating the approval, and/or escalation to the DGB, as necessary
- Recording all decisions, and
- Maintaining relevant DIG documentation (*e.g.*, meeting presentations, minutes, recommendations) in a central location

IV. Responsibilities of the DIG

Facilitated by the Data Policy Team, the DIG is responsible for assessing whether and how data should be brought into the CFPB in accordance with the *Policy on Information Governance at the CFPB*, other relevant CFPB policies, and appropriate legal concerns. As part of this assessment, the DIG will provide recommendations to the CDO.¹⁷²

Each DIG member is responsible for providing timely review, feedback and recommendations of data intakes brought before the DIG.

V. DIG process

A. Meeting schedule

The DIG will generally meet no less than once a month. Meetings shall be held at a time convenient to as many members as possible.

B. Required reviews

If the DIG Coordinator, Data Policy Team, or the CDO determines that a DIG review is required, relevant information about the proposed intake is provided to the DIG for review. The DIG reviews generally include:

- A review for compliance with applicable laws and regulations.¹⁷³
- A review for compliance with applicable CFPB Policies, Standards, Procedures, and Processes.
- A review of proposed plans for each data intake request, including; the purpose, ownership and access, storage, intended use, method of intake and whether the information needs to be de-identified before its proposed use.
- A written recommendation.

¹⁷² Per the *Policy on Information Governance* the Bureau, the Chief Information Officer (CIO) may for operational purposes, and at his/her discretion, delegate information governance oversight authority to individuals or to operational committees. The CIO has delegated the authority to make data intake decisions to the CDO. The CIO may still exercise his/her information governance oversight authority at his/her discretion.

¹⁷³ These include, but not limited to, the Dodd-Frank Wall Street Reform and Consumer Protection Act, Paperwork Reduction Act, E-Government Act, Privacy Act, Federal Information Security Management Act, Federal Records Act, and Freedom of Information Act.

C. Required recommendations and approval

For each data intake for which DIG review is required, DIG representatives provide their recommendation as to whether or not the CFPB should intake the data. These recommendations may include reservations or conditions and should be conducted in a timely manner.

Each DIG member is responsible for conducting an independent review of intakes under the laws, regulations, and Federal policies that govern their respective areas of compliance. Individual DIG members, unless otherwise delegated, do not have the individual authority to approve an intake of information into the CFPB.

During the CDO review process, the CDO may request more information from the DIG, or discuss the proposed intake with the Data Governance Board or other advisors. The CDO ultimately approves or rejects the proposed data intake request, and may indicate reservations, require conditions of approval or restrictions on use.

D. Timing of data intake or collection

Data subject to review by the DIG may not be brought into the CFPB or collected on behalf of the CFPB until it is approved. In extenuating circumstances, the CDO may approve or reject a given data intake without DIG review. The CDO informs the Data Policy Team, who in turn informs the DIG, of any such decision, and any such data intake may be subject to post-hoc DIG review.

E. Documentation and reporting requirements

The DIG Coordinator, with support from the Data Policy Team, will maintain and circulate, as needed, documentation about DIG recommendations and decisions.

The Data Policy Team will provide read-outs to the DGB on DIG activity generally on a quarterly basis, but no less than annually. These read-outs will include also summaries of determinations, when requests have been received and approved by the DIG Coordinator, CDO, for intakes of information other than through the DIG process.

VI. Revision History

Action	Date	Approval Authority
Initial version	June 25, 2015	Ashwin Vasan, CIO, CFPB
Revised version	November 14, 2017	Linda Powell, CDO

VII. Signature and Effective Date

Approved: _____ Date: _____

Linda Powell, Chief Information Officer

This Charter is effective when signed.

A9: Data Release Group Charter

Consumer Financial Protection Bureau

Data Release Group Charter

I. Purpose and guiding principles of the Data Release Group

As a data-driven Agency, the Bureau understands the value and potential for publicly releasing certain data sets that we collect and manage. To this end, the Data Release Group (“DRG”) was formed to 1) coordinate the review of potential Bureau data releases to the public and 2) facilitate the appropriate level, if any, of disclosure of public use datasets by the Bureau. The Bureau’s DRG will assess proposed data releases based on the following principles:

- Datasets should be made publicly available, where legally permissible and appropriate.¹⁷⁴
- Information should be managed as an asset throughout its life cycle to promote openness and interoperability, and sufficient security of information and information systems.
- Effective de-identification techniques should be applied when necessary to reduce risks associated with the public disclosure of datasets.
- Effective communication about the data before and after the data release, where possible, improves its usefulness to the public and helps to safeguard the Bureau
- Data releases should be released on the Data & Research page of the Bureau and should follow the guidelines and principles of www.consumerfinance.gov
- Data releases should align with Bureau-wide priorities informed by resource capacity and ability.

The DRG works with Bureau stakeholders to review and refine requests for data release. The DRG then makes recommendations regarding the requests to the Chief Data Officer (CDO)¹⁷⁵, who has the authority to decide whether or not to release the data.

II. Membership

¹⁷⁴ See Bureau of Consumer Fin. Prot., *The CFPB Strategy Plan, Budget, and Performance Plan and Report*, at 89-90 (Feb. 2015), available at https://files.consumerfinance.gov/f/201502_cfpb_report_strategic-plan-budget-and-performance-plan_FY2014-2016.pdf.

¹⁷⁵ Under the *Policy on Information Governance*, the CIO may for operational purposes, and at his/her discretion, delegate information governance oversight authority to individuals or to operational committees. The CIO has delegated the authority to determine what data the Bureau publicly releases to the CDO. The CIO may still exercise his/her information governance oversight authority at his/her discretion.

A. Members and delegates

The standing members of the DRG include the following members:

- A representatives from the Data Policy Team
- A representative from the Legal Division
- A representative from the Privacy Office, and
- A representative from External Affairs
- A representative from the Office of Research

B. Delegates

DRG members may, at their own discretion, have a delegate attend a meeting in their place. Delegates will have the same authority as the member they are representing. The DRG may invite other Bureau stakeholders to attend meetings or engage in relevant topics. The DRG Coordinator may invite the Data Steward and other Bureau partners to review the data release request, as necessary.

C. Membership selection

Members shall be identified by senior leadership in the areas identified above. Leadership may change their choice of appointed representative at any time by notifying the Data Governance Board or Data Policy Team.

III. DRG Coordinator

The Data Policy Team will appoint a DRG Coordinator to facilitate review of potential public data releases by the Bureau, and to manage the DRG review process. The DRG Coordinator is responsible for determining the appropriate path by which the Bureau may consider releasing information.

The DRG Coordinator, with support from the CDO Data Policy Team, is responsible for:

- Scheduling regular meetings
- Planning meeting agendas
- Working with staff who would like to request to release data publicly
- Compiling and sharing materials for DRG member review, prior to the meeting
- Facilitating the collection and submission of recommendations from each DRG member
- Facilitating the approval, and/or escalation to the DGB, as necessary
- Recording all decisions
- Notifying Design & Development that the request has been approved for release, and

- Maintaining relevant DRG documentation (e.g., meeting presentations, minutes, recommendations) in a central location

IV. Roles and responsibilities

Facilitated by the CDO Data Policy Team, the DRG is responsible for assessing whether and how data should be publicly released by the Bureau in accordance with relevant Bureau policies and applicable laws. As part of this assessment, the DRG will provide recommendations to the CDO, or his or her delegate. Each DRG member is responsible for providing timely review, feedback and recommendations related to the potential public release of data brought before the DRG.

The DRG does not review data releases that are made pursuant to a delegation of authority. For example, the DRG does not review trial exhibits in Enforcement actions. The office or division that releases data pursuant to a delegation of authority will report the data release to the Data Governance Board as part of the annual delegation of authority review process.

Other specific responsibilities:

Chief Data Officer (CDO) – Reviews the recommendations of DRG Members, and the DGB if necessary, and makes a final decision regarding the data release request.

DRG Coordinator – Provides relevant guidance and documentation to the Requester; acts as a liaison between the Requester and DRG members; guides the requester through the process, proactively identifies any issues for discussion, and partners with the Requester and DRG members to review. Convenes the DRG and relevant Bureau partners; meets with the Requester for an initial data release consultation to discuss the process, desirability and feasibility of the request; helps the Requester identify information to gather and tasks to consider; and identifies additional resources that may be necessary and connects the requester with any additional resource processes. If significant policy, legal, privacy, reputational, operational or other concerns are identified during the review by DRG members and Data Governance Lead, the DRG Coordinator elevates the request to the DGB for consultation.

DRG Member – Reviews and provides recommendation regarding the data release request to the CDO. Includes invited Bureau members that advise on data release requests.

Data Governance Board (DGB) – In its role as the advisory body that assesses risks and benefits associated with managing the Bureau's data assets, the DGB reviews and provides a recommendation to the CDO on the data release request, when necessary, such as when significant policy, legal, privacy, reputational, operational or other concerns are identified during the review process.

Data Governance Lead – Facilitates escalations and discussions with the DGB members.

Data Steward – If different from the Requester, the Data Steward is the primary point of contact for the data. For example, the Data Steward is generally listed as the point of contact in the Bureau's Data Catalog. The Data Steward participates in the review of the data release.

Requester – Develops and drafts a data release request; collects supporting documentation for review; and obtain support and confirmation that the work is a priority from the Requester's Office/Division management. As needed, the Requester socializes and seeks feedback on proposal across the Bureau. The Requester and other Bureau partners consult with DRG members to discuss data release request and present a final data release request to the DRG.

IV. DRG Process

A. Meeting schedule

The DRG will meet, as needed, to respond to Bureau staff requests. Meetings shall be held at a time convenient to as many members as possible.

B. Required reviews

If the DRG Coordinator, Data Policy Team, or CDO determines that a DRG review is required, relevant information about the proposed data release is provided to the DRG for review.

C. Required recommendations and approval

For each data release for which DRG review is required, DRG representatives provide their recommendation as to whether or not the Bureau should publicly release the data. These recommendations may include reservations or conditions and should be conducted in a timely manner.

Each DRG member is responsible for conducting an independent review of releases under the laws, regulations, and Federal policies that govern their respective areas of compliance. Individual DRG members, unless otherwise delegated, do not have the individual authority to approve a release of information from the Bureau.

During the review process, the CDO may request more information from the DRG members or the Requester, or discuss the proposed data release with the Data Governance Board or other

advisors. The CDO ultimately approves or rejects the proposed data release request, and may indicate reservations, require conditions of approval or restrictions on release.

D. Timing of data release

Data subject to review by the DRG may not be publicly released by the Bureau until it is approved. In extenuating circumstances, the CDO may approve or reject a given data release without DRG review. The CDO informs the Data Policy Team, who in turn informs the DRG, of any such decision, and any such data release may be subject to post-hoc DRG review.

E. Documentation and reporting requirements

The DRG Coordinator, with support from the Data Policy, maintains and circulates, as needed, documentation about each data release request. The data release request should include, but is not limited to, the description, purpose, and anticipated use of the data. The DRG Coordinator will maintain documentation of recommendations from DRG members and the DGB and the ultimate decision on each data release request.

The Data Policy Team will provide read-outs to the DGB on DRG activity generally on a quarterly basis, but no less than annually. These read-outs will include summaries of determinations when requests have been received and approved by the DRG Coordinator, CDO, for releases of information other than through the DRG process.

V. Revision history

Action	Date	Approval Authority
Initial pilot version	11/01/16	Reviewed by DGB
Revised version	11/14/17	Linda Powell, CDO

VI. Signature and Effective Date

Approved: _____ Date: _____
Linda Powell, Chief Data Officer

This Charter is effective when signed.

A10: Policy for the Sharing of Certain Confidential Supervisory Information with Employees in Research, Markets and Regulations

Policy for the Sharing of Certain Confidential Supervisory Information with Employees in Research, Markets and Regulations

These principles are designed to assure that appropriate employees within RMR can obtain access to confidential supervisory information (as defined in 12 CFR 1070.2(i)(1)) that has already been obtained by Supervision during the course of its examination work. This sharing will occur as needed in order both to provide support to Supervision and also to further RMR's mission of informing the public, policy-makers, and the CFPB's own policy-making with data-driven analysis of consumer finance markets and consumer behavior while at the same time protecting the confidential nature of such information. This policy does not address the sharing of confidential supervisory information with other Bureau divisions by Supervision or RMR.

The following policies and procedures will govern the sharing of confidential supervisory information with RMR employees:

1. The Associate Director, Deputy Associate Director, Assistant Directors, Deputy Assistant Directors, Program Managers, and Supervisory Economists within RMR will have access to standardized reports prepared by SPARC, including the institution and product level information. For example, this includes monitoring reports (and the confidential portions thereof), and supervisory prioritization information. Any of those individuals may designate in writing other individuals within their respective Offices who require access to such information to perform their responsibilities either on an ongoing or ad hoc basis. Any individuals with access to this information must undergo training related to confidential supervisory information, per Paragraph 7 below.
2. When providing analytic support in connection with an examination, the economists, analysts, research assistants, and other employees working on the exam will have access to the data obtained in connection with the examination for the duration of the examination process.

3. At the written request of the Associate Director, Deputy Associate Director, Assistant Director, a Supervisory Economist in the Office of Research, a Managing Counsel in the Office of Regulations, or a Program Manager in a Markets Office, the Supervision Deputy Assistant Director for SPARC (or a designee) will provide the employees identified in the request specified data and/or documents needed to undertake research or analysis with respect to a specified purpose such as analysis of a particular market or trends or behaviors across markets. This might include, for example, a request for data secured by Supervision for purposes of risk assessment using the Compliance-ease tool or similar tools. This generally would *not* include examination work papers, draft examination reports and other similar documents. In limited circumstances, this may include certain work papers, such as a work paper consisting of interview notes if, for example, Supervision and RMR are jointly assessing implementation challenges or analyzing costs and benefits in connection with CFPB's regulatory work or if interview notes contain information necessary to enable RMR to interpret data RMR is analyzing. Any individuals with access to this information must undergo training related to confidential supervisory information, outlined in Paragraph 7 below. Furthermore, any such sharing will be subject to restrictions outlined in Paragraph 8, regarding personally identifiable information.
4. RMR may use such information to prepare white papers and related other public documents or presentations on behalf of the Bureau so long as such white papers and related documents do not identify, either directly or indirectly, any particular person (as defined in 12 C.F.R. § 1070.2(n)) to whom the confidential information pertains or discuss the information in such a way that one could infer the identity of the person. Before undertaking work on such a paper or other document, RMR will review its plans for using supervisory information with the Office of Supervision Policy, the SEFL Front Office, and the Legal Division, and any disagreements as to the appropriateness of the plan will be escalated and resolved as appropriate. Such discussion will also include consideration of whether any confidential supervisory information is subject to the terms of a memorandum of understanding, as outlined in Paragraph 9 below. Drafts of white papers and related documents will be reviewed with the Office of Supervision Policy, the SEFL Front Office, and the Legal Division, in the normal course, and any disagreements as to the appropriateness of any publication or any content within a publication will be escalated and resolved as appropriate.
5. Economists in the Office of Research may use supervisory information to prepare independent research papers so long as such papers do not identify, either directly or indirectly, any particular person to whom the confidential information pertains or discuss the information in such a way that one could infer the identity of the person. A Research Paper Review Committee (Committee) with a representative from the Office of

Research, the Office of Supervision Policy, the SEFL Front Office and the Legal Division will be created to ensure compliance with this requirement. This committee will discuss whether any confidential supervisory information is subject to the terms of a memorandum of understanding, as outlined in Paragraph 9 below. The Legal Division's participation will be limited to assisting the Committee with applicable federal law and/or the restrictions of applicable information sharing agreements.

Before undertaking work on such a paper, the economist will review his/her plans for using supervisory information with the Committee and concerns about CSI resolved or elevated to the Associate Director for SEFL. Final drafts of the research paper will likewise be cleared by the Committee, solely to assure that the use of the supervisory information is consistent with the research plan and with the limitations on the use of such information (and not to exercise editorial control over the content of independent research). It is incumbent on the economists to identify any CSI used in the paper, including the source of the CSI, to assist the Committee review.

6. To the extent that employees of RMR are conducting aggregation, normalization, and/or analysis of the data, employees of RMR will share the aggregated, normalized, or analyzed data with Supervision in the normal course of business. RMR will identify a point of contact who will facilitate this sharing.
7. In general, any bureau employee who receives CSI must be trained on the proper handling of CSI. Employees receiving supervisory information will have an obligation to adhere to CSI data protection standards and take appropriate measures to protect the information. At a minimum, such measures include complying with specific procedures for safeguarding paper and electronic information (including proper disposal), appropriately labeling confidential information, and reporting any unauthorized use. Employees receiving the information will work with Supervision Examinations and T&I to adopt additional safeguards, if appropriate. Consistent with 12 C.F.R. § 1070.41(a), such employees will not disclose such information to persons outside the Bureau. Similarly, such employees will not disclose confidential information to persons within the Bureau unless the information is relevant to the performance of the other employee's assigned duties, his or her access to the information has been properly requested and approved, and such person is trained in the proper handling of CSI. In instances for which sharing the information is relevant to performance of assigned duties, the RMR employee sharing such confidential information shall obtain written approval from his or her supervisor before doing so.
8. Whenever practicable, any confidential supervisory information that the Office of Supervision Examinations disseminates to RMR shall exclude information that identifies

specific consumers, except where the RMR Office determines that access to identifiable data is necessary to data collection planning or to the general role of markets and research personnel to advise Supervision or the Director in understanding the products in question or in assessing risks to consumers. RMR shall not disclose any information that contains any personally identifiable information about specific consumers outside of the Bureau without the approval of the Office of Privacy.

9. To the extent that RMR requests confidential supervisory information that originates from or is the property of another agency, the terms and conditions of any applicable memoranda of understanding or other agreements between the CFPB and the agency will apply to RMR's use of the information. RMR must maintain the identity of the original source of any confidential supervisory information that is used directly or as reference for derivative works for any document that will be made public to allow the reviewers to ensure that the information is being used in accordance with any applicable information sharing agreements.

A11: Use of CII by RMR – Installment and Auto Title Lenders' Financial Information

Use of CII by RMR - Installment and Auto Title Lenders' Financial Information

February 6, 2017

The Office of Enforcement obtained confidential investigative information (CII) related to the size and financial resources of [redacted] installment and auto title lenders in the normal course of [redacted] investigations. RMR is seeking to use this CII for installment and auto title loan market monitoring activities and to further initial scoping and other activities for the larger participant rulemaking. To further the Bureau's market monitoring and rulemaking activities in the installment and auto title loan markets. The Office of Enforcement, the Office of Markets, the Office of Regulations, T&I, and the Legal Division have agreed on certain protocols for the protection and handling of CII by RMR in the market monitoring and rulemaking process.

The Bureau's investigation activities, including the scope of any civil investigative demands, are based on law enforcement needs and purposes as determined by Enforcement. Pursuant to the Bureau's Rules on Investigation, CIDs may be used only to gather information in support of investigations into conduct that may constitute a violation of law, 12 C.F.R. § 1080.5. CIDs shall not be used to gather information for other Divisions of the Bureau. Consistent with the Bureau's Policy on Information Governance, 12 C.F.R. § 1070.41 and 12 C.F.R. § 1070.45, Enforcement may share the information obtained in the course of investigations with RMR staff when such disclosure is needed for the latter's assigned duties. Any individuals with access to this information must comply with the same confidentiality policies and practices observed by Enforcement. Any staff receiving CII will have an obligation to adhere to appropriate data protection standards and take appropriate measures to protect the information from unauthorized disclosure. Protective measures include segregating and labeling CII in electronic and paper files, appropriately labeling confidential information, complying with procedures for proper disposal, and reporting any unauthorized use or disclosure. To help facilitate appropriate treatment of CII, RMR will schedule training for staff on handling CII, as necessary.

RMR staff receiving CII will not share the information with any other division within the

Bureau, except consistent with the Bureau policies, including the *Policy on Information Governance at the CFPB*; pursuant to 12 C.F.R. § 1070.41(a), RMR staff will not disclose CII to persons outside the Bureau, except as required by law and in consultation with the Legal Division.

RMR will not use any direct identifiers that may exist in the information for any purpose. Within RMR, staff receiving CII will not share that information further in RMR without first discussing the potential sharing with Enforcement. Before any staff may use the information, RMR will coordinate with T&I to determine whether a redaction plan is needed to remove any direct identifiers. T&I will coordinate with RMR and Enforcement to develop a plan and gain approval for any needed redactions. T&I will perform the redaction, and review the redacted information before releasing it to RMR for analysis.

In consultation with the Legal Division, RMR and Enforcement have agreed that to the extent that the Bureau relies on CII in the course of its installment and auto title loan market research and rulemaking activities, RMR will, to the extent possible handle the information in ways that protect the confidentiality of enforcement activity and the identity of the subjects of enforcement investigations. For example, in the event that it is used in a rulemaking RMR will, to the extent possible, consider the information in such a fashion that the administrative record contains only aggregated or summary information, rather than the underlying CII itself. RMR, Enforcement, T&I, and the Legal Division will continue to consult during the preparation of deliverables to ensure CII is handled consistent with this principle. They may agree on departures from it as appropriate.

Christopher D'Angelo, Associate Director, SEFL

David Silberman, Deputy Director and Associate Director, RMR

Mary McLeod, General Counsel

Linda Powell, Chief Data Officer

A12: Use of CII by RMR – Small-Dollar Lending

Use of CII by RMR – Small-Dollar Lending

June 23, 2014

The Office of Enforcement currently has [redacted] open investigations into companies that extend high-cost credit where RMR staff may be able to provide useful assistance to the enforcement activity or where the confidential investigative information (CII) obtained in the normal course of the investigation may be informative to the Bureau's rulemaking on small-dollar lending. Pursuant to 12 C.F.R. § 1070.41(a)(2), staff in Regulations and Research have been receiving CII in order to assist Enforcement in carrying out investigations; RMR is now seeking to use CII for the upcoming small-dollar lending rulemaking. To further the Bureau's rulemaking activities related to small-dollar loans, the Office of Enforcement, the Office of Regulations, and the Legal Division have agreed on certain protocols for the protection and handling of CII by RMR in the rulemaking process.

The Bureau's investigation activities, including the scope of any civil investigative demands, are based on law enforcement needs and purposes as determined by Enforcement. Consistent with 12

C.F.R. § 1070.41 and 12 C.F.R. § 1070.45, Enforcement may share the information obtained in the course of investigations with RMR staff when such disclosure is relevant to their assigned duties. Any individuals with access to this information must comply with the same confidentiality policies and practices observed by Enforcement. Any staff receiving CII will have an obligation to adhere to appropriate data protection standards and take appropriate measures to protect the information from unauthorized disclosure. Protective measures include segregating and labeling CII in electronic and paper files, appropriately labeling confidential information, complying with procedures for proper disposal, and reporting any unauthorized use or disclosure. To help facilitate appropriate treatment of CII, RMR will schedule training for staff on handling CII.

RMR staff receiving CII will not share the information with any other division within the Bureau, except consistent with the Bureau's Data Governance Policy; pursuant to 12 C.F.R. § 1070.41(a), RMR staff will not disclose CII to persons outside the Bureau, except as required by law and in consultation with the Legal Division. Within RMR, where CII has been provided to staff to support an enforcement investigation, that information will not be shared with others working on the small-dollar rulemaking without first discussing the potential sharing with Enforcement. In addition, such sharing will occur only if the information is relevant to the

performance of the other employee's assigned duties and he or she is trained in the proper handling of CII. RMR staff who are already providing investigative support for Enforcement will redact any direct identifiers before sharing with other RMR staff. When CII is provided to RMR and there are no RMR staff supporting Enforcement activities related to the same information, RMR will designate appropriate personnel to remove the direct identifiers. RMR will not analyze CII that contains direct identifiers for any purpose other than supporting an investigation.

In consultation with the Legal Division, Regulations and Enforcement have agreed that to the extent that the Bureau relies on CII in the course of the small-dollar lending rulemaking, Regulations will seek to handle the information in ways that protect the confidentiality of enforcement activity and the identity of the subjects of enforcement investigations. For example, Regulations will seek to consider the information in such a fashion that the administrative record contains only aggregated or summary information, rather than the underlying CII itself. As another example, rulemaking publications will ordinarily describe the information as confidential information gathered in the course of statutory functions without specifically identifying the channel through which the Bureau obtained the information. Regulations, Enforcement, and the Legal Division will continue to consult during the preparation of materials in support of the small-dollar lending rulemaking to ensure CII is handled consistent with this principle. They may agree on departures from it as appropriate.

Steve Antonakes, Deputy Director and Associate Director, SEFL

David Silberman, Associate Director RMR

Meredith Fuchs, General Counsel

Ashwin Vasan, Chief Information Office

A13: SEFL Integration 3.3

Internal Use Only

June 30, 2016

SEFL Staff Memorandum 2016-03

Updates SEFL Staff Memorandum 2016-01

TO	All SEFL Staff
FROM	David Bleicken Acting Associate Director – Supervision, Enforcement, and Fair Lending
SUBJECT	SEFL Integration 3.3

Summary

This memorandum updates SEFL Integration 3.2 to reflect changes to the calculation of deadlines throughout the exam report process. As a result of these changes, all internal deadlines will be structured as business days rather than calendar days.

The effective date of SEFL Integration 3.3 is July 1, 2016.

Discussion

SEFL Integration 3.2 sets out a 54 calendar day timeline for “Full Track” reports and a 61 calendar day timeline for “Expedited Track” reports. The calendar day based approach can result in as little as 34 workdays for the completion of reports, depending on the amount of holidays and weekends that fall within the report period. This SEFL 3.3 revision converts internal deadlines to a business day based approach, which will bring consistency to the process, align deadlines with available work days to complete the task, and provide relief to certain “pain points” in the current process.

In addition to a direct translation of 30 calendar days to 20 business days and seven calendar days to five business days, these revisions also reallocate days from specific parts of the process

that have historically taken less time to complete to other parts of the process that have proven to take more time. For example, less time is now allotted for final review and issuance to the Prudential Regulator or entity. Instead, those days have been reallocated to steps earlier in the process, allowing more time for review and approval within the Regions for Expedited Track reports, and for HQ feedback during the Full Track process.

Staff Contacts

Any questions on SEFL Integration 3.3 should be addressed to:

Janani Yates, Lead for Business Analytics, SEFL Front Office and

Kerry Morse, Senior Program Manager, Office of Supervision. Examinations.

Attachments

Attachment 1: SEFL Integration 3.3

Attachment 2: SEFL Integration 3.3 - redline to 3.2

ATTACHMENT 1: SEFL INTEGRATION 3.3

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PART I: SEFL COORDINATION AND PRIORITIZATION

1. Scope

This policy outlines how Supervision Policy, Supervision Examinations, Enforcement, and Fair Lending (SEFL) will jointly coordinate its prioritization of examinations and investigations. The policy is written with the recognition that SEFL has finite resources with which to oversee financial institutions. Thus, it seeks to eliminate inefficiencies by clarifying the roles and equities of each Office¹, and creating substantial “free space” for each Office¹⁷⁶ to operate. The policy builds on existing prioritization efforts occurring in each of the Offices, while also outlining new measures that will foster better integration and streamlined decision making. The policy consists of four parts: strategy, information sharing and scheduling, tool choice, and conflict resolution.

2. Strategy

The Offices will coordinate their overall strategies (Decision 0.1- see Play book for detail), both among and within product markets, as they refresh them. This coordination will occur with annual re-setting, supplemented more frequently through periodic meetings, and will be

¹⁷⁶ The Offices are the Offices of Supervision Policy, Supervision Examinations, Enforcement, and Fair Lending and Equal Opportunity. For the purposes of this policy, “examination” means either an examination (resulting in a rating) or a target review, which does not.

enhanced by the information sharing described below. The Offices will share prospective resource allocations in various product markets, and resolve any disagreements in the course of regular discussions. SEFL will present each of its Office's strategies to the Director.

For example, the Office of Supervision Examinations (OSE) will seek input from the Office of Supervision Policy (OSP), Enforcement (ENF) and Fair Lending (FL) on its assessment of market risk for each market, and on the resulting proportion of examination work devoted to that market. The FL and OSP Assistant Directors (ADs) for make the decision (Decision 0.2- see Playbook for detail) about specific examination priorities in their respective areas. Fair Lending Supervision's assessment of risks will be used to determine the fair lending institution product lines (IPLs) selected for targeted fair lending reviews. Enforcement and Fair Lending Enforcement will also assess risk in each market. SEFL Offices will also seek input from all other CFPB Divisions as part of their ongoing risk assessments.

3. Information Sharing and Scheduling

- a. Offices will schedule examinations¹⁷⁷ and open research matters on the basis of their respective strategies. Additionally, Offices will coordinate in advance to harmonize their examination schedule and list of research matters. This coordination will generally occur on an IPL basis, although some matters may necessitate coordination focused on a specific practice or type of consumer harm. The FL and OSP ADs make decisions on examination/IPL priorities based on inputs captured through the process facilitated by OSE's RAMPS team. SEFL will present each of the Office's strategies to the Director and ratification will occur per the conflict resolution guidance in Section 5.
- b. Annually, OSE will create an examination schedule for a 24-month period. The Regional Director (RD) will create a region-specific schedule (Decision 0.3- see Playbook for detail), and the Offices ADs ratify it. In the course of creating this schedule, OSE will consult with FL and ENF and consider their input, making modifications as appropriate.
- c. Similarly, on no less than a monthly basis, OSE will share with FL and ENF an updated examination schedule, reflecting any changes that have occurred to the original 24-month schedule. FL and ENF have ratify rights for changes to scheduling.
- d. On a monthly basis, ENF will share with relevant OSP, OSE, and FL Headquarters (HQ) staff a report of open research matters that includes relevant updates. This list will include research matters opened on behalf of FL. OSP will share this information with

¹⁷⁷ For the purposes of this policy, "examination" means either an examination (resulting in a rating) or a target review, which does not.

regional management, particularly as it relates to supervised institutions within their regions.

- e. The Offices will also share with each other any risk information about specific institutions and IPLs, including any information relevant to examination scoping. This risk information may include field and market intelligence (FMI), complaints, civil litigation, tipsters and whistleblowers, and any other information that is gathered about institutions and IPLs on a regular or periodic basis. The Offices will be responsible for distributing the information within their respective office. This information will be utilized in the scoping of examinations and planning of investigations.

4. Tool Choice

Given the significant amount of compliance oversight work to be done, and SEFL's finite resources, it is essential for Supervision and Enforcement to each have substantial "free space" in which to operate while ensuring collaboration. Accordingly, the following parameters will apply when any SEFL office identifies a matter that requires oversight attention and a tool choice is required:

- a. **Presumption for Supervision:** If OSE has scheduled an examination of the relevant IPL within the next **12 months**, there will be a strong presumption that the oversight inquiry will occur through an examination for all issues scoped and addressed. For fair lending matters, proposed enforcement actions would be subject to the presumption only if the planned IPL is a targeted Equal Credit Opportunity Act (ECOA) review. In these instances, if Enforcement/Fair Lending Enforcement has information related to an IPL, it will provide input through the OSP, or Fair Lending Supervision if the IPL is a targeted ECOA review, regarding the scope of the examination or through the Bi-Weekly Updates (as described in Part III.3 of this policy). This presumption does not preclude the opening of an enforcement investigation if Supervision becomes resource-constrained and Enforcement/Fair Lending Enforcement has sufficient capacity. However, for issues ultimately not scoped and addressed by the examination, approval must be provided by the SEFL Associate Director and Director prior to distributing an Enforcement Action Process (EAP) approval to open a formal investigation.
- b. **Presumption for Enforcement:** For an IPL that does not have a scheduled examination within the next **12 months**, there will be a strong presumption that Enforcement/Fair Lending Enforcement can initiate an investigation through the EAP. In these instances, Supervision will generally already be aware of matters likely to result in an investigation due to the process for sharing information about ongoing research matters outlined above. This presumption does not preclude the scheduling of an examination if Enforcement is resource constrained and Supervision has sufficient capacity.

- c. **Supervised Institution 4-Day Notice:** Enforcement/Fair Lending Enforcement will provide at least **4 calendar days** internal courtesy notice to the Supervision and Fair Lending Assistant Directors for any investigation of a supervised institution (i.e., any institution that has been examined before or has an IPL on Supervision's schedule), prior to initiating an EAP investigation.
 - i. The above notice does not apply to matters that, pursuant to a decision through the Action Review Committee (ARC), are being addressed by enforcement.
- d. **Strategy Adherence:** Once Supervision has set its examination schedule, it will not use information shared by Enforcement about research matters to change its examination schedule, without approval by the SEFL ADs. Similarly, Enforcement/Fair Lending Enforcement will not open new research matters or investigations based on information provided by Supervision in the course of refreshing its examination schedule until Supervision has determined whether or not to add specific IPLs to the examination schedule.
- e. **Post-Examination Limitation:** Enforcement/Fair Lending Enforcement will not open an EAP investigation at a recently examined IPL until **4 months** after the on-site portion of an examination is completed, without the approval of the SEFL ADs.¹⁷⁸
 - i. The above limitation does not apply to matters that, pursuant to a decision through the Action Review Committee (ARC), are being addressed by enforcement.
 - ii. For fair lending matters, the above limitation applies only to matters where the recently examined IPL was a targeted ECOA review.

5. Conflict Resolution

- a. The Offices will work closely together to agree on overall strategy, market risk, institution and IPL risk, scheduling, tool choice, and examination and investigation scope. Any disagreements within these processes should be resolved among the SEFL ADs within two weeks.
 - i. If necessary, disagreements on any of these aspects can be escalated to the SEFL Associate Director. In these instances, offices will be permitted to provide briefing

¹⁷⁸ An investigation may be opened within the 4 month period if unforeseen circumstances arise and a course of action is agreed upon by the SEFL Assistant Directors. Any disagreements will be resolved pursuant to Section 5 entitled "Conflict Resolution."

memoranda (memos) to the SEFL Associate Director of no more than two pages for disposition.

- ii. The SEFL Associate Director will report any disagreements raised pursuant to this section and confer with the Director about any proposed resolutions.

PART II: SEFL DECISION RIGHTS IN THE EXAMINATION PROCESS

This policy describes decision rights, roles, and responsibilities in the examination process.

Further details on decision rights roles and responsibilities may be found in the SEFL Integration Playbook, which is designed to provide guidance to decision makers on key decisions identified throughout the examination process and each decision maker's roles and responsibilities. The Playbook will be complemented by the Exam Workbook, a tool each exam is strongly encouraged to use to track key decisions throughout the exam process. Updates may be provided as improvements are made to the examination decision making process.

Types of decision rights are:

- Input: Right to provide input or be consulted before a decision is made
- Make Decision: Right to make decisions in light of key input gathered
- Ratify: Right to veto or overturn a decision
- Notify: Right to be notified of a decision outcome after it has been made or ratified

Decision Rights may be delegated for general purposes at the discretion of SEFL Leadership, or in specific instances at the discretion of specific Decision Right-holders. Decision Rights outlined in the Playbook are not intended to replace chain of command or limit collaboration; those involved in key decisions should keep supervisors abreast of decisions and collaborate across CFPB as needed. The Playbook also contains notify rights, which are not listed below.

The decision rights detailed in this policy do not release decision-makers from responsibilities provided by other policies.

1.1 a. FL Data Request and Analysis: Preliminary development of examination scope and information request for Fair Lending Targeted Examinations¹⁷⁹ approximately **125 business days** prior to on-site exam.

The FL Point-of-Contact (POC) makes the decision, after receiving inputs and incorporating feedback on the data request letter from the Examiner-in-Charge (EIC),¹⁸⁰ Field Manager/Senior Exam Manager (FM/SEM) and Office of Research (OR) Economist. The FL AD and OR Section Chief¹⁸¹ ratify the FL POC's decision.

1.2 a. FL Risk Assessment and Examination Focal Point Identification: Analysis by Fair Lending Supervision attorneys and economists prior to on-site examination to identify focal points for Fair Lending Targeted Examinations 40 business days prior to on-site exam.

The FL POC makes the decision on focal points of examinations based on review of OR's regression analysis, FL priorities, and other relevant supervisory information. The EIC, FM/SEM, and OR Economist provide appropriate input from OR Reports, FMI, and Entity Data to FL POC. The FL Assistant Director and OR Section Chief ratify the FL POC's decision.

1.3 a. FL Scope Summary and Info Request: For Fair Lending Targeted Examinations, development of scope summary document and preparation of the information request for additional information required 20-30 business days prior to on-site exam.

The EIC makes the decision, after reviewing input from FL POC, OSP POC, ENF Staff/Deputy and OR Economist. The FL Deputy AD, OR Section Chief, and Assistant Regional Director (ARD) ratify the EIC's decision.

1.3 b. Preliminary Scope and Info Request: Preliminary examination scoping including product lines and modules and development/ preparation of the Information Request for Targeted Examinations approximately 60-80 business days prior to on-site exam.

The EIC makes the decision with input from OSP POC, FL POC (for Home Mortgage Disclosure Act (HMDA) verification reviews), and ENF Staff/Deputy. OSP Program Manager

¹⁷⁹ As the term is used in this policy, Fair Lending Targeted Examinations does not include HMDA verification reviews.

¹⁸⁰ Decision rights in the Region may be delegated at the discretion of the RD. The FM/SEM may assume EIC Make rights for non-commissioned EICs.

¹⁸¹ Throughout this document, all input and ratify rights given to the OR Economist or Section Chief are limited to examinations in which they are providing statistical/econometric analysis, and may only be exercised for decisions related to that analysis, including how it is characterized. FL will facilitate the exercise of OR decision rights where the decision-maker is not in Fair Lending.

and FM/SEM ratify the EIC's decision. For HMDA verification reviews, the FL Deputy AD and the FM/SEM ratify the EIC's decision, either instead of the OSP Program Manager (for reviews that include only HMDA verification) or in addition to the OSP Program Manager (for reviews that include HMDA verification in addition to other non-FL areas of review).

1.4a. FL Final Examination Schedule: Finalized on-site scheduling based on review of entity documentation and CFPB resource constraints; decision is to be made in the context of the regional examination start and end dates made in Decision 0.3.

The EIC makes the decision, after receiving inputs from the OR Economist, FL Deputy AD, and ENF Staff/Deputy. The FM/SEM ratifies the EIC's decision.

1.4b. Final Examination Schedule: Finalized scheduling based on review of entity documentation and resource constraints; decision is to be made in the context of the regional examination start and end dates made in Decision 0.3.

The EIC makes the decision with input from the OSP Program Manager, Fair Lending Deputy AD (for HMDA verification review), and ENF Staff/Deputy. The FM/SEM ratifies the EIC's decision.

1.5a. FL Final Scope: Finalized scope for Fair Lending Targeted Examinations based on review of entity documentation and CFPB resource constraints.

The EIC makes the decision and uploads the final Scope Summary to SES, after receiving inputs from the OSP POC, FL POC, OR Economist, and ENF Staff/Deputy. The ARD and FL Deputy AD ratify the decision after ensuring the level of detail and resources are appropriate. The OR Section Chief may ratify only if the scope is changed in a way that affects OR resources.

1.5b. Final Scope: Finalized scope for Targeted Examinations based on review of entity documentation and CFPB resource constraints.

The EIC makes the decision with input from the OSP POC, FL POC (for HMDA verification reviews), and ENF Staff/Deputy and uploads the final scope summary to SES. The ARD ratifies the decision after ensuring the level of detail and resources are appropriate.

2.1. Work Papers: Determination of which templates to compile for findings documentation and final work papers to support final examination conclusions.

The EIC makes the decision with input on appropriate findings templates from the OSP POC, FL POC and OR Economist (as applicable on ECOA/HMDA related work papers), and ENF Staff/Deputy and uploads applicable documentation to SES or stores the

documentation in such other location as is consistent with the Office of Supervision's guidelines. The ARD ratifies the EIC's decision.

2.2. Scope Modifications: Modification to examination scope after initial scope is finalized.

The FM/SEM makes the decision with input on the impact of the scope change from OSP POC, FL POC, ENF Staff/Deputy, OR Economist (as applicable), and EIC and uploads the modified scope summary to SES. The FM/SEM also considers personnel resource constraints in Supervision/FL HQ, ENF, and the Regions. The OSP Program Manager, FL Deputy AD, RD, and ENF AD ratify the modified scope summary. The OR Section Chief may ratify only if the scope is changed in a way that affects OR resources.

2.3. Optional Fact Verification Memo: Review and validation of factual findings (without legal interpretation) during the examination with entity; generally happens multiple times throughout duration of on-site examination phase.

The EIC makes the decision and drafts and sends the Fact Verification Memo to the entity with input received on bi-weekly update calls from the OSP POC, FL POC and OR Economist as needed for ECOA and HMDA issues, and ENF Staff/Deputy. The FM/SEM ratifies the decision. The FL AD and OR Section Chief (as applicable) ratify decisions for Fair Lending Targeted Examinations or other ECOA or HMDA issues.

2.4. Post-Examination Status Meeting with Entity: Meeting with entity to disclose preliminary findings and provide status update / next steps around open questions.

The EIC makes the decision and develops an outline or script with input received on bi-weekly update calls on what can be shared regarding findings and open issues. The OSP POC, OSP Program Manager, FL POC (as applicable), OR Economist (as applicable), FL Deputy AD (as applicable), FL ENF Staff/Deputy (as applicable), and ENF Staff/Deputy provide input. The ENF AD, FL AD (as applicable for FL Enforcement decisions), OR Section Chief (as applicable), and ARD ratify the decision, after which the EIC facilitates the meeting with the entity.

2.5 Duration of Off-site Analysis Period: Extensions to the period of time for off-site analysis in a given examination, beyond the 10 business days that each examination is granted. Additional 10 business day units of analysis time may be added up to three times, for a total of up to 40 business days. Further increments may be added in unique circumstances where examinations require complex statistical analysis.

The ARD makes the decision on adding an additional 10 business days for off-site analysis with input from OSP or FL SUP POC, OSP Program Manager or FL Deputy AD, OR Section Chief (as applicable), EIC, and FM. The RD, OSE AD, and either OSP AD, or FL AD (as applicable) ratify the decision.

2.6a Move to Expedited Review: Determination of which review track an exam will follow based on whether the exam is “clean” or not. “Clean” exams are those exams that do not require interpretation from legal, do not require a Potential Action and Request for Response (PARR) Letter, and do not require the ARC process. In general “clean” exams also have minimal violations and low consumer harm/risk.

The EIC makes the decision on expediting an exam after evaluating input and determining if an exam meets the expedited criteria with input from OSP POC, OSP Program Manager, FL POC, FL Deputy AD, and ENF Staff/Deputy. The OSP AD, FL AD, ENF AD and ARD ratify the decision. An exam may not be appropriate for expedited review when there are different views about whether an examination meets the definition of “clean” described above, or when findings are disputed by the entity, HMDA errors are above the resubmission threshold, an exam is focused on a new IPL or entity, or the exam is a roll-up exam. Any parties listed above may suggest the decision be revisited in the event that new information presents itself during the review of the report (Decision 3.1).

2.6b Need for Legal (or Regulations) Opinion: Determination of need for sending a memo to Legal (or Regulations) outlining preliminary factual findings and analysis; this memo serves as primary input for Legal’s (or Regulation’s) determination(s) on a violation decision.

The OSP Program Manager or FL Deputy AD make the decision to develop a memo seeking Legal’s (or Regulation’s) opinion on a violation decision and gather input from OSP POC, FL POC, OR Economist (as applicable), ENF Staff/Deputy, EIC, and FM/SEM. The OSP AD, FL AD, and RD ratify the decision on whether to consult Legal (or Regulations).

2.7a Violation Decision for Non-Routine Questions of Law: Determination if violation around non-routine questions of law, except discrimination-related ECOA,¹⁸² has occurred.

Legal makes the decision if a violation has occurred and has the right of “non-objection” to the memo after reviewing the memo to Legal from OSP. The OSP POC drafts the memo to Legal and includes input from EIC on issue as well as OSP Program Manager, OSP AD, FL AD, FM/SEM, ARD, RD, ENF Staff/Deputy, and ENF AD. The SEFL Associate Director and Director have ratify rights in the case where OSP or the Region does not agree with Legal’s decision.

¹⁸² Non -routine matters include potentially unfair, deceptive or abusive acts or practices, substantive claims of discrimination, and all matters where the interpretation or application of a law or regulation is not clear based on the text or any official commentary.

(http://team.cfph.local/wiki/index.php/Examination_Review_Procedures#cite_note-5)

2.7b Violation Decision for Non-Routine Questions of Law (Regulations):

Determination if violation around non-routine questions of law (Regulations), except discrimination-related ECOA, has occurred.

Regulations makes the decision if a violation has occurred and has the right of “non-objection” to the memo after reviewing the memo to Regulations. The OSP POC drafts the memo to Regulations and includes input from EIC on issue as well as OSP Program Manager, OSP AD, FL AD, FM/SEM, ARD, RD, ENF Staff/Deputy, and ENF AD. Legal has ratify rights, and the SEFL Associate Director and Director have ratify rights in the case where OSP or the Region does not agree with the decision.

2.7c Violation Decision for Non-Routine Questions of Law (Fair Lending):

Determination if discrimination in violation of ECOA or Regulation B may have occurred.

The FLAD makes the decision whether a violation may have occurred, and documents the decision in a Fair Lending Initial Determination Memo (FLID) with input from the FL POC, FL Deputy AD, EIC, FM/SEM, ARD, RD, and OR Economist. The OR Section Chief has a ratify right during the development of the FLID over how OR analysis is characterized. Legal and Regulations have ratify rights. The SEFL Associate Director and Director have ratify rights in the case where FL or the Region does not agree with the way in which Legal or Regulations exercises its ratify right.

2.8. Need for a PARR Letter: Determination of need for sending a Potential Action and Request for Response (PARR) Letter to the entity.

The FM/SEM makes the decision whether to send a PARR to an institution with input from the EIC, OSP POC, OSP Program Manager, OSP Deputy AD, FL POC, FL Deputy AD, and ENF Staff/Deputy provide input. The OSP AD, FL AD, ENF AD and RD ratify the decision to draft a PARR Letter. FL decision rights for PARRs are for potential HMDA and/or non-discrimination ECOA violations.

2.9a. PARR Letter Approval: A PARR Letter provides a supervised entity notice that the CFPB has found potential violation(s) of Federal consumer financial law and is considering possible public enforcement action. Subject entities are invited to substantively respond to PARR Letters within 14 calendar days. A PARR Letter may be used when addressing both potential non-ECOA (or non-discrimination ECOA) violations and HMDA violations.

The OSP Program Manager makes the decision regarding content of a PARR Letter. The OSP Program Manager or assigned OSP POC drafts the PARR Letter with input from the FM/SEM, EIC, OSP Deputy AD, ENF Staff/Deputy, Legal, and, as applicable, the FL POC, FL Deputy AD, and FL AD. FL decision rights for PARRs are for potential HMDA and/or

non-discrimination ECOA violations. The RD ratifies the content, signs, and approves sending the PARR Letter to the entity.¹⁸³

2.9b PARR-FL Letter Approval: Documentation of 1) preliminary findings of potential ECOA violation(s), notice that the CFPB is considering referral to the Department of Justice and possible public enforcement action, and an invitation to the institution to respond within 14 calendar days; or 2) preliminary findings of HMDA violation(s), and possible public enforcement action, and an invitation to the institution to respond within 14 calendar days.

The FL POC makes the decision regarding content, drafts, signs, and sends the PARR-FL Letter. The ENF Staff/Deputy, EIC, OR Economist, FM/SEM and RD provide input. The FL Deputy AD ratifies the content and approves sending the PARR-FL Letter to the entity.

2.10 Need to ARC: Determination of need for developing an ARC memo and holding an ensuing ARC meeting.

The FM/SEM makes the decision regarding whether an exam will go through the ARC process based on the criteria outlined in Part IV of this policy and input from OSP POC, OSP Program Manager, OSP Deputy AD, FL POC, FL Deputy AD, ENF/Staff Deputy, and the EIC. The OSP AD, FL AD, ENF AD and RD ratify the decision regarding whether or not to put an exam through the ARC Process.

2.11 ARC Memo Approval: Development of ARC Memo (internal) and recommended decision to pursue public enforcement action or non-public supervisory action.

The FM/SEM makes the decision regarding the content, drafts the ARC Memo and circulates it for input to the EIC and OSP POC, who also solicits the input of the FL POC, FL Deputy AD, ENF Staff/Deputy, OR Economist (as applicable), and Legal. The RD reviews and signs the memo and ratifies sending the memo to the ARC Committee (see Part IV, section 3.b).

2.12 ARC Decision on Enforcement or Supervision: Decision by ARC members (Assistant Directors of the SEFL Offices or their designees) on whether or not a matter will be pursued through public enforcement action.

The OSE AD, OSP AD, FL AD, and ENF AD review the ARC Memo and vote on whether they (a) believe the matter should be handled through the supervisory process, (b) believe that public enforcement action is warranted, (c) wish to convene a meeting of the ARC to discuss the matter, or (d) abstain. Input is provided from the RD via the ARC Memo and additional

¹⁸³ This arrangement will be collectively revisited after one year from the date it is instituted.

input as needed during the deliberation or voting period. The SEFL Associate Director ratifies the vote within 3 business days of ARC Committee vote.

3.1 Expedited-Review Track Report Approval: Decision and ratification that an expedited exam report (per Decision 2.5) is finalized and ready to be sent to Prudential Regulators/entity.

The ARD makes the decision on content within the final exam report by collecting input within the Region from the EIC, Review Examiner, and FM/SEM. The report is approved within the Region no later than **25 business days** after the exam is placed on the Expedited Track. The report is submitted by the ARD to HQ where further input is captured from the OSP POC, OSP Program Manager, OSP Deputy AD, FL POC, OR Economist (as applicable) and FL Deputy AD. The input is assessed, consolidated, and reconciled in a manner that presents stakeholders' input without conflicts by the OSP POC or FL POC and returned to the ARD to incorporate feedback no later than **15 business days** after the report is submitted to HQ. The RD ratifies the content of the exam report before sending to the entity or Prudential Regulator within **5 business days** of receiving input from HQ.

3.2 Full Review Track Report Approval: Decision and ratification that exam report under Full Review (per Decision 2.5) is finalized and ready to move to Prudential Regulators/entity.

The ARD makes the decision on content within the final exam report by collecting input within the Region from the EIC, Review Examiner, and FM/SEM. The report is approved within the Region no later than **15 business days** after exam analysis finalized. The report is submitted by the ARD to HQ for review where further input is captured from the OSP POC, OSP Program Manager, OSP Deputy AD, FL POC, OR Economist (as applicable), FL Deputy AD, ENF Staff/Deputy and Legal. The input is assessed, consolidated, and reconciled in a manner that presents stakeholders' input without conflicts by the OSP POC or FL POC and returned to the ARD to address input. The RD ratifies the exam report and submits the report to HQ to be ratified by OSE AD, OSP AD, FL AD and SEFL Associate Director. The Headquarter review is completed in **25 business days**. The ARD incorporates input from SEFL ADs and SEFL Associate Director before sending to the entity or Prudential Regulator within **5 business days** of receiving input from HQ.

SEFL EXAMINATION PROCESS TIMING

This following table outlines the associated timing with each step of the process:

Phase	Decision	Timing
	1.1a <u>FL Data Request and Analysis</u>	125 business days before on-site
	1.2a <u>FL Risk Assessment and Exam Focal Point Identification</u>	40 business days before on-site
	1.3a <u>FL Scope Summary and Info Request</u>	20-30 business days before on-site for Fair Lending Targeted Examinations
	1.3b <u>Preliminary Scope Summary and Info Request</u>	60-80 business days before on-site Targeted Examinations
	1.4a <u>FL Final Exam Schedule</u> 1.4b <u>Final Exam Schedule</u>	20 business days before on-site
	1.5a <u>FL Final Scope</u> 1.5b <u>Final Scope</u>	20 business days before on-site
On-site	2.1 <u>Work Papers</u>	6-8 weeks to complete the on-site exam activities
On-site	2.2 <u>Scope Modification</u>	6-8 weeks to complete the on-site exam activities
On-site	2.3 <u>Optional Fact Verification Memo</u>	6-8 weeks to complete the on-site exam activities
On-site	2.4 <u>Post-Exam Status Meeting with Entity</u>	6-8 weeks to complete the on-site exam activities
Off- site Analysis	2.5 <u>Duration of Off-site Analysis Period</u>	10 business days after completion of on-site exam activities, with up to three incremental 10 business day extensions, for a total of up to 40 business days (additional extensions allowed for exams requiring complex statistical analysis)
	2.6a <u>Move to Expedited Review</u>	Upon completion of the off-site analysis period, the duration of

Phase	Decision	Timing
		which is determined in decision right 2.5
	2.6b <u>Need for Legal Opinion</u>	Upon completion of the off-site analysis period, the duration of which is determined in decision right 2.5
	2.7a <u>Violation Decision for Non-Routine Questions of Law</u>	10 business days for Legal Memo drafting (measured from the end of the off-site analysis period)
	2.7b <u>Violation Decision for Non-Routine Questions of Law (Regulations)</u>	5 business days for Legal/Regulations Division Response
		3 business days for Legal to Ratify Regulations' decisions 2.7b)
		10 business days to complete the Legal Response analysis
	2.7c <u>Violation Decision for Non-Routine Questions of Law (FL)</u>	25 total business days for Legal Memo drafting (FLID- includes Legal Response time) (measured from when enough information is available to draft the memo or the last day on-site)
		10 business days for Legal Division and Regulations Response (included in 25 business day total duration)

Phase	Decision	Timing
		10 business days to complete the Legal Response analysis
	2.8 <u>Need for PARR Letter</u>	10 business days to draft and approve PARR
	2.9a <u>PARR Letter Approval</u>	5 business days for Fair Lending to draft and approve PARR
	2.9b <u>PARR-Fair Lending Letter Approval</u>	14 calendar days for the Entity to respond to the PARR (unless an extension is granted)
		5 business days to complete PARR Response analysis (additional 10 business days to complete PARR Response analysis if the PARR Response contains quantitative analysis and/or challenges to the CFPB's statistical methodology/code.)
	2.10 <u>Need to ARC</u>	15 business days to draft and approve ARC memo (3 business days of which is for HQ offices to provide input, and 2 business days of which is for HQ POC to consolidate input)
	2.11 <u>ARC Memo Approval</u>	
	2.12 <u>ARC Decision on ENF or Supervision</u>	5 business days for SEFL ADs to determine if (a) the matter should be handled through the supervisory process, (b) believes that public enforcement action is

Phase	Decision	Timing
		warranted, (c) wishes to convene a meeting of the ARC to discuss the matter, or (d) abstains.
		3 business days for SEFL Associate Director to either concur in the decision or note his objection
Report Review	3.1 <u>Expedited-Review Track Report Approval</u>	25 business days for the Region to draft and approve the report
		15 business days for the HQ Report Review
		5 business days for the Region to incorporate feedback
Report Review	3.2 <u>Full-Review Track Report Approval</u>	15 business days for the Region to draft and approve the report
		25 business days for the HQ Report Review (3 business days of which is for the Region to incorporate HQ input prior to review by the applicable SEFL ADs)
		5 business days for the Region to incorporate feedback

PART III: ENFORCEMENT ATTORNEY ROLE IN EXAMINATION WORK

1. Scope

This policy outlines the role of attorneys with enforcement responsibilities on examinations and the governing principles for information sharing about examination work among the SEFL offices.

2. Coordination Through Supervision Policy and Fair Lending Supervision

- a. OSP staff will be the primary HQ staff receiving information about and advising on ongoing examinations. Fair Lending Supervision will be the primary HQ staff receiving information about and advising on ongoing fair lending examinations, in coordination with the OSP POC for that examination. OSP staff will serve as points of contact for individual examinations for HQ and field staff. On a parallel track, Fair Lending Supervision staff will serve as points of contact for individual fair lending issues arising in examinations for HQ and field staff. Enforcement attorneys (including Fair Lending Enforcement attorneys on an as needed basis) will continue to support and receive information about examinations in the respects described below in “Bi-Weekly Updates.”
- b. In an effort to improve efficiency and consistency, Enforcement and Fair Lending Enforcement attorneys will generally not attend on-site examinations or receive information directly from examiners or institutions under examination prior to completion of the ARC process, other than by participation in the Bi-Weekly Updates. Enforcement and Fair Lending Enforcement attorneys will not directly access supervised institutions’ systems under the CFPB’s supervisory authority. Enforcement and Fair Lending Enforcement attorneys, through Supervision Policy or Fair Lending Supervision, may review/analyze information obtained by the CFPB throughout the supervisory process but must convey any questions or requests for additional information either through Supervision Policy (or Fair Lending Supervision for fair lending matters) or in the Bi-Weekly Updates as described below. When an examination is likely to result in a public enforcement action, Enforcement and Fair Lending Enforcement attorneys may attend meetings with institutions during an examination, such as exit meetings.
 - i. An examination is deemed likely to result in a public enforcement action when a decision has been made through the Action Review Committee (ARC) process to refer a matter for potential enforcement action.

- c. Enforcement and Fair Lending Enforcement attorneys will collaborate and consult with OSP or Fair Lending Supervision (as appropriate) on non-routine¹⁸⁴ matters and may comment on examination product during HQ review. OSP and Fair Lending Supervision are responsible for keeping Enforcement and Fair Lending Enforcement attorneys apprised of examination updates to promote full collaboration, as well as for facilitating their participation during the bi-weekly Updates.

3. Bi-Weekly Updates

OSP staff will convene bi-weekly update calls (including telephonic participation as needed) regarding examinations with the field staff that representative Enforcement attorneys should also regularly attend. For Fair Lending examinations, Fair Lending Supervision staff will convene bi-weekly update calls (including telephonic participation as needed) regarding examinations with the field staff that representative Enforcement and OSP staff regularly attend and Fair Lending Enforcement on an as needed basis. Field staff will provide updates regarding examinations. Enforcement should have input about examination scoping (including review of legal matters pending involving the institution, complaints filed against the institution, legal investigations by partnering agencies and officials involving the institution, and any whistleblower tips involving the institution, though this work should be coordinated with OSP or Fair Lending Supervision and is not intended to duplicate any work already being done by OSP or Fair Lending Supervision).

The first such telephone update should occur at the commencement of the scoping of the examination or no later than two weeks prior to the due date of the scoping memo and should discuss all relevant information received. Thereafter, the bi-weekly update call should provide a full and substantive exchange of issues, ideas, and questions relevant to the examination among all of the participants. The calls should continue until an examination report or supervisory letter is issued. If a Memorandum of Understanding (MOU) is also resulting from the examination or review, the calls should include updates on the status of the MOU and continue until the MOU is signed, if it is signed after the associated letter or report is issued. The group of participants may have follow-up discussions as needed between the bi-weekly update call, but Enforcement and Fair Lending Enforcement attorneys will not in any way direct the conduct or actions of Supervision staff, and OSP and Fair Lending Supervision will make recommendations to relevant Supervision staff about the examination process as OSP and Fair Lending Supervision deem appropriate.

¹⁸⁴ Non-routine matters include potentially unfair, deceptive or abusive acts or practices, substantive claims of discrimination, and all matters where the interpretation or application of a law or regulation is not clear based on the text or any official commentary.

(http://team.cfbp.local/wiki/index.php/Examination_Review_Procedures#cite_note-5)

Generally, Fair Lending Supervision shall not be required to attend all bi-weekly calls for non-Fair Lending Targeted Examinations and OSP shall not be required to attend all bi-weekly update calls for Fair Lending Targeted Examinations or reviews that include only HMDA verification. However, the OSP POC will notify the Fair Lending Supervision POC regarding the discovery or identification of any fair lending issues (i.e., ECOA and/or HMDA) in a non- Fair Lending Targeted Examination so that s/he may attend the next bi-weekly update call or otherwise obtain the relevant fair lending information. OSP or Fair Lending Supervision may cancel the meeting if it is determined that there are no new updates for a given period. OSP or Fair Lending Supervision may also schedule additional update calls during the on-site examination period as needed. Likewise, the Fair Lending Supervision POC will notify the OSP POC regarding the discovery or identification of any significant non-fair lending issues found in a Fair Lending Targeted Examination so that s/he may attend the next bi-weekly update call or otherwise obtain the relevant non-fair lending information. When regular attendance on bi-weekly update calls is not required as described above, the Fair Lending Supervision POC or the OSP POC, as applicable, will attend the initial scoping bi-weekly update call and a midpoint-examination bi-weekly update call to ensure that they have an understanding of the scope of the examination and important findings at key points in the examination process.

4. Office of Fair Lending

- a. The responsibilities of Fair Lending attorneys will be delineated between supervision and enforcement, with Fair Lending attorneys clearly designated as Fair Lending Supervision or Fair Lending Enforcement attorneys where examination work is concerned.
 - i. Fair Lending Supervision attorneys will be permitted to work on particular fair lending enforcement matters if they have had no involvement with those particular matters during the supervisory process. Fair Lending Regional Counsel and other Fair Lending attorneys assigned to specific regions may work on enforcement matters only if such matters involve institutions outside the region to which they are assigned.
- b. When fair lending matters progress through ARC and it is determined that public enforcement is the appropriate course, the Fair Lending Supervision attorneys will transfer the enforcement matter over to their Enforcement and/or Fair Lending Enforcement colleagues. Fair Lending Supervision attorneys should be consulted by the Enforcement and Fair Lending Enforcement attorneys on the matter. Enforcement and Fair Lending Enforcement attorneys should include the Fair Lending Supervision attorneys as consultants on key issues such as on documents and discussions regarding evidentiary issues, settlement terms, monitoring, and

remediation. The Fair Lending Supervision attorneys may continue to work on the examination and on any potential referral to the Department of Justice.

5. Post-ARC Involvement of Supervision

For matters that have transitioned through the ARC process and have been referred for public enforcement action, Enforcement or Fair Lending Enforcement will regularly update Supervision and Fair Lending Supervision staff responsible for the underlying examination as to the progress of the public enforcement action. While Enforcement/Fair Lending Enforcement attorneys will have overall responsibility for meetings with the institution, the relevant Supervision/Fair Lending Supervision field staff will be invited to attend the appropriate meetings

PART IV: ACTION REVIEW COMMITTEE (ARC) PROCESS

1. Scope

This process governs SEFL's decision-making as to whether certain legal violations identified in the course of an examination or targeted review should be addressed by public enforcement action or non-public supervisory action. The specific form of relief that will be sought in any such action, including injunctive and monetary relief, and whether and in what amount to assess civil money penalties, will be addressed through the separate review processes associated with the determined course of action, whether supervisory or enforcement.¹⁸⁵

2. Notice to the Institution

- a. **Possible referral:** In the event that Fair Lending is considering referring an institution to the Department of Justice under the ECOA, it will send a PARR-FL letter to the institution in accordance with procedures adopted for that process, and subject to decision rights 2.9b outlined in Part II of this policy. The PARR-FL letter

¹⁸⁵ Occasionally, it may not be feasible to follow the process set forth below due to exigent circumstances. It is anticipated that such circumstances will be rare, and that normal procedures will only be suspended upon the recommendation of an Assistant Director of one of the Offices. In such situations, the SEFL Assistant Director will make every effort to personally contact a senior leader in each interested Office, alert them to the exigent circumstances, explain the necessity for accelerated action, and seek their input before making a recommendation. To the extent feasible, the SEFL Associate Director will also personally seek out the views of the Assistant Director of any Office that disagrees with the recommended course of action. Once the SEFL Associate Director has made a decision on the matter, it will be communicated to all SEFL Offices and the Regional Directors.

will typically be sent (and a response received) prior to the preparation of the ARC Memo.

- b. **Possible enforcement action:** As appropriate, in the course of the supervisory process, the CFPB may inform the institution with a PARR letter that the CFPB is considering the matter for formal action (that may include a non-public Memorandum of Understanding or a public enforcement action) and invite the institution's response. The issuance of a PARR letter is subject to decision rights 2.8 and 2.9a outlined in Part II of this policy.
- c. The above notices may be combined into one notice, as appropriate. Where a notice of possible referral is being provided pursuant to paragraph 2(a), the notice pursuant to paragraph 2(b) typically will be set forth in the PARR-FL letter, however Fair Lending may in its discretion decline to include the non-Fair Lending matters in the PARR-FL. The following chart provides guidance on when to use the PARR or PARR-FL letter template:

PARR Letter	Owner	Examination Violation Types
PARR-FL Letter	OFLEO	ECOA
PARR-FL Letter	OFLEO	ECOA and HMDA
PARR-FL Letter	OFLEO	HMDA
PARR Letter	OSP*	Non-ECOA (or non-discrimination ECOA) and HMDA
PARR Letter	OSP*	Non-ECOA

**In the event of an examination where both non-ECOA and HMDA violations exist, OSP will draft the letter with input from OFLEO on HMDA-related matters*

- d. Absent special circumstances, the PARR letter must be drafted and approved within **10 business days** of a violation decision (**5 business days** for Fair Lending). The institution will be given **14 calendar days** to respond to the notice letter. For notices sent pursuant to paragraph 2(a), an extension may be granted pursuant to the PARR-FL Policy. For notices sent pursuant to paragraph 2(b), an extension may be granted at the discretion of the RD.

3. The ARC Memo

- a. In the circumstances described below, and where violations of Federal consumer financial law or legally enforceable CFPB orders have been discovered in the course of

an examination/review, an ARC memo may be prepared (see 3.b.) by the Region to support the ARC's evaluation of relevant facts and law in determining whether public enforcement action is appropriate. Such a memo will be prepared in the following circumstances:

- i. If the overall facts uncovered during the course of the examination would support a rating of 3, 4, or 5, or the overall facts uncovered during the course of a review would support a rating of 3, 4, or 5 for the activities examined; or
 - ii. If any Office or RD believes the possible violations warrant public enforcement action or further discussion of that question by SEFL HQ.
- b. The ARC memo will be prepared under the direction of the RD with input from the assigned OSP and Fair Lending Supervision personnel. OSP, or Fair Lending Supervision as appropriate, will be responsible for soliciting and reconciling edits to the Region's ARC memo from assigned enforcement attorneys, and from OSP and FL where applicable, as well as consulting with relevant offices outside of SEFL, including the Legal Division and OR when appropriate (see Decision Right 2.11). The memo will then be returned to the RD to address the input. This process incorporates existing procedures for OSP and Fair Lending Supervision consultation with Legal on non-routine matters, under which Enforcement is consulted.
- c. The ARC memo will summarize the violations found and the applicability of the violation-focused and institution-focused factors set forth in the **Appendix**, as appropriate.¹⁸⁶ The ARC memo will also recommend whether or not to pursue public enforcement action and, where additional information is needed to inform settlement discussions or pursue an enforcement action, the ARC Memo will include a proposal for gathering such information, including an estimate of the time involved. The ARC memo will provide an objective analysis of the facts and the law involved, including any new or potentially controversial theory of law, and the pros and cons involved in pursuing a supervisory or public enforcement action in the matter. In the event any SEFL Office disagrees with the description of the facts or law or the RD's recommendation set forth in the ARC memo, the dissenting Office(s) will have an

¹⁸⁶ The memo need not address the policy-focused factors, which will be considered by the ARC members when determining whether public enforcement action is appropriate.

opportunity to address its disagreement at an ARC meeting to be held after the memo is circulated.

- d. The ARC memo should be completed and submitted to the ARC¹⁸⁷ as soon as sufficient facts are available regarding the matter at issue, and no later than **15 business days** after analysis of the institution's response to a PARR letter is completed (under paragraph 2(a) or 2(b) above). The **15 business day** period includes a time period for the FM/SEM to seek HQ input as follows: the FM/SEM will distribute the memo directly to each of the HQ offices, who will review and provide their input to the OSP or FL SUP POC within **3 business days**. The POC then will consolidate HQ input within **2 business days** and send to the FM/SEM to incorporate into the memo.
- e. The ARC memo will contain such attachments as the RD or other Offices believe may assist the ARC in its determinations, including, where available, the draft Examination Report/Supervisory Letter.
- f. Where the RD believes that a matter involves violations that are substantially similar to those that have previously been addressed through either public enforcement action or confidential supervisory action, an abbreviated ARC Memo may be drafted, consistent with Decision Right 2.11. The memo will identify the previous action and note: (1) why the current matter is substantially similar; and (2) whether there is any reason for the CFPB to address the current violations in a different manner than it addressed the violations that triggered the previous action.
- g. The examination team will continue to draft its examination report or supervisory letter while the ARC memo is being drafted. To the extent practical, the text of the ARC memo will be used in the appropriate portions of the examination report or supervisory letter.

4. Consideration of the ARC Memo

- a. Upon receipt, the ARC Memo will be distributed by OSE to designated points of contact in the Offices, as well as the Legal Division.
- b. Within **5 business days** of receipt of the ARC Memo each Office will reply to the ARC email box and the other Offices in writing whether it (a) believes the matter should be handled through the supervisory process, (b) believes that public

¹⁸⁷ The memo is to be sent to the CFPB_ARC_Request@cfpb.gov mailbox.

enforcement action is warranted, (c) wishes to convene a meeting of the ARC to discuss the matter, or (d) abstains.

- i. If an Office is voting for handling a matter through the supervisory process, it may suggest to the RD what type of supervisory action it believes is appropriate, although this will not be binding on the RD.
- c. In those cases where, upon review of the ARC Memo, all four Offices agree as to the appropriate course of conduct (supervisory vs. public enforcement action)¹⁸⁸, the SEFL Associate Director will either concur in the decision or note his objection within **3 business days** of receiving the ARC Memo and confirmation of each Office's agreement on the course of action. In the event the SEFL Associate Director concurs in the decision, the agreed-upon determination will govern. In the event the SEFL Associate Director objects to the determination, the ARC will convene to discuss the matter pursuant to paragraph 5. The SEFL Associate Director's Office will notify each SEFL AD or designee of the SEFL Associate Director's decision. A copy of the ARC memo and the Associate Director's decision thereon will then be provided to each of the SEFL ADs and RDs, as well as the Legal Division.
- d. In those cases where one or more of the Offices disagrees as to the appropriate course of conduct or believes that an ARC discussion is necessary, the ARC will convene to discuss the matter and make a determination as to next steps, including how the offices will efficiently gather any additional information necessary to proceed.

5. ARC Meetings

- a. The ARC will consist of the ADs of the Offices or their designees, who will be the only voting members. In addition, the RDs, a representative from the SEFL Associate Director's office, and such other participants as may from time to time be appropriate will be invited to attend all ARC meetings in order to provide additional information relevant to ARC decision-making.
- b. The ARC will meet at a regularly scheduled time every week unless no matters have been referred to it for decision.
- c. The ARC will endeavor to reach unanimity as to whether or not to pursue public enforcement action. If the ARC achieves such unanimity, notice of the ARC's determination will be provided to the SEFL Associate Director's office. The SEFL

¹⁸⁸ An abstention will constitute agreement with the views of the other Offices for these purposes.

Associate Director will then have 3 business days to concur in, or object to, the ARC's determination. The SEFL Associate Director's Office will notify each SEFLAD or designee of the SEFL Associate Director's action. In the event that the SEFL Associate Director concurs in the ARC's determination, appropriate further action will be taken and notice of the ARC's determination will be provided to each of the RDs by the SEFL Associate Director's office.

- d. In the event the ARC is unable to reach unanimity among its members, or the SEFL Associate Director objects to the ARC's unanimous determination, the SEFL Associate Director will solicit the views of the SEFL ADs, decide the matter, and provide notice of the decision to each of the SEFL ADs and the RDs.
- e. OSE will be responsible for maintaining a tracking mechanism showing the timing and disposition of ARC votes and the ARC decision.

6. Supervisory Letter or Examination Report

- a. For those matters in which an ARC Memo has been prepared, the Supervisory Letter or Examination Report will continue to be drafted but will not be finalized until a determination has been made as to whether or not the matter will be pursued through public enforcement action.
 - i. In matters that will not be pursued as public enforcement actions, the Supervisory Letter or Examination Report (as well as any MOU or other document, as appropriate) will be finalized and reviewed in the ordinary course.
 - ii. In matters being pursued as public enforcement actions, the Supervisory Letter or Examination Report:
 - (a) should identify the facts found during the examination/review as necessary to support the conclusions in the Supervisory Letter or Examination Report;
 - (b) will contain standard language indicating that the CFPB will use the Enforcement process to address certain specified matters ("These violations, any additional violations that might be identified in the course of investigating this conduct, and any [additional] corrective action, including remediation, will be addressed through the Enforcement process.");
 - (c) may include only the following corrective actions with respect to violations that will be pursued as public enforcement actions:

- (1) Direction to stop ongoing illegal conduct
 - (2) Direction to implement/enhance compliance management system (CMS), as long as it does not interfere with CMS requirements expected to be included in the CFPB or DOJ Order.
- iii. In matters that may result or have resulted in a referral to the DOJ, the Supervisory Letter or Examination Report will contain the below standard language in the Conclusions and Comments Section indicating that the CFPB may refer or has referred certain specified matters to the DOJ.
 - 1. **For referrals that have not yet been made but are under consideration at the time of issuance of the Report or SL:**
 “The CFPB continues to evaluate whether the [type of discrimination or violation] found during this review will be referred to the Department of Justice (DOJ) pursuant to the ECOA and/or the December 6, 2012 Memorandum of Understanding between the CFPB and the DOJ. A referral may result in additional corrective action by the DOJ and/or the CFPB. Please note that the CFPB's referral of a matter to the DOJ is in addition to the CFPB's independent supervisory and enforcement authority to seek appropriate legal or equitable relief. Thus, a referral does not deprive the CFPB of its authority to take additional, independent action.”
 - 2. **For referrals that have been made at the time of the issuance of the Report or SL:** “On [date], the CFPB referred this matter to the Department of Justice (DOJ) pursuant to the ECOA and the December 6, 2012 Memorandum of Understanding between the CFPB and the DOJ based on the CFPB’s finding of discrimination in violation of the ECOA. The referral may result in additional corrective action by the DOJ and/or the CFPB. Please note that the CFPB’s referral of a matter to the DOJ pursuant to ECOA is in addition to the CFPB’s independent supervisory and enforcement authority to seek appropriate legal or equitable relief. Thus, a referral does not deprive the CFPB of its authority to take additional, independent action.”
- iv. To the extent not already provided in the normal course, the assigned OSP POC or FL POC will provide an opportunity for the assigned Enforcement and Fair Lending Enforcement attorneys (if applicable) to review and

comment upon the Supervisory Letter or Examination Report before it is submitted for Supervision HQ management review. The OSP POC or FL POC will assess, consolidate, and reconcile comments in a manner that presents stakeholders' input without conflicts before returning to the ARD to address input (Decision Right 3.2). Additionally, the OSP POC will notify Enforcement and Fair Lending Enforcement of any material changes to a Supervisory Letter or Examination Report prior to issuance.

- b. For those matters in which no ARC Memo has been prepared pursuant to paragraph 3(a) above, any Office may refer the matter to the ARC upon review of the Supervisory Letter or Examination Report during HQ review. It is anticipated that such a referral will only occur in rare cases. The Supervisory Letter or Examination Report will then serve as a substitute for the ARC Memo.

7. Supervisory or Public Enforcement Action

- a. Once an ARC decision has been made, the SEFL office responsible for implementing the corrective action will also be responsible for determining how additional information should be gathered and what additional information is required.¹⁸⁹ When making this determination, the office will consider the proposal set forth in the ARC memo, but will not be constrained by it.
- b. For those matters in which public enforcement action has not been deemed appropriate, the RD will determine the appropriate remedial measures, with input from the other SEFL offices, and will oversee the implementation of those appropriate remedial measures. OSP/Fair Lending Supervision will consult with Enforcement and Fair Lending Enforcement, as appropriate, on behalf of the Region. Preparation and review of materials to implement the supervisory action (Examination Report, Supervisory Letter, draft MOU, board resolution, etc.) will be in accordance with the policies governing those matters, which require the materials to be complete and through HQ review no more than 45 business days for a Full Track Review Report Review (15 business days for the Regional Review, 25 business days for the HQ review, and 5 business days for the Region to transmit) after the ARC decision is made.¹⁹⁰

¹⁸⁹ The SEFL office gathering additional information will be limited to gathering information through its own authority.

¹⁹⁰ Following Headquarters' review, the federal prudential regulators must be provided with 30 days to review and comment on Examination Reports for large depository institutions, credit unions, and their affiliates, pursuant to

- c. For those matters in which public enforcement action has been determined appropriate, Enforcement and FL Enforcement (in FL matters) will assign one or more attorneys to handle the matter. The Enforcement and Fair Lending attorneys will take the lead on developing and resolving the enforcement action, in consultation with the RD and Supervision HQ. Preparation and review of materials to implement the enforcement action (Enforcement Action Process submissions, Notice and Opportunity to Respond and Advise letter, consent order, complaint, etc.) will be in accordance with the policies governing those matters, as well as paragraph 2(b)(ii) in Part V of this policy.
 - i. In the event that additional information is necessary to inform settlement discussions or pursue an enforcement action, Enforcement or Fair Lending Enforcement, in coordination with Supervision, may seek such additional information from the institution either through the exercise of the CFPB's enforcement authority or voluntarily.
 - ii. Civil Investigative Demands (CIDs) may be sent to the supervised entity or third parties in connection with the public enforcement action if (a) an Open Investigation memo has been circulated through the Enforcement Action Process (EAP), or (b) settlement parameters have already been approved.
 - 1. If additional information is sought by exercise of the CFPB's enforcement authority, pursuant to 7(c)(ii) above, an EAP Open Investigation memo should be submitted for EAP review within **10 business days** of the ARC decision to pursue a public enforcement action.
 - a. A CID seeking the necessary additional information should be sent to the institution within **30 business days** of EAP approval to open a formal investigation.
 - b. When further fact gathering by Enforcement or Fair Lending Enforcement is necessary, an EAP memo to Settle or Sue should

Section 1025(e)(1)(c) of Dodd Frank. Examination Reports are issued to the entity as soon as possible after such comments are considered. In an effort to improve transparency and foster communications, the prudential regulators will also receive a courtesy copy of the Supervisory Letters for the aforementioned entities five days prior to transmitting a letter to the entity. Supervisory Letters are issued to the entity as soon as possible after the expiration of the five days.

be submitted into EAP review no later than **40 business days** after the additional fact gathering is completed.

- c. In situations that Enforcement and/or Fair Lending Enforcement determine to be more complex, or where the factual record is substantially incomplete, they shall provide an explanation of why these timeframes should be adjusted, including a proposed alternative timeframe, for consideration and decision by the SEFL Associate Director.
- iii. In the event of an ARC decision to pursue a public enforcement action where no additional information is needed to begin settlement discussions with the institution, an EAP memo to Settle or Sue should be submitted into EAP review no later than **40 business days** after the ARC decision. When complex statistical analysis (e.g., proxying and regression analysis) is necessary to calculate damages, an EAP memo to Settle or Sue should be submitted into EAP review no later than **40 business days** after the analysis is completed.
- d. If the ARC decides to pursue both supervisory remedial measures and a public enforcement action for the same matter, Supervision, Enforcement and Fair Lending will ensure that the text of any relevant documents (e.g. supervisory letter, examination report, consent order) are consistent with each other.
- e. In the rare instance where additional information is received after the ARC process is complete that materially affects any Office's views as to whether or not the matter should be resolved by public enforcement action, that Office or the SEFL Associate Director may reconvene the ARC. The Office that reconvenes the ARC will submit a supplemental ARC memorandum to the ARC supporting the recommended action.

PART V: COMPLIANCE AND DISPOSITION OF REQUIRED ACTIONS

1. Scope

This section identifies the specific SEFL Office or staff that will be responsible for monitoring compliance with and/or the disposing of required actions resulting from the CFPB's examinations and investigations.

2. Compliance and Disposition of Required Actions

- a. For public enforcement actions at institutions not supervised by the CFPB,¹⁹¹ Enforcement or Fair Lending Enforcement, as appropriate, will be responsible for monitoring and evaluating compliance with any required actions, and the discretion to recommend either to the Director or his designee when to release requirements/orders.¹⁹²
- b. For public enforcement actions at supervised institutions, the RD will be responsible for monitoring and evaluating compliance with any required actions, and will have the discretion to recommend either to the Director or his designee when to release requirements/orders.
 - i. Before recommending release of requirements/orders, the RD will first ensure that appropriate staff in OSP, ENF, and FL are consulted including consultation with relevant interagency POCs. Then, the RD will provide notice to the four SEFL ADs and the Deputy General Counsel for Litigation and allow 7 calendar days for a response. The RD's notice will include: a summary of the requirements/orders; a summary of the work performed by regional staff that support their recommendation to release the order, including the actions taken by the institution to comply; a copy of the decision memo and termination order to be sent to the Director; and a list of staff who were consulted.
 - ii. In the course of pursuing public enforcement actions at supervised institutions, Enforcement and FL Enforcement will seek input from the appropriate RD regarding the terms of the consent order.
- c. For non-public required actions (e.g., Matters Requiring Attention, MOUs, Board Resolutions) resulting from examination work, the RD will be responsible for monitoring and evaluating compliance with the required actions, and will retain the discretion to release requirements as appropriate.
 - i. Before releasing MOUs and Board Resolutions, the RD will provide notice to the four SEFL ADs (copying CFPB_ARC_Request@cfpb.gov) and allow 7 calendar days for a response. The RD's notice will include a summary of the requirements/orders as well as a summary of the work performed by

¹⁹¹ For these purposes, a supervised institution includes any institution that has been examined before or has an IPL on Supervision's schedule.

¹⁹² In combined Enforcement actions, Enforcement and Fair Lending Enforcement must coordinate in monitoring and evaluating compliance with their respective required actions and when recommending the release of any provisions, requirements, and actions.

regional staff to support the release, including the actions taken by the institution to comply.

- ii. Any non-public required actions that are monitored and evaluated through on-site supervisory work that is addressed in a supervisory letter or examination report will go through the appropriate examination review track, as outlined in Decisions 3.1 and 3.2.
- iii. Non-public required actions in the form of Matters Requiring Attention may be monitored and evaluated outside of an examination or review and in that instance the requirements may be released at the sole discretion of the RD.

Appendix – ARC Factors for Evaluation

Violation- focused Factors:

- (1) Severity of each violation:
 - (a) The **nature** of the violations.
 - (b) The **number** of consumers affected.
 - (c) The **type** and **magnitude** of the risk, harm, or loss to consumers.
 - (d) The **duration** of the violations prior to discovery or notification.
 - (e) The **clarity of the law** underlying the violation.
- (2) Whether the violation(s) has **ceased or is ongoing** and the likelihood that it will be repeated.
- (3) Whether the identified violations indicate **targeting** on a prohibited basis classes for which the CFPB has a special mandate.
- (4) The importance of **deterrence**, considering the significance and pervasiveness of the practice.
- (5) The **variety** of violations and number of products affected by the violations.

Institution- focused Factors:

- (1) The **size**, complexity, and financial health of the institution.

- (2) The extent of the institution's **cooperation** to date and its willingness and ability to **comply** in the future:
- (a) The nature and extent of the institution's **cooperation** with the examination or review.
 - (b) Management's demonstrated ability and **willingness to take corrective actions** (will it comply with an MOU and has it in the past), and to operate in compliance with the law.
 - (c) Whether the institution **self-identified** the violation, either prior to the examination or during the course of the examination, or whether the entity attempted to conceal the violation, including purposely engaging in complicated transactions to make the violation difficult to uncover. Self-reporting is a different factor from self-identification.
 - (d) Whether the institution **self-corrected** the violation, including changing its practices and providing restitution, or other corrective actions taken by the entity on its own initiative, and if not, whether and for how long the entity continued to engage in the violation following notification by the CFPB.
 - (e) The institution's response to the PARR.
- (3) Whether the institution **knew or should have known** (e.g., through the volume of consumer complaints relating to the violations) of the violation.

(4) Prior regulatory action:

Whether the CFPB or another regulator has previously **criticized** or taken **corrective action** against the practice or conduct constituting the violation

Policy- focused Factors

- (1) Other ongoing or anticipated SEFL or CFPB activity related to the problematic conduct.
- (2) How responding to the conduct fits within the CFPB's or different offices' established priorities.
- (3) Resource considerations of the office(s) that will be following through on the proposed course of action.
- (4) Perspective of other regulators

Such other matters as justice may require.

APPENDIX B:

List of data collections

Bureau of Consumer Financial Protection – Data Inventory

Introduction

The data assets listed below are included in the Bureau’s Data Catalog, the Bureau’s central metadata repository, which describes the contents of the Bureau’s data assets. These data assets may represent a single dataset or multiple datasets captured in a specific data system. This listing does not include data collected from consumers on a voluntary basis through focus groups, one-on-one interviews, user testing, or small-scale informal surveys except where such data was collected in the context of developing disclosures in a rulemaking or potential rulemaking context. The Bureau is compiling information with respect to the data collections excluded from this report and will supplement the report by adding it to Appendix B.¹⁹³

The “Number” column provides a way to identify the data assets on this list. The “Source” column lists where the information is generally coming from, as discussed previously in the Bureau’s Data Report. The “Subject Title” and “Description” columns provide more information about the data collection. The “Contains direct identifiers maintained by the Bureau” column describes whether the Bureau is maintaining a data asset that contains information that directly identifies individuals. This does not include direct identifiers that consist of contact information for financial institutions or other organizations. Please note that, where a data asset contains direct identifiers, the Bureau has access controls on these data assets and, where appropriate, the Bureau has removed information that directly identifies individuals from the files staff use to conduct analyses with these data.

¹⁹³ The Bureau also is compiling and will add to Appendix B information on the costs associated with the purchase and/or collection of information by or on behalf of the Bureau.

Number	Source	Subject Title	Description	Contains direct identifiers maintained by the Bureau
1	Public	IPEDS – College Score Card	This collection is the program level information including the program name, program length, type of degree, program cost, program completion rate, average salary for program completers and other key data points about the program. Used to power the Bureau’s Paying for College tool.	
2	Public	HMDA Geocoder Public Data Sources; US Census Bureau	Combination of public State-provided street and address locations along with federal data, such as U.S. Census TIGER line files. These data were used to evaluate potential improvements to the geospatial analytic capacities of the Bureau, and in particular to support the HMDA data operations.	
3	Public	Bitcoin Historical Download	One-time download of the public Bitcoin blockchain register to understand innovation in the markets and emerging payment technologies, including digital currency.	
4	Public	Survey of Household Economics and Decision Making	The Federal Reserve Board has conducted the Survey of Household Economics and Decision-making (SHED), which evaluates the economic well-being of U.S. households and identifies potential risks to their financial stability.	
5	Public	Legal Entity Identifiers (LEI)	The Global Legal Entity Identifier Foundation (GLEIF) publishes daily an updated file, which includes all public Legal Entity Identifiers (LEIs)	

Number	Source	Subject Title	Description	Contains direct identifiers maintained by the Bureau
			issued globally and related LEI reference data.	
6	Public	Current Population Survey	The Current Population Survey (CPS), sponsored jointly by the U.S. Census Bureau and the U.S. Bureau of Labor Statistics (BLS), is the primary source of labor force statistics for the population of the United States.	
7	Public	USC Understanding America Studies	The UAS Comprehensive Data File is a basic public use dataset from the University of Southern California's (USC) Understanding America Study online panel survey.	
8	Public	Survey of Income and Program Participation	The Survey of Income and Program Participation (SIPP) is a household-based survey designed as a continuous series of national panels.	
9	Public	HMDA Geocoder Public Data Sources: State of Arkansas and Utah	These data contain Arkansas and Utah address point locations that were used to support a Bureau geocoding service prototype for financial institution's use that would return an MSA, state, and county for a given address for HMDA reporting.	
10	Public	California Bureau of Automotive Repair SMOG Data	One-time collection of emissions inspection data from the California Smog Check program downloaded for research into the effects and costs of regulatory policies.	

Number	Source	Subject Title	Description	Contains direct identifiers maintained by the Bureau
11	Public	Summary of Deposits	The Summary of Deposits (SOD) is the annual survey of branch office deposits as of June 30 for all FDIC-insured institutions, including insured U.S. branches of foreign banks. All institutions with branch offices are required to submit the survey; institutions with only a main office are exempt.	
12	Public	Survey of Consumer Finances	The Survey of Consumer Finances (SCF) includes extensive household-level data on credit card use and credit card balances; loan-level data on mortgages, education loans, and installment loans, and; vehicles and vehicles loans.	
13	Public	IMLS Public Libraries Survey	Results of annual survey of public library systems in the U.S. Publicly available through the Institute of Museum and Library Science (IMLS). Informs Bureau financial education work with public libraries.	
14	Public	ATR/QM Assessment - Fannie and Freddie Public Use Data	Loan-level performance data made available by Fannie Mae and Freddie Mac.	
15	Public	Aggregate Debt Collection Case Volumes	Aggregate counts of consumer debt collection lawsuits by calendar quarter in various US counties, generated from public records available from state and county courts. Used to monitor developments in the debt collection market.	

Number	Source	Subject Title	Description	Contains direct identifiers maintained by the Bureau
16	Public	Financial Public Records Credit Reporting Analysis	Case filing data downloaded from public court records to examine the public recording of judgments, liens and similar actions. Used for research into the impact of public records on credit scores.	
17	Public	United States Census	U.S. decennial population data for 2010 and 2000.	
18	Public	American Housing Survey	Information collected from a survey on the size and composition of the housing stock in the U.S., including the types of homes in which people are now living and the characteristics of these homes, as well as the costs of running and maintaining them.	
19	Public	Quarterly Census of Employment & Wages	Quarterly count of employment and wages reported by employers covering 98 percent of U.S. jobs, available at the county, MSA, state and national levels by industry.	
20	Public	American Community Survey	Information on demographic, social, economic, and housing characteristics about the American population collected through a nationally representative survey.	
21	Public	Home Mortgage Disclosure Act - Public	Publicly-available HMDA data has been modified from the restricted version to protect the privacy of individuals whose information is present in the dataset.	
22	Public	World Bank Remittance Data	Collection of data published by the World Bank about the cost of sending and receiving	

Number	Source	Subject Title	Description	Contains direct identifiers maintained by the Bureau
			relatively small amounts of money from one country to another. Used for monitoring the remittance market and for assessment of the remittance rule.	
23	Public	Elder Financial Exploitation Networks Study	One-time collection of information from interviews with representatives and/or members of organizations that provided financial exploitation services to elders for a study of elder financial protection.	
24	Public	Centers for Medicare & Medicaid Services (CMS)	One-time collection of Medicare pricing data for use in studying relationship of medical debt collections appearing on credit reports to medical costs.	
25	Public	LEHD QWI Public Use data	Employment and Earnings data collected from the Census Bureau to characterize employment and earnings outcomes for research.	
26	Public	Assessment Servicing - Making Home Affordable (MHA) Public Data	One-time collection of Making Home Affordable (MHA) data from the U.S. Treasury website for use in assessing mortgage servicing rules.	
27	Public	Federal Student Aid Data	Information collected by the office of Federal Student Aid, including: Direct Loans, Federal Family Education Loans (FFEL), and Perkins Loans with outstanding balances for use in marketing the student loan marketplace.	
28	Public	Health and Retirement Study	Survey of approximately 20,000 Americans over the age of 50 every two years, including information about	

Number	Source	Subject Title	Description	Contains direct identifiers maintained by the Bureau
			income, work, assets, pension plans, health insurance, disability, physical health and functioning, cognitive functioning, and health care expenditures.	
29	Public	Consumer Finance Litigation	Collection of court records from small claims courts, state courts, and federal district courts and of reports on litigation on public websites in connection with the arbitration study	X
30	Public	Home Equity Conversion Mortgage Data (HECM)	One-time collection of data that contains FHA loan-level origination and performance data for reverse mortgages insured through HUD's HECM program for use in mandated report on reverse mortgages.	
31	Public	Bureau of Labor and Statistics (BLS) – Consumer Expenditure Survey (CEX)	The Consumer Expenditure Survey (CEX) is a nationwide household survey conducted by the U.S. Bureau of Labor Statistics (BLS) to find out how Americans spend their money.	
32	Public	Department of Defense – Basic Allowance for Housing (BAH) List	The Basic Allowance for Housing (BAH) is a U.S. based allowance prescribed by geographic duty location, pay grade, and dependency status.	
33	Public, Commercial Vendor	Panel Study of Income Dynamics	The Panel Study of Income Dynamics (PSID) is longitudinal household survey of the same families and their descendants, with long-term measures of economic and social well-being.	

Number	Source	Subject Title	Description	Contains direct identifiers maintained by the Bureau
34	Public, Other Agency	Payday Storefront Location	One-time collection of storefront payday location data from a number of states to estimate effects of proposed rule.	
35	Public, Other Agency	NCUA Call Reports	Quarterly submissions of call report data from credit unions. The Bureau receives the public files and the regulatory files that include confidential fields that are not available in the public version.	
36	Public, Other Agency	Federal Financial Institutions Examination Council (FFIEC) - Call Reports	Call Report data for Banks and Thrifts from the Federal Financial Institutions Examination Council (FFIEC) shared with all FFIEC supervisory agencies. The Bureau receives the public files and the regulatory files that include confidential fields that are not available in the public version.	
37	Other Agency	Historical Loan Performance Data	Extracts from FHFA's Historical Loan performance data that include origination and performance data for GSE loans. These data were used for the Ability-to-Repay/Qualified Mortgage rule and market monitoring and research.	
38	Other Agency	Federal Reserve FR Y-14M	The FR Y-14M report collects monthly data from bank holding companies' (BHCs) and intermediate holding companies' (IHCs) loan regarding lending portfolios. These data include loan-level data on mortgages, credit cards and HELOCs.	

Number	Source	Subject Title	Description	Contains direct identifiers maintained by the Bureau
39	Other Agency	HMDA Restricted file	Prior to 2017, the Federal Reserve Board collected HMDA data and provided the HMDA Restricted file to the relevant supervisory agencies, including the Bureau.	
40	Other Agency	Department of Education - PISA Data	The Department of Education maintains Program for International Student Assessment (PISA) standardized test data on financial literacy skills of 15-year-old students from around the world, and performs analyses. Aggregated outputs of models from the analyses are used by the Bureau to assess the needs and conditions of youth financial education programming and to identify potential strategies that could improve youth financial capability.	
41	Other Agency	NMLS Mortgage Call Reports	Mortgage Call Reports from CSBS. This dataset is required reporting of all mortgage-related activities for state-registered mortgage companies registered in NMLS (non-depositories).	
42	Other Agency	State Auto Title License Lists	One-time collection of data on the number of state licensed storefront vehicle title lenders in authorizing states used in connection with the payday rulemaking.	
43	Other Agency	National Information Center (NIC) - Entity Data	Data from the Federal Reserve Board's National Information Center (NIC). The NIC is a repository of financial data and institution characteristics - such as	

Number	Source	Subject Title	Description	Contains direct identifiers maintained by the Bureau
			banking structure, supervisory and certain financial data - collected by the Federal Reserve System.	
44	Other Agency	NMLS Entity Data - B2B	Information concerning state-licensed companies, branches, and individuals licensed and registered through the Nationwide Mortgage Lending System (NMLS) from the Conference of State Bank Supervisors (CSBS).	
45	Other Agency	FinRa - National Financial Capability Study	Data from a financial capability study FINRA conducted in 2012 to benchmark key indicators of financial capability and evaluate how these indicators vary with underlying demographic, behavioral, attitudinal and financial literacy characteristics.	
46	Other Agency	PA Treasury Prepaid Cards Data	One-time collection of aggregated monthly data on prepaid card transactions and fees for Pennsylvania's unemployment compensation and workers' compensation for monitoring the market for government-issued prepaid cards.	
47	Other Agency	Federal Housing Administration's (FHA) Mortgage Data	One-time collection of loan-level information regarding FHA-insured loans including debt-to-income ratios, requested to support the Ability-to-Repay/Qualified Mortgage Rulemaking.	

Number	Source	Subject Title	Description	Contains direct identifiers maintained by the Bureau
48	Other Agency	Class Action Fairness Act Notices	One-time collection of Class Action Fairness Act (CAFA) notices regarding class action settlements from 2010 to 2013 obtained from state AG offices and used in connection with the mandated arbitration report.	
49	Other Agency	State Remittance	One-time collection of data for research to assess the Remittance Rule's influence on the remittance market, consumer protections, and availability of services.	
50	Other Agency	Money Smart for Older Adults - Aggregated Report Form	One-time collection of information from the DC Office on Aging on the overall satisfaction with the content, and a general description of audiences reached, with the Money Smart for Older Adults Report training efforts.	
51	Other Agency	VITA - Ready? Set, Save!	Aggregate numbers on savings rates and amounts from tax refunds processed at Volunteer Income Tax Assistance (VITA) programs from annual tax season cohorts collected to understand the effectiveness of Tax Time Savings campaign.	
52	Other Agency	NMLS Data Intake for Installment Loan Larger Participant Rulemaking	Information downloaded from the NMLS database, including financial data (e.g., income statements and balance sheets) collected from 25 to 50 installment lenders required to file documents with state regulators through NMLS. Used in connection with consideration of a policy	

Number	Source	Subject Title	Description	Contains direct identifiers maintained by the Bureau
			rulemaking to define larger participants in this market.	
53	Other Agency	Department of Education - Institute for Education Studies	Longitudinal microdata on a representative sample of post-secondary students including administrative and survey records from the Department of Education. Used for research into outcomes for student loan borrowers.	
54	Other Agency	Federal Trade Commission - Consumer Sentinel Network	Complaints downloaded from the FTC's Consumer Sentinel Network, a secure online database of consumer complaints available to and used for law enforcement.	X
55	Other Agency	FinCEN SARs Narrative Data	Collection through random sample of Suspicious Activity Reports (SARs) involving elder financial exploitation including narrative data.	X
56	Other Agency	FinCEN SARs Structured Data	Data from a subset of structured fields in Suspicious Activity Reports (SARs) involving elder financial exploitation.	
57	Other Agency, Commercial Vendor	National Mortgage Database	A nationally representative, de-identified loan-level mortgage database jointly funded and managed by the FHFA and the Bureau based on transaction-level files from one of the three nationwide consumer reporting agencies. These data are augmented with additional administrative data.	
58	Other	Scale Development Data Survey	Data from a survey collected at the Center for Decision Sciences, Columbia	

Number	Source	Subject Title	Description	Contains direct identifiers maintained by the Bureau
			University, to inform research on actions that consumers take to help manage their finances.	
59	Other	Pew Prepaid Data	One-time collection of Pew Research Center survey responses underlying a report published in Feb. 2014 used to inform prepaid card rulemaking.	
60	Other	Master Entity Data	The Master Entity Data (MED) is a directory of institutions produced by the Bureau by matching identifiers from datasets to produce a single unified identifier for the Bureau.	
61	Other	Assessment Mortgage Servicing Rules Test	One-time collection of data from a survey of housing counselors and legal aid attorneys to inform the assessment of mortgage servicing rules.	X ¹⁹⁴
62	Commercial Vendor	Black Knight Home Price Index	The Black Knight home price index data estimates the change in home price values for a particular type of home (e.g. top-tier, mid-tier) and geography (e.g., state, county, or zip code) over some period of time.	
63	Commercial Vendor	Mortgage Bankers Association - National Delinquency Survey	The National Delinquency Survey provides quarterly delinquency and foreclosure statistics at the national, regional, and state levels.	

¹⁹⁴ Direct identifiers consist of contact information collected in order to conduct the survey.

Number	Source	Subject Title	Description	Contains direct identifiers maintained by the Bureau
64	Commercial Vendor	Educational Credit Scores	One-time collection of credit scores from a random sample of credit records to analyze differences between credit scores provided to consumers and creditors for a required report to Congress.	
65	Commercial Vendor	LaFleurs Historical Lottery Data	One-time collection of historical weekly sales for U.S. lotteries from calendar 1993 to 2013 for research into relationship with borrowing patterns.	
66	Commercial Vendor	J.D. Power	Responses to J.D. Power consumer financial survey used to report on consumer satisfaction in credit card industry report.	
67	Commercial Vendor	Mintel Comperemedia Mailout Survey Data	Information about consumer and small business direct marketing in the U.S. across four channels: direct mail, email, online display and print for four financial services sectors: banking, credit card, mortgage and loan and investments. Data are augmented by de-identified credit records from a national credit reporting agency.	
68	Commercial Vendor	Strategic Business Insights VALs Data	Data purchased to inform research on the underlying differences and causes of financial decisions by consumers, in particular focusing on the shopping behavior of consumers.	
69	Commercial Vendor	CoreLogic Loan Level Mortgage Market Analytics	Loan origination data, loan performance data, inferred loan modification data, and contributed modification data	

Number	Source	Subject Title	Description	Contains direct identifiers maintained by the Bureau
			for loans serviced by a number of large servicers.	
70	Commercial Vendor	Blackbox Logic Private Label Mortgages	Information from private-label mortgage securities, including origination and performance details. The data comes from public trustee records and includes monthly loan-level data for non-agency (private label) residential mortgage backed securities, and some agency RMBS data.	
71	Commercial Vendor	Clarity Online Payday Loans	One-time purchase of alternative credit bureau data for non-prime consumers using borrowing instruments not captured in standard credit reports. The dataset includes inquiries and loans for consumers whose initial inquiries occurred in 2011. Used to inform rulemaking on payday loans.	
72	Commercial Vendor	Geolytics	Lookup table (pre-geocoded) matching zip9 to census block and corresponding demographic data.	
73	Commercial Vendor	Informa Mortgage Rates and Fees	Mortgage rate and fee data that powers the Explore Rates tool on the Owning a Home module on consumerfinance.gov/owning-a-home and is used for market monitoring and research.	
74	Commercial Vendor	S&P Global	Financial, market and M&A data about companies in the banking and financial services industries including regulatory and public company filings, as	

Number	Source	Subject Title	Description	Contains direct identifiers maintained by the Bureau
			well as S&P analyst reports and news updates.	
75	Commercial Vendor	MBA Reports	One-time purchase of annual revenue and expense reports from the Mortgage Bankers Association for use in assessing mortgage servicing rules.	
76	Commercial Vendor	AutoCount	Aggregated loan transaction data from 46 state Department of Motor Vehicles (DMVs).	
77	Commercial Vendor	HSH Mortgage Rate Data	Aggregated mortgage rate data, based on HSH's surveys of mortgage lenders for use in exploring alternative means of defining Average Prime Offer Rate (APOR)+.	
78	Commercial Vendor	Strategic Business Insights MacroMonitor data	Data collected from a MacroMonitor survey to support the Bureau in its role monitoring financial markets for new risks to consumers. Data were augmented with de-identified credit reporting agency records.	
79	Commercial Vendor	Powerlytics Income Data	Purchase of aggregate annual income data to be appended to data from national credit reporting agency to allow research into the relationships between income and credit usage.	
80	Commercial Vendor	Informa Rate Sheet Data	Purchase of one year adjustable rate mortgages (ARMs) on an ongoing weekly basis from Informa for use in exploring alternative means of defining APOR.	

Number	Source	Subject Title	Description	Contains direct identifiers maintained by the Bureau
81	Commercial Vendor	Credit Appends for Overdraft Data	One-time collection of credit bureau information appended to checking account data from a sample of banks to inform overdraft policy development.	
82	Commercial Vendor	Black Knight Mortgage Origination/Performance Data	Monthly mortgage origination and performance data to support RMR rulemaking, market monitoring and research.	
83	Commercial Vendor	Market Intelligence Reports	Market Intelligence Reports provide insight into origination and outstanding volumes, as well as credit quality trends across different products by credit score and by geographic region.	
84	Commercial Vendor	Geographic Information Systems Shape Files	Geospatial shape files for use with Geographic Information Systems (GIS), to store, search, analyze, and display spatial data--that is any information that can be related back to a known place or position on the earth's surface.	
85	Commercial Vendor	CreditForecast.com	Quarterly historical credit data that provides insight into how the U.S. and local economies affect consumer credit behavior and performance	
86	Commercial Vendor	Informa Checking Account Fees	Checking account fee information.	
87	Commercial Vendor	Consumer Credit Panel	Nationally-representative sample panel of consumer credit information with additional appended data.	
88	Commercial Vendor	Infogroup Business Data	This dataset includes business and location information of firms identified	

Number	Source	Subject Title	Description	Contains direct identifiers maintained by the Bureau
			through primary and secondary Standard Industrial Classification (SIC) codes as payday loan, check cashing, pawnbrokers, title loans, and automobile title loan servicers.	
89	Commercial Vendor	WebRecon Debt Collection Lawsuits	A proprietary dataset of public debt collection lawsuits (all cases where a debt collector is being sued under the FDCPA, TCPA or FCRA). The public data includes the names of the plaintiff and defendant and certain details about the suit, and is verified by the owner of the data. Used to monitor developments in the debt collection market.	X
90	Commercial Vendor	MeasureOne	Aggregate private student loan origination and performance data to monitor private student loan market.	
91	Commercial Vendor	iSpot TV	Advertisements of selected consumer financial products used to monitor marketing approaches in these markets.	
92	Commercial Vendor	Informa Credit Card Rates and Fees	Data on of credit card terms from credit card issuers' published information.	
93	Financial Institution	College Credit Card Agreements	Information about college credit card agreements collected annually pursuant to the CARD Act from credit card issuers who have marketing agreements with universities, colleges, or affiliated organizations such as alumni associations, sororities, fraternities, and foundations.	

Number	Source	Subject Title	Description	Contains direct identifiers maintained by the Bureau
94	Financial Institution	Simple	One-time collection of transaction data involving prepaid card use provided as part of Project Catalyst.	
95	Financial Institution	Third Party Comparison Sites	One-time collection of data from third party comparison sites in connection with the 2017 credit card industry report.	
96	Financial Institution	Remittance Assessment	One-time collection of data through a survey of remittance transfer providers in connection with the assessment of the remittance rule.	
97	Financial Institution	ATR-QM Assessment Data	One-time collection of de-identified loan level data from a number of financial institutions in connection with the assessment of the ATR-QM rule.	
98	Financial Institution	Remittance Exemption Usage	One-time collection of data from a number of financial institutions via interviews regarding their use of an exemption available to depositories under the remittance rule to inform the Bureau's decision making regarding extending the exception.	
99	Financial Institution	HMDA Cost	One-time collection of data from a number of financial institutions and service providers via interviews regarding costs of collecting and reporting HMDA data to inform the HMDA rulemaking.	
100	Financial Institution	Compliance Cost Study	One-time collection of data from a number of financial institutions regarding their costs in administering certain	

Number	Source	Subject Title	Description	Contains direct identifiers maintained by the Bureau
			consumer finance laws to provide the Bureau with baseline information for conducting cost-benefit analyses.	
101	Financial Institution	Credit Card Rewards Disclosures and Marketing Materials	One-time collection, pursuant to a section 1022(c)(4) order, of consumer disclosures and marketing materials for certain credit card rewards to better understand current market practices regarding credit card rewards disclosures in connection with the 2015 credit card industry report.	
102	Financial Institution	BillGuard	One-time collection of dispute data shared with the Bureau for observing trends in consumer complaints and complaint resolution provided as part of Project Catalyst.	
103	Financial Institution	Federal Student Loan Rehabilitation Data	Aggregate information on the repayment success of 500,000-1,000,000 borrowers previously in default from five companies servicing both FFELP and DL loans for monitoring the student loan servicing market.	
104	Financial Institution	Barclaycard/ Clarifi	One-time collection of data from Clarifi and Barclaycard regarding the enrollment of Barclaycard customers in credit counseling program as part of Project Catalyst.	
105	Financial Institution	Private Student Loan Originations	One-time collection of loan-level data on private education originations for 2005 to 2011 collected from private student lenders for the purpose of market research. These data were originally	

Number	Source	Subject Title	Description	Contains direct identifiers maintained by the Bureau
			acquired by the Bureau for a 2012 report mandated by Congress, provided under a non-disclosure agreement at the time.	
106	Financial Institution	CARD Act Information Collection - Subprime Credit Cards 2017	One-time collection, pursuant to a section 1022(c)(4) order, of high-level survey responses for years 2013 and 2014 of the subprime credit card market used to inform the 2015 Credit CARD Act Study Report, as well as ongoing market analyses.	
107	Financial Institution	DAP Discontinuation Data	One-time collection of aggregate data on deposit advance products (DAP) use, overdraft use, NSF incidence, and other statistics from banks that previously offered DAP to inform the payday rulemaking.	
108	Financial Institution	Plastyc	Online checking account transaction data provided as part of Project Catalyst.	
109	Financial Institution	Payday Loan Data	One-time collection of data from approximately 100 consumer loan files of a single lender to review financial status of payday loan customers at time of application and understand lending history.	
110	Financial Institution	1071 One-Time Cost Survey Beta Test	One-time collection of data from a beta test of a survey that will allow the Bureau to better understand the potential one-time compliance costs related to a small business lending rulemaking	

Number	Source	Subject Title	Description	Contains direct identifiers maintained by the Bureau
			in accordance with section 1071 of the Dodd-Frank Act.	
111	Financial Institution	Vehicle Title and Installment Data	One-time collection, pursuant to 1022(c)(4) orders, from lenders of small auto title and installment loans. Loan level data on loans over one to two year periods for use in connection with the payday rulemaking.	
112	Financial Institution	Debt Collection Contact Data	One-time collection of account-level microdata supplied by one firm on contact attempts and successes, and payments and debt curing based on its internal records for use in connection with a potential debt collection rulemaking.	
113	Financial Institution	Manufactured Housing loan-level data	One-time collection of loan-level data on mortgage originations provided by certain manufactured housing lenders for research into the effects of mortgage rules on manufactured housing lending.	
114	Financial Institution	Credit Card Rewards Tags	One-time collection of credit card reward data in conjunction with their general purpose and private label credit cards for use in connection with the 2015 credit card industry report.	
115	Financial Institution	Survey of Credit Card Plans (TCCP)	Semi-annual survey on the terms of credit card plans offered by over 150 financial institutions. Twice per year, the Bureau is required by law to collect certain credit card	

Number	Source	Subject Title	Description	Contains direct identifiers maintained by the Bureau
			price and availability information from a sample of credit card issuers and report this information to Congress and the public.	
116	Financial Institution	Home Mortgage Disclosure Act - Restricted	HMDA agency data is the full dataset with original submitted values that are redacted or modified in the public version. HMDA agency data is shared with the FFIEC members and HUD. HMDA agency data is classified as CSI.	
117	Financial Institution	Servicing Assessments Interviews	One-time collection of data from interviews of mortgage servicers for assessing the mortgage servicing rules.	
118	Financial Institution	H&R Block	Data from a multi-year research pilot to design and test practices that might be effective at encouraging customers to save a portion of their tax refunds as part of Project Catalyst.	
119	Financial Institution	"HUD-1" Closing form Data from one Settlement Company	Collection of loan-level closing data from a settlement company to support market monitoring and research into the size and distribution of certain fees and the effect of the qualified mortgage points and fee cap.	
120	Financial Institution	Payment Data for Debt Collection Rulemaking	One-time collection of transaction data about accounts from a financial institution in support of debt collection rulemaking.	
121	Financial Institution	Credit Karma	One-time collection of financial well-being and other data collected by Credit Karma from their customers	

Number	Source	Subject Title	Description	Contains direct identifiers maintained by the Bureau
			and shared with the Bureau as part of Project Catalyst.	
122	Financial Institution	American Express	One-time collection of transaction data and data from a survey American Express conducted of customers to test practices that might be effective at encouraging prepaid card users to adopt saving habits. Shared with the Bureau as part of Project Catalyst.	
123	Financial Institution	HMDA Platform User Testing	Data from users based on their experience using HMDA platform during the beta period to inform future development of the platform.	
124	Financial Institution	CARD Act Information Collection - Credit Card Origination & Digital Volume Data 2017	One-time collection, pursuant to a section 1022(c)(4) order, of credit card origination and digital volume data in conjunction with general purpose and private label credit cards used to inform the 2017 Credit CARD Act Study Report, as well as ongoing market analyses.	
125	Financial Institution	Overdraft Data Fees	One-time collection of account and transaction-level data based on random samples of consumer checking accounts to measure overdraft usage and costs.	
126	Financial Institution	CARD Act Information Collection – Aggregate Credit Card Origination & Digital Volume Data and Account-Level Deferred Interest Data 2015	One-time collection, pursuant to a section 1022(c)(4) order, of credit card origination and digital volume data in conjunction with general purpose and private label credit cards used to inform the 2015 Credit CARD Act Study	

Number	Source	Subject Title	Description	Contains direct identifiers maintained by the Bureau
			Report, as well as ongoing market analyses.	
127	Financial Institution	CARD Act Information Collection - Subprime Credit Cards 2015	One-time collection, pursuant to a section 1022(c)(4) order, of high-level survey responses for years 2015 and 2016 of the subprime credit card market and voluntary collection of account-level deferred interest data used to inform the 2017 Credit CARD Act Study Report, as well as ongoing market analyses.	
128	Financial Institution	Payday Loan Agreements	One-time collection, pursuant to a section 1022(c)(4) order, requesting a copy of the lenders' standard-form consumer loan agreement used for the Arbitration Study's analysis related to payday loans.	
129	Financial Institution	Student Loan Agreements	A one-time collection of a copy of the lenders' standard-form consumer loan agreement used for the Arbitration Study's analysis related to student loans.	
130	Financial Institution	Interstate Land Sales Full Disclosure Act	Information describing the subject real estate and the selling entity is submitted by lot sellers (defined as "Developers" by the statute) offering 100 or more nonexempt lots for sale pursuant to the Interstate Land Sales Full Disclosure Act.	
131	Financial Institution	Private Student Loan Portfolio Performance	One-time collection of quarterly performance data on private education loans	

Number	Source	Subject Title	Description	Contains direct identifiers maintained by the Bureau
			originated 1999 to 2011 and held by major lenders (acquired for 2012 report on private student loans). These data were originally acquired by the Bureau for a 2012 report mandated by Congress, and were provided under a non-disclosure agreement at the time.	
132	Financial Institution	Debt Collection Survey - CMR	One-time collection, pursuant to a section 1022(c)(4) order, of data that allows for further exploration of the relationship between credit card markets and debt collection to continue the data trends that were first reported in the previous iteration of the Card Market Report (2015).	
133	Financial Institution	Network Rules Request	One-time collection, pursuant to a section 1022(c)(4) order, of a copy of the operator and provider rules, to help better understand the construction of the system and its implications for consumers.	
134	Financial Institution	Small Bank Overdraft	One-time collection, pursuant to a section 1022(c)(4) order, of institution-level information from core service providers to better understand how overdraft programs vary by bank size and obtain more information on the overdraft programs they offer in connection with a potential overdraft rulemaking.	
135	Financial Institution	Deferred Interest	One-time collection, pursuant to a section 1022(c)(4) order, of aggregate performance and outcome metrics relating to	

Number	Source	Subject Title	Description	Contains direct identifiers maintained by the Bureau
			deferred interest promotions from entities who originate and service substantial volumes of deferred interest loans on retail credit cards. Collected to support congressionally mandated biennial review of the credit card market.	
136	Financial Institution	Credit Card Agreements	Credit card agreements from more than 300 card issuers. These agreements feature general terms and conditions, pricing, and fee information and are collected pursuant to requirements in the CARD Act.	
137	Financial Institution	Servicing Assessment Loan-level Data	One-time collection, pursuant to a section 1022(c)(4) order, of aggregate and loan-level data used to analyze and report on the effects of rule.	
138	Financial Institution	Government Monitoring Information (GMI) Survey	One-time collection of data from an interview-style, voluntary survey to institutions to improve collection of government monitoring information in connection to HMDA rulemaking.	
139	Financial Institution	Prevalence of Arbitration Agreements Intake	One-time collection of information from trade associations and a sample of firms in certain markets on the frequency with which businesses use arbitration agreements in their consumer contracts obtained in connection with preparing the require arbitration report.	

Number	Source	Subject Title	Description	Contains direct identifiers maintained by the Bureau
140	Financial Institution	Navigant - Installment Loan Data	One-time collection of small dollar installment loan-level data from four lenders that are both online and storefront in connection with the payday rulemaking.	
141	Financial Institution	Deposit Advance Products	One-time collection of deposit account and transaction-level data, including use of deposit advance products that was used in connection with the Bureau's research into short-term lending products and related products.	X ¹⁹⁵
142	Financial Institution	Student Loan Repayment Plan Information Request	One-time collection of data from student loan servicers about student loan repayments under certain alternative repayment plans for use in monitoring the student loan servicing market.	X ¹⁹⁶
143	Financial Institution	Student Loan Repayment	Data collected about student loan repayments under certain alternative repayment plans available to student loan borrowers for the purpose of supporting the Bureau's market monitoring and consumer education functions.	X ¹⁹⁷
144	Financial Institution	Debt Collection Interviews	One-time collection of information from industry experts by phone, using structured interview questions	

¹⁹⁵ Bureau analysts using these data outside the supervisory context do not have access to any direct identifiers. One analyst was granted access to a very limited subset of directly identifiable information solely for the purpose of developing the necessary algorithms to clean these data.

¹⁹⁶ Direct identifiers consist of video of the participants.

¹⁹⁷ Direct identifiers consist of video of the participants.

Number	Source	Subject Title	Description	Contains direct identifiers maintained by the Bureau
			to better understand the effects of a potential debt collection rulemaking on the debt collection market.	
145	Financial Institution	ATR-QM Lenders Survey	One-time survey of mortgage lenders to determine their level of burden and inform ATR/QM assessment.	
146	Financial Institution	Storefront Payday Loans	De-identified version of one-time supervisory data collection of borrower-level activity for loans within a period of 12 or more months. Used to research payday loan products and consumers' use of them.	X ¹⁹⁸
147	Financial Institution	Arbitration Case Records	One-time collection of case records from January 2010 through early 2013 in connection with the mandated arbitration report.	X
148	Financial Institution	Rules of Thumb	One-time collection of account and transaction data and credit reporting data collected by contractor from participating credit union (December 2014 through June 2015) of members who carried revolving credit card debt, for study determining impact of reminder messages on financial decisions.	
149	Financial Institution	Credit Builder Loan Evaluation	One-time collection of survey and administrative data collected by a contractor on behalf of the Bureau from a credit union and some of its members to understand the	

¹⁹⁸ Bureau analysts using these data outside the supervisory context do not have access to any direct identifiers.

Number	Source	Subject Title	Description	Contains direct identifiers maintained by the Bureau
			financial impact of a credit builder loan.	
150	Financial Institution	Prepaid GPR Data	One-time collection, pursuant to a section 1022(c)(4) order, to one provider of prepaid services that includes monthly aggregates regarding consumers, transactions and fees. One order covered payroll cards and the other covered GPR cards. Used in connection with the prepaid card rulemaking.	
151	Financial Institution, Commercial Vendor	Credit Card Database	Sample of de-identified account-level (such as account balance) credit card data from 2012 to 2016. These data were augmented with credit reporting agency records. These data do not include transaction level data pertaining to consumer purchases. This collection has been replaced with Y-14M data directly from the Federal Reserve Board.	
152	Financial Institution, Commercial Vendor	1073 Matched Remittance - Credit Bureau Data	One-time collection of transaction data and credit record data to prepare a report mandated by section 1073(e) of the Dodd-Frank Act.	
153	Financial Institution, Consumers	eClosing Pilot program	One-time collection of loan and process data from participants (both administrative data and settlement agent-reported data), survey data from consumers post-closing, follow-up interviews with	

Number	Source	Subject Title	Description	Contains direct identifiers maintained by the Bureau
			consumers post-closing, and feedback interviews with lenders and technology providers. Used to explore the benefits of closings for consumers and financial institutions.	
154	Financial Institution, Consumers	Consumer Response Database	Consumer complaint data, including company responses, submissions through the “tell your story” function on the Bureau website, and inquiries and feedback from consumers.	X
155	Financial Institution, Consumers	Mortgage Disclosure Forms (Qualitative)	One-time collection of data from consumers and mortgage professionals to aid in the development of new consolidated mortgage disclosures. Consumers and financial institutions also were able to provide feedback via e-mail and on the Bureau's website.	X ¹⁹⁹
156	Financial Institution, Other Agency	Supervisory Activities Data	Data collected in the course of supervisory activities. This is not one dataset, but rather a number of datasets maintained separately for each supervisory event, each with access restrictions.	X
157	Financial Institution, Other Agency, Consumers	Enforcement Activities Data	Data collected in the course of enforcement activities. This is not one dataset, but rather a number of datasets maintained separately for each enforcement matter, each with access restrictions.	X

¹⁹⁹ Direct identifiers consist of email addresses used to provide feedback.

Number	Source	Subject Title	Description	Contains direct identifiers maintained by the Bureau
158	Consumers	Remittance Disclosure	One-time collection of data from user testing of new remittance disclosures.	
159	Consumers	Mortgage Disclosure Forms (Quantitative)	One-time collection through quantitative testing of data with respect to consumer comprehension of posed and existing mortgage disclosure forms.	
160	Consumers	CARD Act experience	One-time telephone survey of consumers with respect to their credit card experiences during the first year of the CARD Act prepared for a conference sponsored by the Bureau.	
161	Consumers	Prepaid Cards Disclosure Testing	One-time collection of information from testing of consumers regarding prepaid cards, including clarity and usefulness of disclosures, and their own prepaid card usage experience.	
162	Consumers	Debt Collection Disclosure Testing	One-time collection of data from user testing of consumer rights and other disclosures for the debt collection rulemaking.	
163	Consumers	Mortgage Servicing Disclosure Testing	One-time collection of data from user testing of periodic statements and other mortgage servicing disclosures.	
164	Consumers	eClosing Initial Research Field Trial	One-time collection of data from an online usability testing survey administered to approximately 300 participants regarding their closing experience.	

Number	Source	Subject Title	Description	Contains direct identifiers maintained by the Bureau
165	Consumers	Financial Coaches	One-time collection of data collected from participants of the Financial Coaching project, which provides direct financial coaching services to transitioning veterans and economically vulnerable consumers nationwide.	
166	Consumers	National Survey of Mortgage Originations	Quarterly voluntary survey of a representative sample of recent mortgage borrowers about their experiences in choosing and taking out a mortgage. This is a joint collection between the Bureau and the FHFA.	
167	Consumers	Bureau Library Surveys	One-time collection of data from surveys of libraries participating in the Bureau's Library Program to measure the impact of the program and identify areas to improve services.	
168	Consumers	Owning a Home Survey	One-time collection of data from national online survey of over 600 consumers to determine interest in the Bureau's "Owning a Home" resource for first time homebuyers, measure appeal of this resource and understand how best to reach first-time homebuyers.	
169	Consumers	CE Concept Survey	One-time online survey of over 3,000 consumers, seeking feedback on the efficacy of "You Have the Right" messaging to determine the best way to reach consumers.	

Number	Source	Subject Title	Description	Contains direct identifiers maintained by the Bureau
170	Consumers	Disclosure Lab Study	Two lab studies conducted with college students related to the effects of different financial disclosure regimes on market outcomes and participant attention.	
171	Consumers	Choice Overload Lab Study	One-time lab study concerning whether the number of attributes consumers are faced with when choosing a financial services provider influences their ability to make choices that align with their preferences.	
172	Consumers	National Financial Well-Being Survey	One-time nationally representative survey on financial well-being and related topics for the purpose of producing multiple reports on the state of financial well-being and the relative contribution of various factors to levels of individual financial well-being.	
173	Consumers	American Survey of Mortgage Borrowers	Survey of borrowers about their mortgage experience, including their experience with maintaining a mortgage under financial stress. This is a joint collection between the Bureau and the FHFA.	
174	Consumers	Making Ends Meet Survey	Survey, using the Consumer Credit Panel (CCP) data as a frame, to solicit information on the consumers' experiences related to household financial shocks and how households respond to those shocks.	

Number	Source	Subject Title	Description	Contains direct identifiers maintained by the Bureau
175	Consumers	Survey on Consumer Views and Debt	One-time collection of data from a survey of consumers selected from the Bureau's Consumer Credit Panel on debt and debt collection to enhance the Bureau's understanding of consumer experiences with debt collection.	
176	Consumers	Awareness Survey	Annual consumer survey, collected for the Bureau from 2013 to 2017 by a research firm, to measure the American public's awareness of the resources and services available to them from the Bureau.	
177	Consumers	Credit Card Arbitration Survey	One-time collection of data from a nationwide telephone survey of approximately 1,000 English and Spanish speaking consumers to explore consumer awareness and perceptions of dispute resolution provisions in credit card agreements.	
178	Consumers	Student Loan Repayment Disclosure Testing	One-time collection data from disclosure testing of the Payback Playbook (student loan repayment disclosures), a tool to enable consumers to better understand alternative repayment options for student loan borrowers.	
179	Consumers	Financial Well-Being Scale Development Survey	One-time collection involving three waves of scale development and validation surveys for the Bureau's Financial Well-Being Scale and Financial Skill Scale.	

Number	Source	Subject Title	Description	Contains direct identifiers maintained by the Bureau
180	Consumers	Pretesting Debt Collection Disclosure Testing Quantitative	One-time collection of data collected using an online survey methodology to test multiple disclosure forms, and ask consumers questions in order to learn which forms improve consumer comprehension best.	
181	Consumers	Pre-Test Assessment of the Mortgage Servicing Rules	One-time collection from a pre-test of a housing counselor survey as part of the mortgage servicing assessment. The pre-test was circulated to a limited number of consumer advocates.	
182	Consumers	Overdraft Disclosures	One-time collection of data from user testing to aid in the development of potential new overdraft disclosures.	X ²⁰⁰
183	Consumers	Mortgage Servicing Bankruptcy Disclosures	One-time collection of data from user testing of new mortgage disclosures to consumers experiencing a bankruptcy.	X ²⁰¹
184	Consumers	Small Dollar Lending Rule - Disclosure Testing	One-time collection of data from user testing of origination and payment disclosures for small dollar lending rulemaking.	X ²⁰²

²⁰⁰ Direct identifiers consist of video of the participants.

²⁰¹ Direct identifiers consist of video of the participants.

²⁰² Direct identifiers consist of video of the participants.

Number	Source	Subject Title	Description	Contains direct identifiers maintained by the Bureau
185	Consumers	Urban Institute - Financial Coaching Evaluation	One-time collection of data to evaluate the effectiveness of financial coaching services and gain insights into how the program can be improved.	X ²⁰³
186	Consumers	Owning a Home Research Study	One-time collection of data extracted from mortgage documents provided by respondents to a survey as part of the study into the effects of mortgage shopping.	X ²⁰⁴
187	Consumers	NORC-GSS Dataset	One-time purchase of supplementary General Social Survey (GSS) data from NORC at the University of Chicago, which contains a standard core of demographic, behavioral, and attitudinal questions, plus topics of special interest. The Bureau used these data in research examining certain financial services markets.	
188	Consumers	Civil Penalty Fund and Bureau-Administered Redress Program Records	Data used to administer Civil Penalty Funds. The direct identifiers include the contact information of consumers in order to provide them with redress.	X

²⁰³ Direct identifiers consist of audio of the participants.

²⁰⁴ Direct identifiers consist of video of the participants.

APPENDIX C:

List of MOUs

Introduction

This appendix lists the Bureau’s data-sharing Memoranda of Understanding (MOU) between the Bureau and other governmental and quasi-governmental agencies that address the sharing of data. The Bureau intends to supplement this report with the text of its MOUs, subject to the necessary approval of affected state and federal agencies.

The “Number” column provides a way to identify the MOU on this list. The “Agency/State/Other” column lists the government entity with whom the Bureau has entered into the MOU. The “Purpose/Nature of Interaction” column provides a brief description of the MOU. The “Effective (Start) Date” column states when the MOU went into effect.

Number	Agency/State/ Other	Purpose/Nature of Interaction	Effective (Start) Date
1	City of Chicago	To establish a framework to preserve the confidentiality of information shared between parties.	11/28/2012
2	Colorado Attorney General's Office	To establish a framework to preserve the confidentiality of information shared between parties.	9/29/2012
3	CSBS	To establish the framework for the parties, and to establish and enhance the cooperative relationship between the Bureau and State Regulators to preserve the confidential nature of the information the parties share by and among themselves. There are 64 state signatories and five state regulatory association signatories to the MOU.	1/14/2011
4	Department of Defense	To enhance collaboration and cooperation between the Department of Defense and Bureau in an effort to reduce consumer risk for service members and their families in the marketplace for consumer financial products, with a particular focus on small-dollar loan products.	5/4/2012
5	Department of Defense; Department of Education; Department of Veterans Affairs	To provide meaningful information to service members, veterans, and their family members about the financial cost and performance outcomes for educational institutions; prevent abusive and deceptive recruiting practices that target the recipients of federal, military, and veterans educational benefits; and ensure that educational institutions provide high-quality academic and student support services to service members, veterans, and their family members.	7/18/2014
6	Department of Education	To establish a framework for cooperation with respect to student financial services oversight and supervisory activities and for the sharing of nonpublic information between ED and the Office of Supervision. Terminated 9/30/2017.	1/9/2014
7	Department of Education	To set forth the agreement between the Bureau and Institute of Education Sciences of the Department of Education regarding the sharing of individually identifiable information acquired by the IES.	8/21/2014
8	Department of Education	To provides the framework for the Parties' coordination in providing assistance to and serving borrowers seeking to resolve complaints related to their private education or federal student loans. Terminated 9/30/2017.	10/19/2011

Number	Agency/State/Other	Purpose/Nature of Interaction	Effective (Start) Date
9	Department of Homeland Security (Office of Cybersecurity and Communications)	To deploy "continuous diagnostics and mitigation" capabilities on Bureau's network to improve information security protection for information and information systems and reporting capabilities.	8/5/2014
10	Department of Housing and Urban Development	To set forth the agreement with respect to the transfer of ownership of documents that relate to the consumer protection functions under ILSA and the treatment of a request made under the Freedom of Information Act that seeks documents related to the consumer protection functions under ILSA.	7/21/2011
11	Department of Housing and Urban Development	To set forth the agreement between HUD and the Bureau with respect to the notification and sharing of complaints in connection with their respective responsibilities under the FHA and ECOA. This MOU also provides a set of procedures for coordination of FHA and ECOA enforcement investigations.	9/2/2015
12	Department of Justice	To establish a framework for the purpose of avoiding conflict and promoting consistency in litigation of matters under federal law.	1/20/2012
13	Department of Justice	To establish a framework regarding coordination of the federal fair lending laws.	12/6/2012
14	Department of Justice; Federal Trade Commission; Department of Housing and Urban Development	Addendum to DOJ, FTC, and HUD agreement to include Bureau in Information sharing agreement between agencies for the purpose of cooperative fair lending investigations.	6/9/2011
15	Department of Labor (Office of Disability Employment Policy)	To establish an understanding between the Department of Labor, Office of Disability Employment Policy, and the Bureau to work together to strengthen the financial capability of youth and adults with disabilities by expanding access to a wide range of financial education resources, asset-building strategies, and consumer protection information.	8/26/2013
16	Department of Labor's Occupational Safety and	To set forth the agreement between the Bureau and OSHA with respect to their sharing and treatment of non-public information in connection with their responsibilities under section 1057 of title X of the CFPA.	2/4/2017

Number	Agency/State/ Other	Purpose/Nature of Interaction	Effective (Start) Date
	Health Administration (OSHA)		
17	District of Columbia	To establish a framework to preserve the confidentiality of information shared between parties.	8/30/2012
18	District of Columbia, Office on Aging	To set forth the terms of collaboration between the Bureau and the DCOA to prevent financial exploitation of older adults through the use of Money Smart for Older Adults (MSOA).	5/11/2016
19	FDIC	To set forth the agreement between the Bureau and the FDIC with respect to the sharing and treatment of certain information in connection with their respective responsibilities consistent with and in implementation of the requirements of title X of the Dodd-Frank Act, FDIC's disclosures regulations at 12 C.F.R. part 309, and the Bureau's disclosure regulations at 12 C.F.R. part 1070.	5/16/2012
20	Federal Housing Authority	To provide data to the Bureau pursuant to Supplemental Notice Period announcement in the Federal Register for the Qualified Mortgage rulemaking.	8/23/2012
21	Federal Reserve Board	To set forth the agreement between the FRB and the Treasury, for itself and on behalf of the Bureau, with respect to their sharing, consistent with law, of non-public information in connection with their responsibilities related to or affecting the establishment of the Bureau.	1/25/2011
22	Federal Reserve Board	To reaffirm commitment to be bound by and comply with 1/25/2011 MOU concerning the sharing of information related to the establishment of Bureau.	1/9/2012
23	FFIEC	To document the development, management, operation, and security of the five-way interconnection using the Connect:Direct facility for the exchange of financial, supervisory, and structure data by and between the FRB, FDIC, OCC, NCUA, and Bureau. Replaced by 6/5/2017 agreement.	8/18/2014

Number	Agency/State/ Other	Purpose/Nature of Interaction	Effective (Start) Date
24	FFIEC	To memorialize the shared understanding of ways in which the agencies will coordinate among themselves and with the FFIEC (and its constituent bodies) in carrying out their responsibilities pursuant to the Home Mortgage Disclosure Act and Regulation C.	1/1/2016
25	FFIEC	To govern the operation and maintenance of HMDA Data, including collection, processing, and product work.	1/1/2016
26	FFIEC	Interconnection Security Agreement to document the development, management, operation, and security of the five-way interconnection using the Connect:Direct facility for the exchange of financial, supervisory, and structure data by and between the FRB, FDIC, OCC, NCUA, and Bureau.	6/5/2017
27	FFIEC	To ensure the protection of the confidentiality of information provided by FFIEC to Bureau as it transitions into FFIEC membership.	4/22/2011
28	FFIEC	To set forth a framework regarding the Home Mortgage Disclosure Act data and responsibilities.	8/5/2013
29	FFIEC and HUD	To memorialize the shared understanding of ways in which the Bureau, FFIEC, and HUD will coordinate with each other in carrying out their responsibilities pursuant to HMDA and Regulation C.	9/26/2016
30	FHFA	To define the guidelines implementing Sections C and D of the IAA between the Bureau and FHFA dated 9/13/2012. This MOU establishes an agreement surrounding the interconnection between the Bureau and FHFA, and the respective security responsibilities of each party to protect the confidentiality, integrity, and availability of the NMDB data as referenced in the IAA.	7/23/2013
31	FHFA	To set forth the agreement between the Bureau and FHFA with respect to their sharing of confidential information, consistent with law, that is necessary or appropriate to each party's supervisory, regulatory, and other responsibilities.	2/14/2012
32	Financial and Banking Information Infrastructure	Two MOUs to set forth the understanding of the Parties with respect to the treatment of non-public information when the Parties elect to share (at their discretion) non-public information regarding a cyber or other incident.	9/22/2016

Number	Agency/State/ Other	Purpose/Nature of Interaction	Effective (Start) Date
33	Financial Conduct Authority (FCA)	To establish a basis for co-operation, including the exchange of information and supervisory and investigative assistance.	3/22/2017
34	FinCEN (Treasury Department)	States the terms under which the Bureau participates in the program that FinCEN maintains to permit qualifying organizations to obtain direct electronic access to information collected pursuant to the reporting authority contained in the Bank Secrecy Act.	6/3/2011
35	FINRA	To set forth the terms and conditions of the Bureau's access to and use of customized data from the 2012 Military and State-by-State Survey of the FINRA Investor Education Foundation's National Financial Capability Study.	4/17/2014
36	FINRA	To amend 4/17/2014 MOU.	6/9/2017
37	Florida Office of Financial Regulation	To establish the framework for Bureau and FLOFR to establish and enhance the cooperative relationship between the Bureau and the FLOFR contemplated by the Consumer Financial Protection Act and to preserve the confidential nature of the information the parties share by and among themselves.	4/25/2012
38	FSOC	To set forth the understanding of the Parties with respect to the treatment of non-public information obtained from or shared among the Parties in connection with or related to the functions and activities of the FSOC or the Office of Financial Research pursuant to the Dodd-Frank Act.	4/15/2011
39	FTC	To facilitate cooperation and coordination on supervision, enforcement, and consumer response activities. Replaced by 3/6/2015 MOU.	1/20/2012
40	FTC	To facilitate cooperation and coordination on supervision, enforcement, and consumer complaint response activities.	3/6/2015
41	FTC	Consumer Sentinel Network Confidentiality and Data Security Agreement between Bureau and FTC regarding the exchange of confidential consumer complaint information.	7/21/2011
42	FTC	Standing agreement between Bureau and FTC concerning the exchange of non-public information between agencies.	10/24/2011

Number	Agency/State/ Other	Purpose/Nature of Interaction	Effective (Start) Date
43	Georgia Department of Banking and Finance	To establish a framework to preserve the confidentiality of information shared between parties.	2/1/2012
44	Hawaii Attorney General's Office	To establish a framework to preserve the confidentiality of information shared between parties.	8/12/2012
45	Hawaii Office of Consumer Protection	To establish a framework to preserve the confidentiality of information shared between parties.	7/10/2012
46	Iowa Attorney General's Office	To establish a framework to preserve the confidentiality of information shared between parties.	4/4/2012
47	Kentucky Attorney General Office	To establish a framework to preserve the confidentiality of information shared between parties.	10/11/2012
48	Massachusetts	To establish a framework to preserve the confidentiality of information shared between parties.	11/6/2012
49	Mississippi	To establish a framework to preserve the confidentiality of information shared between parties.	6/13/2012
50	Missouri Attorney General Office	To establish a framework to preserve the confidentiality of information shared between parties.	2/18/2013
51	Montana Department of Justice	To establish a framework to preserve the confidentiality of information shared between parties.	7/10/2012
52	Navajo Nation Department of Justice	To establish a framework to preserve the confidentiality of information shared between parties.	1/22/2013
53	NCUA	To set forth the agreement between the Bureau and the NCUA with respect to their sharing, consistent with law and NCUA's rule governing access to information (12 C.F.R. part 792), of nonpublic information in connection with their responsibilities related to or affecting the establishment of the Bureau.	Undated

Number	Agency/State/ Other	Purpose/Nature of Interaction	Effective (Start) Date
54	NCUA	To reaffirm the parties' commitment to be bound by and comply with the terms of the MOU (which sets forth the agreement between the Bureau and NCUA, with respect to their sharing of non-public information in connection with their responsibilities related to or affecting the establishment of the Bureau) expiring at the designated transfer date.	7/15/2011
55	NCUA	To facilitate the handling of consumer complaints and inquiries as well as sharing of information between agencies for the purpose of consumer financial protection.	8/31/2011
56	Nevada Attorney General Office	To establish a framework to preserve the confidentiality of information shared between parties.	4/16/2012
57	New Hampshire	To establish a framework to preserve the confidentiality of information shared between parties.	4/5/2012
58	New Mexico Attorney General's Office	To establish a framework to preserve the confidentiality of information shared between parties.	6/14/2012
59	New Jersey	To establish a framework to preserve the confidentiality of information shared between parties.	5/30/2013
60	New York Attorney General Office	To establish a framework to preserve the confidentiality of information shared between parties.	5/7/2012
61	New York City Dep't of Consumer Affairs	To establish a framework to preserve the confidentiality of information shared between parties.	2/21/2013
62	North Carolina Attorney General's Office	To establish a framework to preserve the confidentiality of information shared between parties.	4/7/2012
63	North Carolina Credit Union Division	To establish the framework for the parties, and to establish and enhance the cooperative relationship between Bureau and NCCUD, and to preserve the confidential nature of the information the parties share by and among themselves.	3/2/2011

Number	Agency/State/ Other	Purpose/Nature of Interaction	Effective (Start) Date
64	North Dakota Attorney General's Office	To establish a framework to preserve the confidentiality of information shared between parties.	8/14/2012
65	OCC	To facilitate the transition of Consumer Complaint processing responsibilities regarding the institutions, products, and services over which the Bureau will have examination authority and primary enforcement authority for compliance with Federal Consumer financial laws from the OCC to the Bureau.	7/22/2011
66	OCC	To amend the Rollout Schedule in the 7/22/2011 MOU as it pertains to the responsibility of handling consumer complaints.	2/8/2012
67	OCC	To set forth the agreement between the Bureau and the OCC with respect to the sharing and treatment of information in connection with their respective responsibilities consistent with and in advancement of the requirements of Title X of the Dodd Frank Act or other applicable law.	4/30/2012
68	OCC	To establish an overarching framework for the agencies, consistent with the 5/16/2012 MOU with Prudential Regulators and the 4/30/2012 MOU concerning the sharing of information by and between OCC and Bureau, to collect and share data.	4/8/2013
69	Office of Mortgage Settlement Oversight	To establish a framework for the sharing and treatment of nonpublic information relating to the National Mortgage Settlement entered into on 4/5/2012, and any additional servicers that enter into a settlement agreement with the Bureau and agree to oversight by the OMSO.	12/9/2013
70	Offices of the Judge Advocate Generals	To establish and enhance a lasting and productive partnership between the Bureau and the Offices of the Judge Advocate Generals.	7/6/2011
71	Oklahoma Department of Consumer Credit	To establish a framework to preserve the confidentiality of information shared between parties.	11/27/2012
72	Pennsylvania Department of Banking	Agreement between Bureau and PA Dep't of Banking with regard to the Bureau's access to and use of the NMLS.	10/10/2012

Number	Agency/State/ Other	Purpose/Nature of Interaction	Effective (Start) Date
73	Pennsylvania Office of Attorney General	To establish a framework to preserve the confidentiality of information sharing between parties.	9/12/2017
74	Prudential Regulators	MOU between Bureau and Prudential Regulators (FRB, FDIC, NCUA, OCC) outlining their coordinated supervisory activities, as well as encouraging additional voluntary cooperation for the purpose of consumer financial protection.	5/16/2012
75	San Francisco City Attorney	To establish a framework to preserve the confidentiality of information the parties share.	5/30/2013
76	Securities and Exchange Commission	To establish a framework for consulting and coordinating, where feasible, with each other to promote communication regarding consumer financial and investment products and services.	9/3/2014
77	Social Security Administration	To memorialize the collaboration between the Bureau and SSA on the Retirement Tool and to encourage cross promotion of the Bureau's Retirement Tool, SSA's Quick Calculator, and other tools made available by the Parties in an effort to maximize the benefit to consumers.	7/20/16
78	State Regulatory Registry	Terms of use agreement entered between SRR and Bureau for the purpose of sharing access to information off the NMLS registry system.	9/20/2012
79	Vermont	To establish a framework to preserve the confidentiality of information sharing between parties.	4/5/2012
80	Washington Attorney General's Office	To establish a framework to preserve the confidentiality of information sharing between parties.	9/26/2012
81	Wyoming Attorney General's Office	To establish a framework to preserve the confidentiality of information sharing between parties.	9/20/2012