

December 28, 2017

Ms. Monica Jackson
Office of the Executive Secretary
Consumer Financial Protection Bureau
1700 G Street, NW
Washington, DC 20552

**Re: *Notice and Request for Comment regarding:
Consumer Response Intake Form
(OMB Control Number: 3170-0011, Docket No. CFPB-2017-0035), and
Generic Information Collection Plan for Consumer Complaint and Information Collection System
(OMB Control Number: OMB Control Number: 3170-0042, Docket No. CFPB-2017-0036)***

Dear Ms. Jackson:

The American Financial Services Association (AFSA)¹ appreciates the opportunity to comment on the Consumer Financial Protection Bureau's (CFPB or Bureau) request to the Office of Management and Budget (OMB) on the consumer response intake form (Intake Form) and the generic information collection plan for consumer complaint and information collection system. The CFPB is proposing to renew the OMB approval of the existing information collection for the Intake Form, as well as asking for clearance to allow the CFPB to test and pilot new and improved questions and design for the Intake Form.

AFSA asks that the OMB review the CFPB's complaint process, specifically the privacy and security of consumers' sensitive information, before granting the CFPB's requests.

At the outset, though, we take the opportunity to emphasize that AFSA members seriously investigate and respond to complaints. With the large number of financial transactions that our members conduct with their customers every day, intermittent mistakes can and do happen. It would be unrealistic to assume otherwise. Our members recognize this. They also understand that it is vitally important to "get it right" for the customer when an issue does arise. Simply put, customer goodwill is a cornerstone of any successful business. Without it, a business cannot survive for very long. AFSA members care about their customers and potential customers and want them to have timely, understandable, and accurate information about their consumer financial products and services. AFSA members have every incentive to respond quickly and thoroughly to customer complaints.

The Dodd-Frank Wall Street Reform and Consumer Protection Act (Dodd-Frank Act) requires that the CFPB establish reasonable procedures to provide a timely response to consumers to complaints against financial institutions, as well as steps that have been taken by the regulator in response, any responses received by the regulator from the financial institution, and any follow-up actions or planned follow-up actions by the regulator. The Dodd-Frank Act does not require the massive amount of data collection the CFPB has set up, nor the publication of the complaint database.

¹ Founded in 1916, AFSA is the national trade association for the consumer credit industry, protecting access to credit and consumer choice. AFSA members provide consumers with many kinds of credit, including traditional installment loans, mortgages, direct and indirect vehicle financing, payment cards, and retail sales finance.

The CFPB gathers complaint information through the Intake Form. The Intake Form is designed to aid consumers in the submission of complaints, inquiries, and feedback. Consumers generally complete and submit information through the Intake Form electronically on the CFPB's website. The questions on the Intake Form prompt respondents for a description of, and key facts about, the complaint at issue, the desired resolution, contact and account information, information about the company they are submitting a complaint about, and previous action taken to attempt to resolve the complaint.

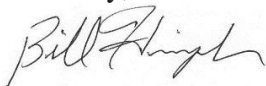
The CFPB is requesting approval of two additional optional fields for the Intake Form: (1) the number of people who are part of the consumer's household; and (2) the total combined income of all people living in the consumer's household in the past twelve months. AFSA does not believe that OMB should grant the CFPB's requests without substantial changes to the complaint process. AFSA has strong concerns about the CFPB's ability to ensure consumer privacy and data security as it continues to collect an unprecedented amount of personal data. With any additional data collection or any expansion of the complaint database, the CFPB should address ongoing problems to ensure consumers are protected.

Both the Inspector General and CFPB Ombudsman have expressed concerns about the complaint database. The Inspector General made recommendations to improve controls over the accuracy and completeness of the CFPB's complaint database.² The CFPB Ombudsman has outlined potential improvements to the CFPB's complaint database in a number of its annual reports.³ Because the published complaint information includes, among other things, the consumers' zip code, financial institution, and narrative description of the issue, it is sometimes possible to identify the consumer from the information provided and published on the CFPB's website.

AFSA appreciates that CFPB Director Mick Mulvaney has identified data security concerns at the Bureau and taken the important step of freezing its collection of personal information. We commend the seriousness with which the director takes data security. We applaud Director Mulvaney's comment that, "...we [the CFPB] should find ways to have as rigorous a data-security program as possible here before we start expecting that from the people we oversee out in the industry." We understand this to be part of the director's broader plan to improve data security at the Bureau.⁴ We welcome these steps and hope that a review of the complaint process will be part of this review.

Please contact me by phone, 202-466-8616, or e-mail, bhimpler@afsamail.org, with any questions.

Sincerely,



Bill Himpler
Executive Vice President
American Financial Services Association

² Board of Governors of the Federal Reserve and Consumer Financial Protection Bureau, "Opportunities Exist to Enhance Management Controls Over the CFPB's Consumer Complaint Database," available at <https://oig.federalreserve.gov/reports/cfpb-management-controls-consumer-complaint-database-sep2015.pdf>. (Sep. 10, 2015).

³ "2017 Annual Ombudsman Report to the Director," available at https://s3.amazonaws.com/files.consumerfinance.gov/f/documents/cfpb_ombudsman-office-annualreport_fy2017.pdf. (November 15, 2017).

⁴ PYMNTS.com, "CFPB Chief Puts Brakes on Personal Data Collection," available at <https://www.pymnts.com/news/cfpb/2017/citing-cybersecurity-risks-interim-cfpb-chief-shuts-down-data-collection/>. (Dec. 5, 2017).