

September 23, 2020

Peggy Matson
Executive Director
Arkansas State Board of Collection Agencies
900 West Capitol Avenue, Suite 400
Little Rock, AR 72201-9707

Re: Licensee operations conducted via telework

Dear Director Matson,

I write on behalf of the American Financial Services Association (AFSA)¹ regarding the ability of collection agency licensees to conduct operational and licensable collections activities remotely through a licensed business location without being physically present at that location. Note that AFSA members are creditors—not third-party debt collectors or debt buyers—but nonetheless may hold this license in Arkansas.

As a result of the coronavirus pandemic, financial services companies across the country adopted telework in order to safely serve their customers. With no end to the current emergency in sight, remote work remains the best way to maintain continuity of operations for customers and ensure the safety of employees and customers. Throughout the crisis, AFSA members have proven that nearly all critical operational functions can take place through teleworking. With this in mind, we request permanent guidance from your office clearly authorizing employees of all license types to work from home, even beyond the current crisis.

AFSA members remain committed to safeguarding employees and customers and mitigating risks to the continuity of operations, and this must continue to be accomplished through remote work. Technology advancements have made working remotely more effective than ever and mostly indistinguishable from on-site operations. Prior to the pandemic, many of our members had already implemented the ability to use these technologies and then quickly increased their capabilities to safely continue operations as more employees suddenly began working from home. For many members, adopting these new technologies has been a costly and time-consuming endeavor, but customers have greatly appreciated both the convenience and health benefits of remote operations. Our members are prepared and desire to continue work from home strategies to optimize future operations.

With states reopening at different paces, companies face a patchwork of state and local laws

¹ Founded in 1916, the American Financial Services Association (AFSA), based in Washington, D.C., is the primary trade association for the consumer credit industry, protecting access to credit and consumer choice. AFSA's 350+ member companies provide consumers with many types of credit, including traditional installment loans, direct and indirect vehicle financing, mortgages, leases, and payment cards. They serve the entire credit spectrum, from non-prime to super-prime consumers.

affecting in-person interactions, which may mean significant differences in operational guidelines between locations. Moreover, companies are taking steps to implement facility changes necessary to create workspaces that meet new health guidelines to allow for increased spacing between employees. Not only do these changes take time to implement, but they also include key recommendations for limiting in-person operations, with telework available where feasible. Most important, remote work allows businesses to make critical safety accommodations for employees who may be higher-risk or those who care for higher-risk individuals.

Employees working from home are not setting up a separate place of business. These employees are not meeting customers in their homes. They are not keeping records in their homes. They are performing the same telephone/internet-based functions they would have performed if they were sitting in the licensed location. Importantly, employees are supervised as they would be at the licensed location, and the licensee's records are not kept at the remote location. Allowing employees to perform telephone/internet-based functions from home merely allows a licensee to be more flexible in its employment practices, while still providing the same secure services to the public.

Protection of sensitive information remains a priority for our members, and the pandemic provided an opportunity for financial institutions to successfully test the use of technology to ensure data protection as part of the transition to widescale remote work. In that time, licensees have demonstrated—out of necessity—that nearly all critical operational functions can take place through teleworking, and it is of critical importance that they be able to do so.

We believe that employees should be allowed to telework without being physically present at a central commercial location. These employees should be permitted to conduct operational and licensable collections activities that can be safely accomplished by teleworking, provided that the licensee fulfills certain conditions to ensure the protection of consumers and to preserve regulatory supervisory authority. We believe the following best practices are appropriate and would achieve those goals:

- 1) In-person customer interactions will not be conducted at the remote location;
- 2) Sensitive customer information will be protected consistent with the licensee's existing cybersecurity protocols for on-site operations;
- 3) Risk-based monitoring and oversight processes will be followed; and
- 4) Physical records will not be maintained at the remote location, and information regarding the specific activities conducted via telework will be maintained and available upon request.

With that in mind, we respectfully request confirmation that employees of collection agency licensees may permanently utilize the technology investments made to support telework during the pandemic so long as the standards outlined above are followed.

Thank you for your attention to this matter. If you have any questions, if AFSA can be of any

further assistance to you as you move forward, please do not hesitate to contact me at 952-922-6500 or dfagre@afsamail.org.

Sincerely,



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