

2023

Annual Report to the Director

Advocating for Fair Process in Consumer Financial Protection



**OMBUDSMAN'S
OFFICE**

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Message

I am pleased to present our FY2023 annual report to the Director of the Consumer Financial Protection Bureau, pursuant to the CFPB Ombudsman's Office [Charter](#).

The ombudsman role allows for flexibility so we can adapt to the ever-changing nature, scope, and types of process issues reviewed by the office as well as seamlessly adjust our focus to meet changing circumstances. This year, our flexibility was especially important as we worked toward returning our very small team to full staffing levels, hiring for only the second vacant position since we launched in 2011, at the same time as we received a significant increase in individual inquiries to the office. As we expanded our focus on individual inquiries, in this moment we also welcomed the opportunity to expeditiously address an array of topics impacting many people or entities at one time.

In this report, our Ombudsman in Brief section, for example, provides a longer summary of our work on some systemic topics from this year, including: assisting inquirers with recognizing imposter scams; distinguishing between new and duplicate consumer complaints; assisting consumers with diminished capacity or illness in addressing consumer finance concerns; and connecting with the CFPB through publicly provided contact points.

We also discuss some broader, impactful topics in the Demonstrating the Ombudsman in Practice section, which provides short examples of how we can assist on topics, such as assisting state agencies with navigating CFPB resources, highlighting the need for additional consumer information after an enforcement action, and proposing updates to the CFPB's Spanish language website.

Keeping in mind the influx of inquiries this year, our Analyzing the Individual Inquiries section has a new FAQ format to answer questions such as why we received such an increase in individual inquiries. It also includes our updated automated response that is filled with resources for all inquirers who first contact us by email, which is the majority of inquirers. We also include a new figure that demonstrates the lifecycle of an inquiry to our office with an example from this year.

In addition, our report has a section describing the second year of our post-examination survey of supervised entities. We used a different approach to invite entities to participate this year, building upon what we learned in our first survey year. The section describes the survey format, includes a further description of entities surveyed, and provides a representative set of survey participants' unattributed feedback and recommendations.

The Ombudsman in Practice section describes our office's inreach (internal engagement), including an updated inreach chart which reflects new, regular meetings we have across the CFPB. It also has a description of our outreach with an easy-to-reference resource that describes how stakeholders can engage with us. Towards the end of the report, we provide an update on one systemic issue we previously studied: processes related to certain communications the CFPB receives from the public.

Planning ahead, we look forward to developing our sixth set of strategic plan goals in the first part of FY2024, with a new member on our team, to help guide us for the next two years. We plan to share these goals in our next annual report.

As in years past, we will continue to advocate for fair process in consumer financial protection, considering what would be most impactful in our work for the people who seek our assistance as well as the CFPB.

Wendy Kamenshine

Ombudsman

November 15, 2023

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Ombudsman in Practice

The CFPB Ombudsman's Office is an independent, impartial, and confidential resource and our mission is to advocate for fair process in consumer financial protection. The Ombudsman¹ informally assists in resolving process issues with the CFPB that are: mentioned in individual inquiries received from consumers, financial entities, consumer or trade groups, and others; highlighted in interactions with groups; or observed by the Ombudsman. This section revisits the ombudsman standards of practice that are foundational to our work, outlines our work process, describes our outreach, and shares how we connect through inreach (or internal engagement) with the CFPB.

Ombudsman Professional Standards of Practice

The core standards of ombudsman practice are independence, impartiality, and confidentiality. Taken together, these foundational tenets and the adherence to them enable an ombudsman to advocate for fair process and are essential to all aspects of our work:

Independence: We are outside of the CFPB's business lines, reporting to the CFPB's Deputy Director and then to the Director, which ensures our independence at the CFPB. It also allows us to act as an early warning system and serve as a catalyst for change.

Impartiality: We do not advocate for one side, the inquirer or the CFPB, but instead we advocate for fair process in consumer financial protection.

Confidentiality: We have put safeguards in place to preserve confidentiality. We will not share identifying information outside the Ombudsman's Office unless the inquirer indicates that we can. We also may have to share it if there is: a threat of imminent risk of serious harm; the inquirer raised an issue of government fraud, waste, or abuse; or if required by law.

¹ In this report, "Ombudsman" refers to the office, the staff, or the person.

Our Work Process: How We Assist by Advocating for Fair Process

The Ombudsman uses an array of methods to assist consumers, financial entities, consumer or trade groups, and others who contact us for assistance or where we identify opportunities to assist. As such, the assistance we offer exists within a flexible framework that may be adapted to most effectively address an inquirer's distinct process concerns as they develop. This section describes some of the ways that this flexible framework allows us to tailor the steps we take to try to best assist in resolving a particular process issue and enables us to advocate for fair process.

A good time to contact the Ombudsman is when an individual or entity: tried the regular avenues within the CFPB for resolution and for some reason those avenues did not work to resolve the process issue; wants to highlight a concern in confidence; is not sure where in the CFPB to obtain an answer; would like to suggest that we review a broader process concern; or, wants to make the Ombudsman aware of an issue already shared with the CFPB that we may be studying. Contacting the Ombudsman is completely voluntary and there is no cost to use our resource. There also is no referral necessary.

The Ombudsman's process is the same whether an individual or entity contacts us about a question, concern, or complaint regarding a CFPB process.² See [Appendix 1](#). First, we may ask follow-up questions to further understand the information provided. Depending on what we learn, we may decide to research additional information by: reviewing applicable laws, regulations, policies, and data; contacting other stakeholders to gather further viewpoints; or connecting with the CFPB to gather additional perspectives.

After conducting any additional research, we assess what approach would best assist the CFPB and the public and how best to advocate for fair process. This analysis could include, for example, the type of inquiry, context of the issue, or pervasiveness of the issue. At times, the Ombudsman may consult with the inquirer on the approach.

We then use a toolbox of resources to try to informally resolve each issue. Keeping in mind our ombudsman standards of practice, we advocate for fair process rather than for someone's desired outcome, although these sometimes overlap. The circumstances surrounding each inquiry inform the type of resolution tool or tools that we use.

² The Ombudsman does not assist in resolving issues as between consumers and companies.

We may seek to resolve an individual or systemic issue by providing feedback and making recommendations to the CFPB. To assist, we also can: facilitate discussions, brainstorm and evaluate options and resources, share our independent analyses, offer an impartial perspective,³ ensure confidentiality of someone's identity,⁴ and engage in shuttle diplomacy,⁵ among other options. This flexibility and adaptability in our resource set, along with our foundational ombudsman standards of practice, allows us to assist a wide range of stakeholders on various types of issues.

The Ombudsman's Internal and External Engagement

The Ombudsman conducts both internal engagement with the CFPB, or inreach, and external engagement with external stakeholders, or outreach. We adapt our inreach and outreach methods to take into consideration the needs of our new and longstanding internal and external stakeholders. Together with our foundational ombudsman standards of practice, our inreach and outreach efforts enable us to assist consumers, financial entities, consumer or trade groups, and others in resolving process issues with the CFPB by analyzing interrelated information and then using our toolbox of resources to advocate for fair process.

Outreach: How We Connect with External Stakeholders

As an independent resource, we conduct our own outreach with external stakeholders to share information about our resource and to learn more about how those stakeholders engage with the CFPB. To assist our external stakeholders most effectively, the Ombudsman plans, develops, and engages in outreach efforts to convey how we may assist and to be aware of current developments.

In accordance with the ombudsman standard of impartiality, we also endeavor to balance our outreach efforts over time to ensure fairness in our engagement with the public. We conduct

³ For example, the Ombudsman participates in some CFPB working groups in an advisory capacity by providing feedback as the CFPB considers initiatives and activities, but the Ombudsman is not part of the decision-making process.

⁴ As described above, we will not share an inquirer's identifying information outside the Ombudsman's Office unless the inquirer indicates that we can. We also may have to share it if there is: a threat of imminent risk of serious harm; the inquirer raised an issue of government fraud, waste, or abuse; or if required by law.

⁵ Shuttle diplomacy is a technique used in alternative dispute resolution in which we convey information, questions, and observations back and forth between stakeholders, sometimes without sharing their identities, to assist in resolving an issue.

outreach with a wide array of external stakeholders, such as consumer, trade, and other groups and their memberships, financial entities, state and federal government agencies, and others. By balancing our outreach, we strive to give as many stakeholders as possible an opportunity to engage with the Ombudsman.

The figure below shows various ways to engage with our office. The Ombudsman's initial outreach with an external stakeholder is the beginning of an ongoing connection. We have open channels of communication with our stakeholders so they can reach us on any given process issue and we also can hear as many perspectives as possible. After the initial outreach with an external stakeholder, the Ombudsman seeks to build upon that connection by offering further engagement. For example, the Ombudsman is available for regular meetings to touch base with groups to maintain engagement with us as well as to share perspectives and emerging trends. [Appendix 2](#) also provides additional information on speaking engagements, Ombudsman Interactives, office hours, and table information we offer for conferences. Next year, we look forward to connecting with stakeholders we have not yet had the opportunity to meet to share about our resource.

FIGURE 1: HOW TO ENGAGE WITH THE CFPB OMBUDSMAN'S OFFICE

cfpb OMBUDSMAN'S OFFICE	Connect for the first time?	Meet at a regular cadence?	Inform group's members about the office?
Host in office or virtual meeting	X	X	X
Participate in teleconference or virtual meeting with group's membership	X	X	X
Conduct webinar	X		X
Speak at a conference in person or virtually	X		X
Staff information table at conference			X
Offer office webpage link for group's website			X
Share office brochures, annual reports, and other materials	X		X
Provide overview paragraph for group's newsletter			X
Record audio segment for group's membership			X

While an individual, company, group, or other entity may not need to use our resource now, if they are familiar with how we can assist from our outreach programs, they can call upon us to

assist in the future.⁶ Consumer and industry groups as well as financial entities that wish to request an outreach engagement with the Ombudsman may contact our office directly at CFPBOMBUDSMAN@cfpb.gov or (855) 830-7880.

In FY2024, we also will be considering which stakeholder communities to host for our next Ombudsman Forums.⁷ We launched the Ombudsman Forum in 2015 as another avenue for consumer, trade, and other groups to share feedback on their CFPB interactions as we, in turn, provide feedback and recommendations to the CFPB. For these events, Ombudsman staff lead facilitated discussions, which allow participants to share feedback on various process topics as well as offer their recommended solutions to any process concerns. In keeping with our ombudsman standards of practice of independence, impartiality, and confidentiality, the Forums are closed to the press, the public, and CFPB staff. After the Forum, we share participants' feedback and recommendations, without attribution, with the CFPB. A set of Frequently Asked Questions about our Ombudsman Forums is in [Appendix 3](#). Next year, we also will continue to offer our Ombudsman Interactives program for interested external stakeholders.⁸

Inreach Within the CFPB: Connecting with Internal Stakeholders

The Ombudsman's inreach takes two forms, initial and ongoing. Our initial inreach introduces the Ombudsman to new CFPB staff through introductory meetings or presentations and via introductory emails. In these introductions, we describe our resource, how we approach our work, and how we may be of assistance. We strive to ensure that when we contact someone at the CFPB to discuss a process issue, it is not the first time the person has heard of the Ombudsman.

⁶ [Appendix 4](#) includes sample issues from our work over the years.

⁷ As described in our [FY2018 Annual Report](#), p. 26, we may schedule a new Ombudsman Forum with a stakeholder community with which we met previously or with a new stakeholder community where:

- There is a request by the CFPB, particular stakeholder community, or other external stakeholders for the Ombudsman to have such a Forum or
- The Ombudsman determines on its own that it may be useful to host a Forum as we provide feedback and make recommendations to the CFPB.

For frequency and timing, we also will consider our impartiality professional standard of practice so as to balance hosting events over time with different stakeholder communities. In addition, hosting additional Forums will be subject to our budget and the availability of resources.

⁸ Modeled after the Ombudsman Forums, Ombudsman Interactives is a facilitated discussion held with attendees at consumer, trade, and other group's conferences. The discussions give participants an opportunity to confidentially provide feedback on process topics and offer their recommended solutions. We select topics for discussion in advance based on process issues previously shared with the Ombudsman by the convening groups or the CFPB. The sessions are available by request on a first-come, first-served basis and are subject to the Ombudsman's budget and availability.

At the same time, the Ombudsman maintains a series of meetings throughout the CFPB with leadership and staff of the divisions and offices, whether monthly, bi-monthly, or quarterly. This regular and continuing engagement ensures we can promptly connect with the right CFPB contacts to address process issues, while also giving us the opportunity to maintain awareness about current CFPB activities. In addition, in these meetings we provide feedback based on perspectives we are hearing, offer feedback in conjunction with proposed initiatives, describe updates on our work, and share recommendations. The figure below shows our inreach meetings and how we expanded on these meetings in FY2023.

FIGURE 2: REGULAR INREACH MEETINGS WITH THE CFPB, FY2023

Monthly Meetings	
Deputy Director	Office of Consumer Response, Stakeholder Services
Deputy Chief of Staff	Office of Finance and Procurement
Executive Secretary	Office of Human Capital
Chief Risk Officer	Office of Intergovernmental Affairs
Operations Division	Office of Legislative Affairs
Division of Supervision, Enforcement, and Fair Lending, Front Office	Office for Older Americans
Office of Consumer Response, cross-office managerial leadership	Office of Private Sector Engagement***
	Office of Public Engagement***
	Office of Supervision Examinations
Bi-monthly Meetings	
Chief of Staff	Office of Communications***
Division of Consumer Response and Education***	Office of Community Affairs
Division of External Affairs***	Office of Fair Lending and Equal Opportunity
Division of Supervision, Enforcement, and Fair Lending	Office of Financial Education
Research, Monitoring, and Regulations Division, Chiefs of Staff**†	Office of Media Relations
Office of Advisory Boards and Councils	Office of Minority and Women Inclusion
	Office of Servicemember Affairs
	Office of Strategy
	Disability and Accessibility Program
Quarterly Meetings	
Director*	Office of Consumer Response, Investigations Section
Research, Monitoring, and Regulations Division**	Office of Enforcement
Legal Division	Office of Mortgage Markets
Office of the Chief Data Officer	Office of Supervision Examinations, Regional Directors
Office of Consumer Populations	
<p>* The Ombudsman has quarterly meetings with the Director on the calendar and can schedule other meetings, as needed.</p> <p>** In January 2023, the CFPB established a new Division of Research, Monitoring, and Regulations, combining the Consumer Populations offices with the offices in the former Research, Markets, and Regulations Division.</p> <p>*** As of October 2023, the CFPB split the Division of Consumer Education and External Affairs into two divisions, the Division of Consumer Response and Education and the Division of External Affairs, and renamed a few offices.</p> <p>† We look forward to resuming these meetings in FY2024.</p> <p>Note: The Ombudsman meets with CFPB components not listed above on an as-needed basis.</p>	

These new inreach opportunities broaden our ability to explore process topics, receive outreach suggestions, and share information about our work. Moreover, these connections provide additional avenues for us to facilitate resolutions and quickly resolve cross-cutting issues.

During FY2023, as anticipated in last year’s annual report, we connected with additional Employee Resource Groups (ERGs).⁹ In FY2024, we plan to continue connecting with ERGs for initial and ongoing meetings. This year, we also continued to meet with some CFPB offices in a team-to-team format to meet new team members, share again about our resource, and learn about the latest work in those offices.

In FY2024, we anticipate continuing to develop ways to communicate about our resource and otherwise connect internally with the CFPB.

⁹ The CFPB provides information on its ERGs on the “[Ensuring a diverse and inclusive workplace culture](#)” webpage.

Demonstrating the Ombudsman in Practice

This section provides examples of how we used our toolbox of resources this year, such as providing feedback, facilitating discussions, and suggesting changes, as we assisted in resolving CFPB process issues. In keeping with our ombudsman professional standard of confidentiality, whether in presentations or writing, we provide examples in a format that gives greater understanding of our work, but retains anonymity of the inquirers. The selections below also demonstrate how we tailor the way to best assist in a situation depending on the circumstances.

Offering Feedback and Suggestions on Draft CFPB Materials – In our role, we have the opportunity to provide feedback to the CFPB on information that the agency plans to share publicly. This year, we provided comments on a wide variety of topics. Some of our feedback centered around clarity for the public as well as consideration of the public's expectations in engaging with the CFPB. As described in this year's Mid-Year Update, we provided feedback on a blog post entitled "[Strengthening information accessibility for consumers with limited English proficiency](#)"; the [Consumer Complaint Program](#) webpage for companies; information available for consumers regarding CFPB enforcement actions; and a blog post entitled "[What new supervised institutions need to know about working with the CFPB](#)." This year, we also provided feedback, for example, on a blog post regarding medical debt, "[Have medical debt? Anything already paid or under \\$500 should no longer be on your credit report](#)"; a blog post notifying the public about how to receive available redress payments, "[Consumers who were charged illegal fees by Howard Law, P.C. will receive compensation](#)"; as well as on materials describing services provided by consumer reporting companies.

Proposing Updates to the CFPB's Spanish Language Website – The CFPB can assist consumers on the phone in over 180 languages, (855) 411-2372, and provides information in eight languages other than English on [consumerfinance.gov](#).¹⁰ Over time, the Ombudsman has offered feedback on the information that the CFPB provides in other languages. In one example this year, we gave feedback on the CFPB [Spanish language website](#), which we understand has some different resources than the English language website. Stemming from our previous feedback, and as described in our [FY2022 Mid-Year Update](#), the CFPB added FAQs to the English language "[Submit a complaint](#)" webpage to include information on a 50-page limit for

¹⁰ The Ombudsman provides separate interpretation and translation services in additional languages, including American Sign Language (ASL), as requested.

mailing documents to submit a consumer complaint to the CFPB. At the same time, the [Spanish language website](#) does not have some of the FAQ information.¹¹ As of this writing, we understand that the CFPB is reviewing the [Spanish language website](#) for possible updates.

Assisting State Agencies with Navigating CFPB Resources – Over time, we have heard from inquirers seeking help on how to use some CFPB tools and resources on [consumerfinance.gov](#). This year, we received an inquiry from a state agency asking for assistance with a search of the CFPB’s [Consumer Complaint Database](#) to find consumer complaint data specific to a company. The CFPB shares on [consumerfinance.gov](#) that “[o]nly complaints sent to companies for response are eligible to be published [in the Consumer Complaint Database] and are only published after the company responds, confirming a commercial relationship or after 15 days, whichever comes first.” To assist the inquirer, we provided a recent CFPB blog post, entitled “[Using CFPB complaint data to help cities and counties protect the public](#),” which describes the Government Portal and its secure access for local, state, and federal government agencies. The blog post notes that “[w]hile the public can review complaints through the CFPB’s public-facing [Consumer Complaint Database](#), the Government Portal gives local, state, and federal government agencies access to more granular information about consumers’ complaints and companies’ responses—all through a secure interface.” We also connected with the relevant CFPB office regarding the inquiry and referred the inquirer for assistance with the Government Portal.

Assisting with Receipt of Stakeholder Feedback for New CFPB Initiatives – This year, we received feedback and suggestions regarding the CFPB’s timing for review of materials in connection with a pending regulation. We encourage inquirers to use the regular processes that the CFPB provides. At the same time, we welcome inquirers to reach us if we can be of assistance. Here, to assist, the Ombudsman connected with the relevant CFPB points of contact to ensure they were aware of these timing concerns.

Offering Suggestions on Updates to Communication Technologies – The Ombudsman stays abreast of the CFPB’s activities, including learning about the technology the Bureau uses for communications. As the CFPB implements technological updates, we sometimes provide feedback for the agency’s consideration.

Highlighting the Need for Additional Consumer Information After an Enforcement Action – In our [FY2022 Annual Report](#), at pp. 34-35, we included a section entitled “Information the CFPB Provides to the Public” with a subsection on “Reports and Announcements,” which focused, in part, on possible expectations stemming from the

¹¹ Our [FY2022 Annual Report](#), at p. 37, noted that the FAQs were not yet available on the CFPB’s [Spanish language website](#). The CFPB’s Spanish speaking telephone agents can provide consumers the information that is available on the English language website, [consumerfinance.gov](#), but is not currently available on the [Spanish language website](#).

information provided. In continuing that work this year, we anticipated questions consumers, particularly servicemembers, might have stemming from a CFPB enforcement action in which the company would no longer be operating. As a result of our feedback, the CFPB added language for the agency's telephone contact center so that the Consumer Guides could provide additional information to callers. In the last year, the CFPB has focused on including additional information to assist consumers after an enforcement action, such as with the blog post entitled "[What's ahead for Wells Fargo and its customers](#)" which the Bureau translated into seven languages.

Studying an Issue, Providing Feedback, or Recommending A Change Based on One Inquiry or Observation – The Ombudsman sometimes is asked how many people or inquiries it takes for us to study an issue, provide feedback, or make a recommendation to the CFPB. We only need to hear from one person or have one observation. In FY2023, a consumer shared that they submitted a consumer complaint to the CFPB online at [consumerfinance.gov](#), but noted that some of the information they provided was still visible to them on the screen after they provided it. We highlighted this feedback to the CFPB. After a short time, the CFPB updated the consumer complaint system to enable users to determine whether some items are visible on the screen during the submission process.

Offering Suggestions on Engagement with Industry – Section 342 of the “Dodd-Frank Wall Street Reform and Consumer Protection Act,” requires that the CFPB have an Office of Minority and Women Inclusion (OMWI). This year, we offered suggestions in conjunction with OMWI’s statutory requirement “to [assess] the diversity policies and practices of entities regulated by the [CFPB].”

Providing Feedback on Ordering CFPB Printed Materials – The CFPB has printed materials that can be ordered online.¹² During the year, we provided feedback regarding the availability of the existing printed materials, for the CFPB’s consideration.

Clarifying Language for Job Applicants Where Current or Previous Federal Service Is Required – On occasion, we hear from the public concerning applications to work at the CFPB. For example, applicants inquire about the status of an application as well as the meaning of an application response, particularly when an applicant has not previously worked in the federal government. When federal agencies advertise jobs as “Merit Promotion” opportunities they are for individuals with current or prior service in the federal government. This year, we provided feedback to the CFPB that job applicants who have not previously worked in the

¹² The public can order CFPB materials through the Government Publishing Office at the following link: <https://pueblo.gpo.gov/CFPBpubs/CFPBpubs.php>.

federal government may benefit from plain language explanations as to why they may not be eligible for such positions.

Post-Examination Survey

In FY2022, we launched our post-examination survey of CFPB supervised entities.¹³ The post-examination survey serves as a confidential avenue for supervised entities to share their feedback and recommendations on the CFPB examination process after participation in a supervisory examination. In turn, the Ombudsman's Office provides survey participants' unattributed feedback and recommendations to the CFPB.

Format of the Post-Examination Survey

The post-examination survey incorporates a learning mindset so that we can further understand the entity's experience. As part of this approach, we use three process areas to obtain participants' feedback and recommendations, as follows:¹⁴

Supervision materials and resources – Includes topics such as information availability, functionality, and content for review by entity representatives who will engage with any part of the examination.

Interpersonal communications – Includes communications between entity representatives and anyone at the CFPB before, during, or after an examination, using any medium or format.

End of the examination – Includes topics such as timing, knowledge of outcomes or resolutions, clarity in expectations of closure, and awareness of the appeals process.

Entities each meet with at least two members of the Ombudsman's Office for a scheduled one-hour survey session on the phone. In keeping with the way we approach all of our work, the questions and communication use informal issue resolution techniques and, as such, we use a conversational, dialogue approach. For each of the three process areas above, we ask survey participants: (1) what worked well? (2) what did not work well, if anything? and (3) what would you change moving forward? This format allows for issue identification without presuming a problem area in any part of the process. In addition, we tailor any follow-up questions to the information provided by the entity.

¹³ The history and development of our post-examination survey is in our [FY2020 Annual Report](#), pp. 14-17, and [FY2021 Annual Report](#), pp. 13-15.

¹⁴ The Ombudsman will not collect, analyze, or report on examiner performance or the specific details of any given supervisory examination for the post-examination survey.

In our two-page explainer document, we describe the survey and also highlight for survey participants that the survey is not an avenue to express disagreement with an examination finding or issues with examiner performance. *See Appendix 5.* Moreover, if during the course of the survey call an entity raises a process concern that it would like to try to address, a different Ombudsman’s Office colleague will follow up to try to assist so as to take it out of the survey context.

To uphold our professional ombudsman tenet of confidentiality, protect the confidentiality of supervisory information, and enable the participants to speak candidly with the Ombudsman’s Office, we will not share with anyone outside of the Ombudsman’s Office which entities or entity representatives we surveyed.

Entities Surveyed

For this second year of our survey, we used a different approach to invite entities to participate, building upon what we learned in our first survey year. As in the first year, the Supervision, Enforcement, and Fair Lending (SEFL) Division provided the Ombudsman’s Office with a list of entities and their points of contact. This year, the list included entities with an FY2022 examination mail date.

During our first survey year, we invited a subset of the list of entities the SEFL Division provided to participate in our survey, taking into account different CFPB regions, entity product lines, and types of entities to maintain balance among survey participants. To invite survey participants, we sent the entity point of contact an email and followed up with one telephone call if we did not hear back. If the entity’s point of contact expressed interest in participating in the survey, but did not confirm a date and time, we followed up.

This year, over the course of the survey cycle, we invited 100 percent of the entities with an FY2022 mail date to participate in our survey.¹⁵ Each survey invitation included the explainer document. At the midway point of the survey cycle, we sent follow-up emails to entities that had not yet replied to our survey invitation.¹⁶ If the entity’s point of contact expressed interest in participating in the survey, but did not confirm a date and time, we followed up.

¹⁵ There was one entity that did not have point of contact information listed in the information the SEFL Division provided.

¹⁶ The list that the SEFL Division provided contained email addresses, but no phone numbers for the entity points of contact.

Similar to the first year, if the entity had more than one CFPB examination with an FY2022 mail date, we invited the entity to participate regarding the one product line which we determined would further assist us in achieving balance among our group of survey participants.

Of the entities we invited to complete the survey, approximately 49 percent participated as compared with approximately 50 percent in our first survey year.¹⁷ We also had five entities that declined to participate as compared with three entities last year. The survey response rate is the number of entities that completed the survey compared with the entities that received an invitation.¹⁸ Our survey response rate was effectively the same for the first two years, even with using different invitation approaches.

We had depositories and nonbanks that participated in the survey.¹⁹ In addition, entities from each of the CFPB's four regions participated. The survey also included a variety of different product lines.

Survey Participants' Unattributed Feedback and Recommendations

This Fall, the Ombudsman provided the CFPB with a summary of survey participants' unattributed feedback and recommendations, for the agency's consideration.²⁰ To uphold confidentiality, we may provide additional feedback and recommendations over time as we complete more survey years and can aggregate more data.

Some of the participants' perspectives below may be similar and some may differ on the same topic based on the participants' experiences with the CFPB's examination process. Our survey

¹⁷ We also had a few entities that expressed interest in completing the survey, but we did not hear from them further after our follow up.

¹⁸ The survey response rate does not include: (1) examined entities for which the CFPB did not provide a point of contact; (2) more than one entry for entities that had different product lines examined with an FY2022 mail date; and (3) entities where we received an electronic notification that the entity point of contact did not open our secure email to participate in the survey after some number of months.

In addition, we also did not include two entities in the survey response rate where due to the confidential nature of the survey, we disqualified them from participating because they contacted the SEFL Division regarding the survey invitation.

Our response rate is an estimate because we are continuing to receive electronic notifications indicating that the entity point of contact did not open our secure email to participate in the survey. As such, our response rate could have a corresponding increase.

¹⁹ Last year, we made the distinction between banks and nonbanks in our data. The CFPB describes “[i]nstitutions subject to CFPB supervisory authority” to include: depository institutions which are “banks, thrifts, and credit unions with assets over \$10 billion, as well as their affiliates;” “nonbank mortgage originators and servicers, payday lenders, and private student lenders of all sizes;” and “the larger participants of other consumer financial markets as defined by Bureau rules.” (consumerfinance.gov/compliance/supervision-examinations/institutions/) This year, we are distinguishing between depository institutions and nonbanks in our data analysis.

²⁰ Some of the feedback and recommendations in this document are the same or similar to participants' feedback and recommendations from our survey beta test in FY2020 and first survey year in FY2021.

results do not indicate any distinction by region for entities with an FY2022 mail date. Moreover, for the same time period, we saw no noticeable distinctions by the type of entity engaging with the CFPB's examination process based on answers to our survey questions of "what worked well" and "what did not work well, if anything." There also were no noticeable distinctions between the recommendations from depositories and nonbanks.

We provide a representative set of participants' feedback and recommendations below:

Supervision Materials and Resources

What worked well?	What did not work well, if anything?
<ul style="list-style-type: none">• Significant lead time for examination preparation• Clear expectations for deliverables• An early established examination schedule that stayed on track• Specific and clear information requests that were well-aligned with Examination Manual• Sufficient timeframe to gather information requested• Easy-to-understand follow-up information requests• Useful and informative examination resources and materials	<ul style="list-style-type: none">• Unclear or confusing initial and follow-up information requests• Insufficient time to deliver large information requests or complex supplemental requests• Challenging format in which to produce some responsive information• Duplications resulting from lack of coordination in follow-up information requests• Use of daily tracker/tracking spreadsheet does not yield real-time information• Challenging to use other entities' consent orders to inform the work, without instructive guidance
What would you change moving forward?	
<ul style="list-style-type: none">• Clarify the examination scope at the outset, including specific areas and particular files of interest• Coordinate initial and follow-up information requests to reduce duplicate requests• Assign varying due dates to follow-up requests that correspond with the complexity of the data requested• Give entities more time to prepare for CFPB presentations and greater insight into topics to be covered• Provide clarity on more complex topics similar to the FAQs for the Home Mortgage Disclosure Act• Provide entities with a single, consolidated appendix to CFPB guidance	

Interpersonal Communications

What worked well? <ul style="list-style-type: none">• Good rapport and open dialogue with examination team at all levels• Team was collaborative, knowledgeable, transparent, and responsive• Clear advance communications about scheduling and logistics• Ability to exchange clarifying questions and discuss follow-up information with ease• Team was receptive to engaging on information requests and entities' concerns• Frequent status meetings, both scheduled and <i>ad hoc</i>, to discuss the examination• Used tracking spreadsheet to reconcile entities' delivered and outstanding responses• Continuity and time efficiencies gained from including prior examination team members	What did not work well, if anything? <ul style="list-style-type: none">• Insufficient time to prepare for an in-depth meeting, which included extensive review of materials• No insight or information offered about initial findings of the examination• Gap in updates about the status of examination findings followed by additional information request• Inability to share concerns with higher level points of contact/no transparency on final decision-making• Lack of continuity in examination team members or in familiarity with entity/business produces some challenges
What would you change moving forward? <ul style="list-style-type: none">• Provide the list of documents or materials the entity should prepare well in advance of meetings• Maintain an open, ongoing dialogue with entity to the greatest extent possible regarding the scheduling and scope of examinations; the resolution of potential issues with responses to information requests; and the status of preliminary or final examination findings• Ensure ongoing knowledge about the entity's business, while creating efficiencies in the examination process, by including a few examination team members with prior familiarity with the entity, where possible• Consider having more subject matter experts lead on topics requiring specialized knowledge to have more efficient examinations	

End of the Examination

What worked well?	What did not work well, if anything?
<ul style="list-style-type: none">• Timing of the end of the examination was clear/entity knew when to expect examination report• Team was transparent throughout the examination and clearly communicated next steps• Entity received advance notice of findings• Clear understanding of issues included in the final report/no surprises at the end of the examination• Productive and open discussion during preliminary exit meeting• Exit meeting was thorough and the clear end of the examination• By the closeout of the examination, everyone agreed on the examination's outcome• Entity was informed about the appeals process, if needed	<ul style="list-style-type: none">• Lack of clarity about steps that follow the exit interview• No clear timeframe provided for when to expect examination results• No transparency regarding the timing for final decisions on examination findings or what follow-up actions the entity should take• Entity received no clear feedback on the proposed plan or actual steps taken for remediation• Extended delay in receiving feedback from the CFPB on responses to findings• Unclear about how or when examination issues would be closed• No awareness of the appeals process
What would you change moving forward? <ul style="list-style-type: none">• Provide more information and details about when the entity can expect to receive the final examination report• Engage in clear communications with the entity at the exit meeting regarding the status of the examination or whether there are issues remaining for the entity to address• Establish a more streamlined approach to closing examination issues identified by the examination team• Provide more clarity and timely feedback on the entity's proposed plans or steps taken for remediation, which may help the entity take a corrective course of action sooner	

Continuing the Post-Examination Survey

We look forward to our next survey and plan to invite entities with an FY2023 examination mail date to participate. To maintain the confidentiality of potential survey participants, supervised entities that have feedback or questions about our survey program may contact our office directly at CFPBombudsman@cfpb.gov or (855) 830-7880.

Analyzing Individual Inquiries to the Ombudsman

The Ombudsman assists in resolving individual inquiries that pertain to a particular person, company, or group's process issue from their CFPB interactions.

General Information

How does the public contact the Ombudsman?

The public may contact the Ombudsman by email (CFPBombudsman@cfpb.gov), toll-free number (855) 830-7880, with a U.S. area code (202) 435-7880, or TTY (202) 435-9835. We do not open email attachments unless we requested them. The Ombudsman also first requests that inquirers contact the office by email or telephone before sending letters so the inquirer does not incur unnecessary cost and, this year, we occasionally received letters sent by postal mail.

Who contacts the Ombudsman for assistance?

Individuals who contacted the Ombudsman on their own behalf include, for example, people contacting the office about a consumer complaint, seeking information on how to submit such a complaint, or seeking a CFPB resource for direct assistance. We also receive inquiries from: attorneys, representatives, and third parties; parties not authorized to receive information concerning a consumer complaint;²¹ financial entities; businesspersons; consumer and trade groups; and local, state, and federal government, as well as Congressional offices.

Who does the Ombudsman hear from the most?

By volume, to date, we have had more individuals than companies or groups who contact the Ombudsman for assistance. At the same time, there are more consumers than companies or groups. In addition, we record each contact as one inquiry whether it is from one individual or a group that could represent thousands of individuals or companies.

²¹ The Ombudsman does not provide consumer complaint information to anyone not authorized to receive it.

Do inquirers contact the Ombudsman from all over the United States?

Yes. We also have inquirers who contact us from other countries. This year, inquirers contacted the Ombudsman from 49 states, Washington, D.C., and Puerto Rico, as well as from other countries.

Do more inquirers contact the Ombudsman with a complaint or to ask a question?

Over time, the majority of inquirers have contacted the Ombudsman with a question rather than a complaint and FY2023 was no different. Of our FY2023 inquiries, 56 percent were questions and 28 percent were complaints.²² The remaining inquiries were for courtesy copies to the Ombudsman, topics of concern, and feedback on CFPB and non-CFPB topics.

Inquiries: A Year In Review

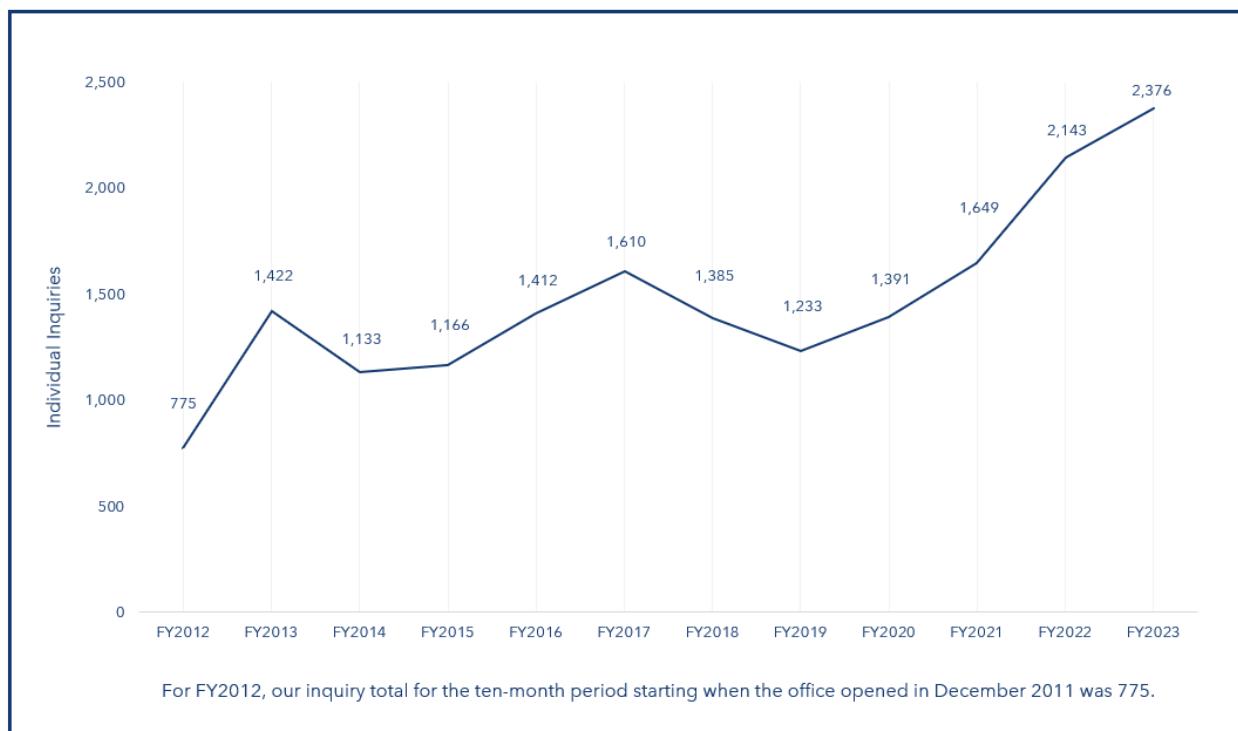
How many individual inquiries did the Ombudsman receive this year?

In FY2023, we received a total of 2,376 inquiries.²³ The figure below shows the change in the number of inquiries to the Ombudsman since the office opened in 2011.

²² All percentages in the Analyzing Individual Inquiries to the Ombudsman section are rounded up to the nearest whole number if 0.5 or greater, or rounded down if less than 0.5.

²³ Inquiries do not include Ombudsman outreach and the broader issues received in connection with such outreach.

FIGURE 3: INDIVIDUAL INQUIRIES RECEIVED BY THE OMBUDSMAN'S OFFICE



Why did the Ombudsman receive more individual inquiries this fiscal year than in previous years?

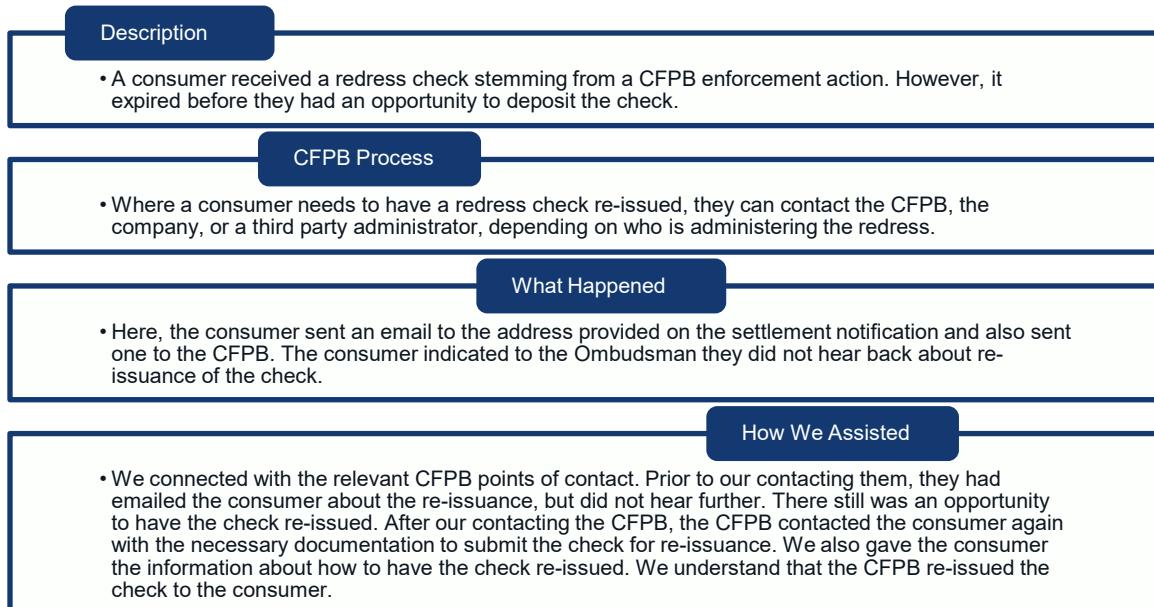
There are many possible factors as to why we may receive more or less inquiries in any given year, such as the public becoming aware of the CFPB or the Ombudsman, new initiatives, or changes in the marketplace.

What is the lifecycle of an individual inquiry to the Ombudsman?

[Appendix 1](#) provides a flowchart of how we assist on all types of individual inquiries. To provide a further understanding, the figure below gives an FY2023 example that presents an issue shared with the Ombudsman, the CFPB process that applied to the situation, what the inquirer experienced, and how we assisted.²⁴

²⁴ As described in the [Appendix 1](#) flowchart, we first consider whether the inquirer is reaching the Ombudsman in confidence.

FIGURE 4: LIFECYCLE OF AN INDIVIDUAL INQUIRY TO THE OMBUDSMAN, FY2023 EXAMPLE



What kinds of individual inquiries did the Ombudsman receive about the consumer complaint process this year?

We continued to hear some of the same concerns and complaints about the consumer complaint process this year, as in previous years, along with some newer issues. The CFPB's consumer complaint process is designed to obtain a response from the company, as described on consumerfinance.gov/complaint. After receiving a company's response, the CFPB provides the consumer with an opportunity to share feedback with the CFPB and the company.²⁵ Many of the individuals contacting the Ombudsman over time, including in FY2023, did not think that the company response was satisfactory and expected that the CFPB would do more on their individual consumer complaint. As we have shared in previous annual reports, based on the inquiries to our office, there continue to be some misconceptions about what the CFPB's consumer complaint process does or does not provide for the individual consumer. See [Appendix 6](#).

In FY2023, we also continued to receive concerns about consumer complaints referred to the CFPB from other federal agencies where, for example, some information identifying the consumer was not incorporated into the new CFPB complaint. When complaints arrive at the

²⁵ The CFPB's three-question survey prompts consumers to give Yes/No answers as well as narrative feedback in response to the following: (1) "The company's response addressed all of my issues;" (2) "I understand the company's response to my complaint;" and (3) "The company did what they said they would do with my complaint."

CFPB without certain identifying information, or the new CFPB consumer complaint does not incorporate identifying information contained in attachments, consumers may have challenges verifying their identities with the CFPB to follow up about the complaint.²⁶

In addition, over time, we have had heard from inquirers who do not understand why the CFPB sent their consumer complaint to another government agency for assistance. At the same time, the CFPB informs consumers in written correspondence as to why the complaint was referred out which could be because another government agency “would be better able to assist,” as it says on consumerfinance.gov; “the company is not [in the CFPB’s] complaint system;” or because the CFPB does not “currently handle complaints about [the] product or issue.”

This year, some inquirers were concerned that the CFPB sent them a postal mail letter indicating that a third party may have submitted a complaint on the person’s behalf without their knowledge. As such, the CFPB closed the complaint. The inquirers to our office noted that they, and not a third party, had submitted the consumer complaints to the CFPB. We offered feedback about this situation with the relevant CFPB offices. During the year, consumers could start obtaining assistance through the CFPB’s telephone contact center, available at (855) 411-2372, when this situation occurred.

Inquirers also expressed concern that their consumer complaints were marked as duplicates of previously submitted complaints and said they did not previously submit any complaint to the CFPB or did not previously submit one regarding the particular company. We understand that the CFPB updated the system to address this scenario during the course of the year.

Further, inquirers complained that companies designated their consumer complaints as duplicates when, according to the inquirers, the complaints were regarding a new set of circumstances. We provide a further discussion on this topic in the Ombudsman in Brief section below.

Did the Ombudsman receive individual inquiries from small businesses this year?

Yes. Similar to last year, in FY2023, the Ombudsman again heard from some small business inquirers about issues involving the Small Business Administration’s Paycheck Protection Program (PPP), which was designed to assist small businesses during the COVID-19 pandemic. This year, for example, we heard from a small business seeking recovery of stimulus money allegedly stolen from the business. We also received a few small business inquiries concerning the handling of relief funds by banks to include trouble accessing those relief funds.

²⁶ The CFPB does not provide consumer complaint information to anyone not authorized to receive it.

Small businesses also contacted the Ombudsman this year seeking CFPB resources or assistance related to general concerns or issues they experienced as they engaged with financial entities. The Ombudsman referred these small businesses to the appropriate CFPB resources.

What types of individual inquiries did the Ombudsman receive from industry this year?

As in past years, the industry-related individual inquiries the Ombudsman received in FY2023 related to a broad array of topics, both familiar and new. We received some inquiries from companies seeking CFPB points of contact for technical guidance with the Company Portal for responding to consumer complaints submitted to the CFPB. For example, one inquirer had a question about how to access and respond to consumer complaints submitted about their company. We referred the company to a point of contact in the Office of Consumer Response for assistance. This year, the CFPB added the [Consumer Complaint Program](#) webpage for companies as well.

Industry inquirers also continued to contact us on where to locate regulatory information relevant to their company or industry group. We referred them to the Office of Regulations' [inquiry request form](#), the regular avenue for such questions, as well as to the CFPB's "[Rules and policy](#)" webpage.

Some industry inquirers contacted our office to review topics, discuss issues, and offer feedback to the CFPB regarding various consumer financial services or products. Where applicable, we facilitated connection with the relevant CFPB office or subject matter expert.

Lastly, as in years prior, we also received questions about how to raise whistleblower concerns, which we continue to refer to the CFPB's [Whistleblower Line](#).

Providing Useful Resources

What resources does the Ombudsman provide to emailed inquiries?

To provide immediate assistance, over time we have developed a thorough automated response that all emailed inquiries receive, as we receive the majority of our inquiries by email. At the end of FY2023, we re-organized and updated this automated response, as below, to provide as much readily available information as possible in a streamlined format, such as CFPB information on consumer financial products and services, how to submit a consumer complaint, as well as various resources for industry.

FIGURE 5: AUTOMATED RESPONSE RECEIVED BY EMAILED INQUIRIES, FY2023



Thank you for contacting the [CFPB Ombudsman's Office](#). Please review our [FAQs](#) and the information below. **If we can further assist, we will email you, but not otherwise. We do not open email attachments unless we requested them.**

The [CFPB Ombudsman's Office](#) is an independent, impartial, and confidential resource that informally assists individuals, companies, consumer and trade groups, and others in resolving process issues with the U.S. federal agency, the Consumer Financial Protection Bureau.

Click on the topic below for more information:

- [CFPB's Consumer Complaint Process](#)
[For Consumers](#)
[For Industry](#)
- [Information on Consumer Financial Products and Services](#)
- [Frauds, Scams, and Identity Theft](#)
- [CFPB Enforcement Actions: Payments to Harmed Consumers & Civil Penalty Fund](#)
- [Resources for Industry](#)
- [Regulatory Questions](#)
- [CFPB Contact Points](#)
- [Other Federal as well as State Government Services](#)

CFPB's Consumer Complaint Process

For Consumers:

- Information to submit a consumer complaint about a consumer financial product or service, including FAQs and a video link, is [here](#).
- For questions about complaint status or to obtain the company's response, log into the [consumer complaint portal](#) or call the CFPB, (855) 411-2372.
- The CFPB can speak to you in more than 180 languages, (855) 411-2372. The CFPB also has information in [Español](#), [中文](#), [Tiếng Việt](#), [한국어](#), [Tagalog](#), [Русский](#), [العربية](#), [Kreyòl Ayisyen](#).
- The Ombudsman's Office is not an appeal avenue to obtain a different company response, does not assist in resolving issues as between consumers and a company, and cannot stop or delay a foreclosure.

For Industry:

- Information on the consumer complaint process, such as how to access the Company Portal to respond to consumer complaints, is [here](#).

Information on Consumer Financial Products and Services

The CFPB has how-to guides, answers to common questions, and sample letters [here](#). There also is information for servicemembers, veterans, and military families; older adults; students, and other populations [here](#).

Frauds, Scams, and Identity Theft

The CFPB has information [here](#). Note there are scams targeting consumers using the CFPB name and/or logo. The CFPB will never ask you for money. If someone contacts you claiming to be from the CFPB and wants you to send money, it is a scam. If this happens, call the CFPB, (855) 411-2372.

CFPB Enforcement Actions: Payments to Harmed Consumers & Civil Penalty Fund

Learn about the status of CFPB enforcement actions [here](#). Also, find information on [payments to harmed consumers](#) as well as a discussion of the CFPB's [Civil Penalty Fund](#).

Resources for Industry

The CFPB provides resources to assist industry, including Supervisory Highlights, Supervision and Examination Manuals, compliance and guidance, and the enforcement process.

Regulatory Questions

Ask questions of the CFPB's Office of Regulations [here](#).

CFPB Contact Points

If you are trying to reach a particular part of the CFPB, check [here](#).

Other Federal as well as State Government Services

Find information on government benefits, programs, and services at <https://www.usa.gov/> or (844) USAGOV1, (844) 872-4681.

Thank you again for contacting our office,

CFPB Ombudsman's Office

Tel: 202 435 7880

Tel: 855 830 7880 (Toll-free)

TTY: 202 435 9835

consumerfinance.gov/ombudsman

Confidentiality Notice: If you received this email by mistake, you should notify the sender of the mistake and delete the e-mail and any attachments. An inadvertent disclosure is not intended to waive any privileges.

What kinds of CFPB resources does the Ombudsman share with inquirers?

We often offer various [consumerfinance.gov](#) resources to assist the inquirer as described throughout this report. For consumers or people assisting consumers, we ask them to contact the Office of Consumer Response if they have not yet submitted a consumer complaint with the CFPB or if their consumer complaint is still in progress. We also refer inquirers to the CFPB's Office of Media Relations (press@cfpb.gov), Office of Servicemember Affairs (military@cfpb.gov), and Office for Older Americans (CFPB_OlderAmericans@cfpb.gov). This year, we again provided some referrals to the Supervision, Enforcement, and Fair Lending Division's [Whistleblower Line](#), as mentioned above. In addition, for the Research, Monitoring, and Regulations Division, we may suggest that a company official submit a regulatory inquiry via the Office of Regulations' [inquiry request form](#), if the official has not tried that avenue.²⁷

What are examples of other federal resources the Ombudsman provides?

The Ombudsman shares ombudsman resources at other federal agencies. In addition, depending on the inquiry, we may provide, for example, links to [U.S. Department of Housing and Urban Development housing counselor information](#), the [Eldercare Locator](#) from the Department of Health and Human Services' Administration on Aging, the [Small Business Administration](#), and contact points for the [Federal Trade Commission](#), as well as other federal financial regulators.

What resources does the Ombudsman provide to inquirers who share they are victims of scams?

We provide inquirers with the CFPB's webpage on "[Fraud and scams](#)." We also may provide resources from [Econsumer.gov](#), for the inquirer to report international scams; [the Federal Bureau of Investigation's Internet Crime Complaint Center \(IC3\)](#), to report Internet crimes; and [the Federal Trade Commission](#), which has resources to "[l]earn about the latest scams, and get advice to help [the public] avoid, report, and recover from them."

Does the Ombudsman also provide state government resources?

Yes. The resources we provide from state government often include attorneys general, consumer protection divisions, and law enforcement.

²⁷ The Office of Regulations does not answer questions of regulatory interpretation for consumers and refers consumers to the telephone contact center for assistance, (855) 411-2372.

Does the Ombudsman provide other government-related resources?

We also sometimes provide inquirers with the website www.usa.gov, which has a general search function to seek resources from across the government and is described as “the official guide to government information and services.”

Ombudsman in Brief

Ombudsman in Brief segments provide a longer summary of some systemic topics.

Assisting Inquirers with Recognizing Imposter Scams

In our [FY2022 Annual Report](#), at p. 16, we highlighted that some consumers said they were allegedly contacted by individuals pretending to be CFPB staff or a company affiliated with the CFPB. In these financial scams, the imposters advised the individual to pay funds upfront to receive payment from a CFPB settlement, offered to help with obtaining resolutions to specific financial issues, or falsely claimed the individual won a prize. To assist, we provided various CFPB resources from the “[Fraud and scams](#)” webpage as well as resources from other federal agencies, such as the [Federal Trade Commission](#) and the [FBI’s Internet Crime Complaint Center](#). We also connected with the relevant CFPB offices to share about scammers impersonating the CFPB. Subsequently, last year, the CFPB posted a blog, in English and Spanish, entitled “[Beware of scammers pretending to be from the CFPB](#),” to alert the public.

This year, individuals continued to contact the Ombudsman about financial scams, some of which again alleged that imposters used emails that appeared as if they were sent from the CFPB. To assist these inquirers and the public generally, we suggested that the CFPB develop standardized automated language for email inboxes that may receive emails from consumers.

The CFPB developed this language to immediately advise the consumer that “the CFPB will never ask you for money” and provide other helpful resources. We understand that the CFPB has started to incorporate this language into the standardized automated reply for relevant public-facing email inboxes, as appropriate.

Distinguishing Between New and Duplicate Consumer Complaints

Over time, some consumers have contacted the Ombudsman to express concern that the consumer complaints they submitted to the CFPB were closed without a company response.

These consumers also mentioned that they received CFPB correspondence indicating that their complaints are duplicative of previously submitted complaints, but the consumers disagree. The consumers ask that the CFPB reopen the complaints so that the company can respond.

The CFPB provides a consumer complaint process through which consumers can submit complaints regarding a variety of consumer financial products and services. As described elsewhere in this report, the consumer complaint process is designed to obtain a response from the company, as described on consumerfinance.gov/complaint. The same webpage also states that “[y]ou generally can’t submit a second complaint about the same problem, so include th[e] information [described on the webpage] to help the company respond to your complaint.”

As part of the CFPB’s consumer complaint process, companies can indicate to the CFPB that consumer complaints are duplicative of a previously submitted complaint to the same company.²⁸ In those circumstances, the consumer does not receive a substantive response to their duplicate complaint, the CFPB closes the complaint, and the CFPB does not add the complaint to the public [Consumer Complaint Database](#).

Consumers can contact the CFPB to express their concern about consumer complaints marked as duplicates by calling the Bureau at (855) 411-2372. However, the CFPB does not reopen those complaints. Alternatively, consumers can submit a new consumer complaint to the CFPB, which also may be marked as a duplicate. Another option is for consumers to submit a [Tell Your Story](#) narrative to the CFPB which may be reviewed across the agency, but is not sent to the company for a response.

In some circumstances, consumers submit an additional consumer complaint regarding the same matter because they would like a different answer than the company’s response the first time. We understand that the CFPB considers these complaints to be duplicates. However, other times, consumers have an entirely new set of unrelated circumstances with the same company and the company designates the complaint as a duplicate. The Ombudsman notes that some companies do not use the option to designate complaints as duplicates, even if regarding the same matter as a previously submitted complaint, and continue to respond to the complaints submitted.

This year, the Ombudsman provided feedback to the CFPB about consumer complaints designated as duplicate complaints where the matter with the company is different than

²⁸ The CFPB explains that “Consumer Response analyzes consumer complaints, company responses, and consumer feedback to assess whether companies are providing accurate, complete, and timely responses.” (consumerfinance.gov/compliance/consumer-complaint-program/)

previously submitted complaints. As of this writing, we understand that the CFPB continues to review this issue.

Assisting Consumers with Diminished Capacity or Illness in Addressing Consumer Finance Concerns

Challenges may exist when third parties try to assist others in addressing consumer finance concerns and, specifically, where the consumer has diminished capacity or illness. Companies determine whether third parties have the necessary authorization to receive information about someone else's account, including for the CFPB's consumer complaint process.²⁹ If the company has not received the necessary authorization from the third party, the company will inform the CFPB that the third party is not authorized to receive information about the account. The CFPB then closes the consumer complaint. On some occasions, the third party cannot obtain a new authorization because the person they are assisting has diminished capacity or an illness and cannot sign a new authorization.

We connected with the relevant CFPB offices to highlight this set of circumstances. Some populations, such as older adults and servicemembers, may be more impacted by third parties' challenges with obtaining new authorizations to assist in these circumstances. We also understand from the CFPB that there may be some confusion between having a financial versus medical authorization to assist someone else.

From our review as well as discussions with the CFPB, it appears that the CFPB's present consumer complaint process does not have a way to assist consumers in these circumstances. At the same time, the CFPB does have existing resources on third party authorizations, such as a general article entitled "[What is a power of attorney \(POA\)?](#)" and another entitled: "[My family member signed a power of attorney \(POA\) but when I took it to the bank/credit union, I was told the POA has to be on the bank/credit union's form. What can I do?](#)"

We understand that the CFPB is continuing to review this issue.

²⁹ On [consumerfinance.gov](#), it reminds third parties to obtain the necessary authorization prior to submitting a consumer complaint and states "[i]f you're submitting for someone else, note that companies generally require signed, written authorization provided directly by their customer before responding to someone other than their customer. If you have written authorization, consider attaching it."

Connecting with the CFPB Through Publicly Provided Contact Points

Through the years, the Ombudsman's Office has received feedback regarding how to connect with the CFPB, including in our Ombudsman Forums, our other outreach activities, and in individual inquiries to the office.

In FY2021, we learned that the public may have had challenges connecting with some of the publicly provided contact points on [consumerfinance.gov](#). At that time, we made two recommendations which the CFPB implemented. We recommended that the CFPB: (1) review the provided resources on the [Contact Us webpage](#) with a regular cadence to ensure they are current and (2) update the Connect with Us section of the [Contact Us webpage](#) to enable the reader to easily locate the relevant resource. As we described in our [FY2022 Annual Report](#), pp. 40-41, the CFPB implemented both of these recommendations at the time so we closed that review.

This year, we again learned about challenges in connecting with some of the publicly provided contact points on [consumerfinance.gov](#). We also learned about needed updates for the switchboard feature of the agency's telephone contact center, available at (855) 411-2372.

With our feedback, the CFPB updated the contact points on [consumerfinance.gov](#) as well as in the switchboard materials. As of this writing, we understand that the CFPB now will be reviewing the contact points on [consumerfinance.gov](#) quarterly and the switchboard materials for the telephone contact center annually.

Standardizing Timeframes for Feedback on Consumer Complaints

As described in our [Mid-Year Update](#), this year, a consumer contacted us because they tried to submit feedback on the company's response to their consumer complaint, but could not do so. As described above, the CFPB's consumer complaint process is designed to obtain a response from the company. Once the company responds, consumers have 60 days to share feedback on the response. The CFPB makes a consumer's feedback about the company response available to the company within the CFPB Company Portal. The company then can choose to review the consumer's feedback. The CFPB reviews consumers' feedback as it analyzes companies' responses to consumer complaints, but does not reopen consumer complaints based on consumers' feedback.

In reviewing the individual consumer's concern, we learned that the CFPB counted the 60 days to submit feedback based on the hour of the day when the company responded to the consumer's complaint. For example, if a company responded at 3pm, the 60 days ended at 3pm on the 60th day. Since we highlighted this issue, the CFPB reviewed and standardized consumer complaint process timeframes, where appropriate.

Systemic Reviews – Updates on Previous Reviews

In addition to individual inquiries, the Ombudsman reviews systemic issues that may be affecting consumers or financial entities nationwide, in a particular region, or with a certain process. We decide to review topics as systemic issues to see if we may be able to add value in our role as an independent, impartial, and confidential resource. We consider three questions in reviewing systemic issues: (1) Is the agency fairly applying a process it established? (2) If there is no set process, should we recommend creating one? (3) Does an existing process require a change to provide a fair application of it? The Ombudsman feedback and the recommendations that we provide to the CFPB may be: also suggested by others, but not implemented; ideas shared with the Ombudsman as we explored an issue; or, the Ombudsman's ideas of how to address an issue. The objective is to resolve the issue, but sometimes there are other possible solutions that also may work to reach the same result and we welcome implementation of those ideas.

This section provides an update on a review from FY2021.

Processes Related to Certain Communications the CFPB Receives from the Public

While the role of the Ombudsman is to assist in resolving CFPB process issues, we also hear from consumers about their financial situations. At times, when contacting the Ombudsman or the CFPB, a consumer may state an intention to harm themselves or others in describing the impact of a personal financial situation. In FY2021, in a statement to the Ombudsman, a consumer shared an intention to do self-harm and expressed the same intention in the consumer complaint the consumer submitted to the CFPB. In addition to trying to assist this individual consumer,³⁰ we decided to review this topic more broadly to further understand the

³⁰ As described elsewhere in this report, we will not share identifying information outside the Ombudsman's Office unless the inquirer indicates that we can. At the same time, we also may have to share it if there is a threat of imminent risk of serious harm. Here, we contacted the CFPB's Office of Security for assistance.

manner in which the Bureau identifies and processes communications received from the public related to self or other harm.

For our research, we reviewed existing CFPB materials and met with various offices within the agency. In these meetings, we highlighted the topic and communicated what we learned in our research, particularly in light of the financial impact and strain of the COVID-19 pandemic on consumers. Using the facilitative tool in our ombudsman toolbox, we also connected various CFPB offices around this topic.

To assist the Bureau and the public, in FY2021, we recommended that the CFPB decide the manner in which external electronic communications received should be reviewed for certain public statements. In FY2022, in our continued attention to this topic, we recommended that CFPB staff receive additional information to use in reviewing and handling external electronic communications. This year, we provided some additional suggestions to further inform staff about CFPB resources regarding certain communications the CFPB receives from the public, which the Bureau implemented.

The Ombudsman considers this review closed.

When and How to Contact the CFPB Ombudsman

Our annual report describes when consumers, financial entities, consumer or trade groups, and others contact us to advocate for fair process in consumer financial protection, as summarized in the figure below.

FIGURE 5: WHEN TO CONTACT THE CFPB OMBUDSMAN'S OFFICE³¹

When to Contact the CFPB Ombudsman's Office
To obtain assistance when the regular CFPB resolution avenues for process concerns, such as on the CFPB's Contact Us webpage, do not work ³²
To share an issue confidentially
To find out where to find an answer at the CFPB
To suggest that we review a possible systemic issue
To highlight an issue already shared with the CFPB

Contacting our office is completely voluntary and there is no cost to use our resource. There also is no referral necessary. We can provide interpretation and translation services in additional languages, including American Sign Language (ASL), as requested.

The figure below provides our contact points, if we can be of assistance.

³¹ [Appendix 1](#) is a flowchart describing what to expect when you contact the Ombudsman's Office.

³² For individual consumer complaints submitted to the CFPB, we do not serve as an appeal process, but review whether the CFPB is following its own processes and procedures. Also, we do not assist in resolving issues as between consumers and financial entities.

FIGURE 6: HOW TO CONTACT THE CFPB OMBUDSMAN'S OFFICE

How to Contact the CFPB Ombudsman's Office
Email: CFPBombudsman@cfpb.gov
Telephone: Toll-free (855) 830-7880, Direct (202) 435-7880
TTY/TDD: (202) 435-9835
To send mail to the CFPB Ombudsman, please first email or call the contact points above

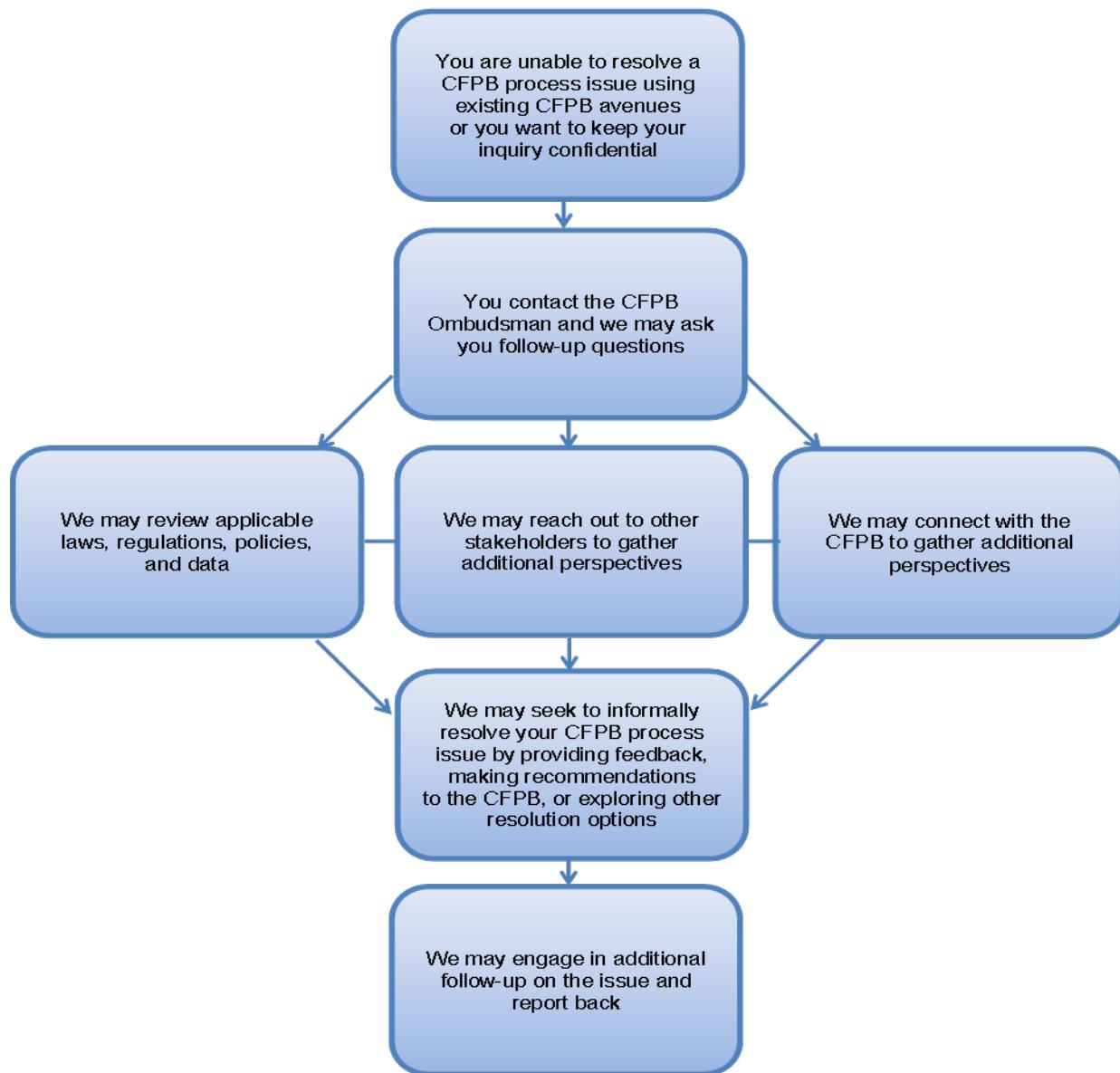
As described earlier in this report, we also regularly conduct our own independent outreach to share about our resources. For groups newly connecting with the CFPB, or connecting for some time, we can meet with you or your members to share more about our resource. More information about outreach opportunities is in Figure 1 and information regarding our participation at consumer, industry, and other groups' conferences is in [Appendix 2](#).

As always, we look forward to hearing your suggestions on how we can assist both the people who reach us for assistance and the CFPB.

Appendix

The Appendix includes figures and information included in our previous annual reports, for ease of reference, as well as an update to [Appendix 4](#).

Appendix 1: When to Contact Us and What to Expect When You Do



The Ombudsman does not:

- Address matters in litigation or provide legal advice;
- Delay statutory, regulatory, or other CFPB deadlines;
- Make decisions or legal determinations for the CFPB;
- Serve as a formal office of legal notice for the CFPB; or,
- Address internal workforce issues

Appendix 2: Outreach Opportunities at Consumer, Industry, and Other Groups' Conferences



Outreach Opportunities at Consumer, Industry, and Other Groups' Conferences

OMBUDSMAN'S OFFICE

Speaking Engagements

The Ombudsman's Office is available to present at conferences to share about our resource, our latest work, and how we can assist groups as well as their members.

Ombudsman Interactives

In an Ombudsman Interactive, conference participants join us for a one hour minimum session to discuss process issues from their CFPB interactions. We coordinate with conference organizers on information shared about the session prior to the conference, the duration of the session, process topics for discussion, and the on-site check-in process for the session.

Conference attendees register ahead of time with the conference organizers in order to participate in the Ombudsman Interactives session. In keeping with our ombudsman professional standards of practice of independence, impartiality, and confidentiality, the Ombudsman Interactives are closed to the press, the public, and CFPB staff. During the Ombudsman Interactives, after a short introduction about our resource, we facilitate a participatory discussion with conference attendees and provide an opportunity for them to offer feedback and generate ideas for solutions. After the Forum, we share attendees' feedback and recommendations, without attribution, with the CFPB. Ombudsman Interactives are available by request on a first-come, first-served basis and are subject to the Ombudsman's Office's budget and availability.

Office Hours

We are available for office hours during the entire conference or just part of a conference. Individuals or small groups of individuals can sign up to meet with members of our team during this timeframe to learn more about our resource or to discuss particular issues of concern. Generally, it is helpful to have office hours in a separate space at a conference to the extent someone wishes to raise a concern in confidence. We coordinate with conference organizers ahead of time on how to share about the availability of office hours with conference participants and to arrange a suitable space.

Table Information

Our team also is available to staff a table to answer questions about our resource and discuss how we may assist. At the table, our materials are available for conference attendees to take with them and we may have other visuals that demonstrate our role.

Contact Us

To request one of these outreach opportunities, please email us at CFPBombudsman@cfpb.gov or call (855) 830-7880.

The CFPB Ombudsman's Office provides an independent, impartial, and confidential resource to informally assist individuals, companies, consumer and trade groups, and others in resolving issues with the CFPB.

Appendix 3: Frequently Asked Questions About the Ombudsman Forum (as of FY2019)

Frequently Asked Questions About the Ombudsman Forum

What is an Ombudsman Forum?

The Ombudsman Forum is another avenue for consumer, trade, and other groups to share feedback on their CFPB interactions as we, in turn, provide feedback and recommendations to the CFPB. For our half-day events, Ombudsman staff leads facilitated discussions, which allow participants to share feedback on the topics as well as offer their recommended solutions to any process concerns. In 2016, an Administrative Conference of the United States report on the federal ombudsman recognized our Ombudsman Forum program as one of our “innovations and promising best practices.”¹

What is facilitated discussion and how is it different?

A facilitated discussion is a flexible process where a trained impartial third party assists in generating a conversation between participants. It differs from a presentation or training in its use of various methods and techniques where participants actively engage around specific topics to communicate concerns and generate options for resolution. For example, the Ombudsman may connect with participants by: creating space for various perspectives to be heard, asking follow-up questions, sharing information, reframing for understanding, testing an assumption, clarifying a concept, considering options, identifying interests, making connections, and utilizing other engagement methods.

When did this program begin and what Forums have occurred?

We began the program in 2015. Since that time, we have hosted eight Forums, including with industry groups, national and regional consumer groups, compliance officers of entities that engage with the CFPB, the associations of state regulators and their regulator members, and with advocates for small business. We have hosted Forums in Washington, D.C., Chicago, IL, Memphis, TN, and Oakland, CA.

What are the criteria for hosting a forum?

As shared in our [FY2018 Annual Report](#), p.26, we may schedule a new Ombudsman Forum with a stakeholder community we met with previously or with a new stakeholder community where: there is a request by the CFPB, particular stakeholder community, or other external stakeholders for the Ombudsman to have such a Forum; or the Ombudsman determines on its own that it may be useful to host a Forum as we provide feedback and make recommendations to the CFPB. For frequency and timing, we also will consider our impartiality professional standard of practice to balance hosting events over time with different stakeholder communities. In addition, hosting additional Forums will be subject to our budget and the availability of resources.

¹ C. Houk et al., [“A Reappraisal – The Nature and Value of Ombudsmen in Federal Agencies” \(2016\) \(Report to the Administrative Conference of the United States\) at Part 2](#), p.101.

How do you implement your ombudsman professional standards of practice during a Forum?

We communicate about the ombudsman professional standards of practice before, during, and after a Forum to describe them as well as to share how they function in practice.

Independence: The Ombudsman determines the topics, questions, and methods of facilitation for the Forum. In addition, all communications with prospective participants in anticipation of the event are just with the Ombudsman.

Impartiality: As with all of our work, the Ombudsman does not take the side of the CFPB or the side of the participants during the facilitated discussion.

Confidentiality: Our Forums are closed to the CFPB, the public, and the press, and we provide the location of the event to registered participants. We do not share who attends and we ask participants not to share that information as well. We also ask participants not to use social media, cell phones, or recording devices so that we can do these events again in the future. We take notes without attribution during the program so that we can recall what participants shared with us.

How does the Ombudsman prepare for and communicate about the Forum?

Communication and preparation for a Forum begins with what we have heard through our ongoing conversations with internal and external stakeholders. We consider what process topics may be of interest to the particular stakeholder community as well as ask the CFPB and the stakeholder community for their topic suggestions. We then provide prospective participants with the topics in advance. In addition, we may offer the opportunity for groups to meet with us for office hours during the day of the Forum to discuss any CFPB process issue.

What does the Ombudsman ask of participants?

We ask that participants share their perspectives on how the process topic impacts their work or the work of their group or entity. We ask that they include relevant examples, suggestions, or recommendations and consider ways to address any concerns presented if they were the CFPB.

What happens after the Forum?

We consider the information we learn at the Forum as we provide feedback and make recommendations to the CFPB. We also provide unattributed feedback to the CFPB from each Forum and summarize it further in our annual reports.



Appendix 4: Advocating for Fair Process: Sample Issues Over Time



Advocating for Fair Process: Sample Issues Over Time

Contacting the CFPB

- How the public connects via the Contact Us webpage
- How non-consumers contact the CFPB on the telephone
- The process for requesting speaking engagements

The CFPB's Engagement with the Public

- Noting on translated blog posts updates forthcoming to match English updates
- Providing information on CFPB public actions and redress
- Consistency in terminology for references to stakeholder communities

The Public's Engagement with the CFPB

- Clarifications regarding announcement, processes for small business lending discrimination complaints
- The process to memorialize *ex parte* communications in the regulatory process
- How the CFPB learns about industry developments

Consumers' Experience with the Consumer Complaint Process

- Setting expectations; duplicate complaints; inbound referrals; process misconceptions
- Ensuring equal access to the process, such as for people without computers and for incarcerated consumers
- Third party involvement in the consumer complaint process

Industry's Experience with the Consumer Complaint Process

- Addressing technical issues with the complaint process
- Clarifying correspondence to industry on joining the company portal
- Defining company response options for the Consumer Complaint Database

Clarity Around the Enforcement and Examination Processes

- Information provided during and at the conclusion of examinations
- How supervision and enforcement intersect in practice
- Reviewing and describing the presence of enforcement attorneys at examinations

The Processes Around Industry Compliance

- Updating webinar legal disclaimers to describe appropriate use of information
- Submitting questions about CFPB regulations
- Enforcement warning letter project

How the CFPB Uses Information

- Updating guidance on when the CFPB chooses to endorse an entity
- Consumer complaint issue choices as published in Consumer Complaint Database
- Normalization of complaint data

The Public's Use of CFPB Resources

- Ensuring access for the visually impaired to the website and print materials
- Placement of and information about the Whistleblower Line on the website
- Educating about the CFPB's amicus program

Appendix 5: Program Overview: Post-Examination Survey



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Program Overview Post-Examination Survey

About Our Office

The [CFPB Ombudsman's Office](#) provides an independent, impartial, and confidential resource to informally assist individuals, financial entities, consumer and trade groups, and others in resolving process issues with the CFPB. We focus on CFPB process, not policy, and serve as an advocate for fair process in consumer financial protection. More information is on our [webpage](#), in our [brochure](#), and in our [FY2021 Annual Report](#).

Program Development

The CFPB asked us to consider conducting a post-examination survey as an independent resource. We also heard about the interest in a post-examination survey in our 2018 Ombudsman Forum with industry groups, as described in that year's [annual report](#). In addition, some of the other federal financial regulatory agency ombudsman offices conduct post-examination surveys.

In thinking about whether to proceed, we considered our ombudsman professional standards of practice of independence, impartiality, and confidentiality, as well as the mechanics of conducting such a survey. We then conducted a beta test to develop a set of best practices in a small-scale environment.

As we shared in the [blog post](#) accompanying our [FY2020 Annual Report](#), we concluded our beta test evaluation and determined that our office would conduct a post-examination survey of supervised entities as a new initiative going forward. An overview of the beta test is in our [FY2020 Annual Report](#), on pp. 14-17. We launched the survey program in the second quarter of FY2022.

Participant Selection

The CFPB provides the Ombudsman with a list of supervised entities. The Ombudsman then selects entities to invite for the survey taking into consideration different CFPB regions, entity product lines, and types of entities.

Participation in the survey is voluntary. You may also identify a different representative from your entity to participate if the person is familiar with the CFPB examination that is the subject of the survey.

The CFPB Ombudsman's Office provides an independent, impartial, and confidential resource to informally assist individuals, companies, consumer and trade groups, and others in resolving issues with the CFPB.



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Survey Structure

Selected entities will meet with at least two members of our Ombudsman's Office for a scheduled one-hour survey session conversation on: (1) what worked well? (2) what did not work well, if anything? and (3) what would you change moving forward?

The topics discussed in the survey are:

Supervision materials and resources – Includes topics such as information availability, functionality, and content for review by entity representatives who will engage with any part of the examination.

Interpersonal communications – Includes communications between entity representatives and anyone at the CFPB before, during, or after an examination, using any medium or format.

End of the examination – Includes topics such as timing, knowledge of outcomes or resolutions, clarity in expectations of closure, and awareness of the appeals process.

For each survey, we will use a conversational, dialogue approach. This format will allow for issue identification without presuming a problem area in any part of the process. We also will tailor any follow-up questions to the information provided by the entity.

The survey is not an avenue to express disagreement with an examination finding or examiner performance. If there are concerns about a particular examination that an entity would like us to assist in addressing, a different Ombudsman colleague will connect with the entity for a separate conversation to take it out of the survey context. As a reminder, engaging with the Ombudsman's Office will not delay or stay any statutory, regulatory, or agency timeframes.

Confidentiality

To uphold our professional ombudsman tenet of confidentiality, protect the confidentiality of supervisory information, and enable the participants to speak candidly with the Ombudsman, we will not share with anyone outside of the Ombudsman's Office which entities we selected or which entity representatives we contacted. In addition, we will safeguard the feedback in the same manner as any information we receive regarding CFPB activities.

Participants' Unattributed Feedback and Recommendations

We will be providing the CFPB with a summary of survey participants' unattributed feedback and recommendations, for the agency's consideration, and will summarize it further in our Annual Report to the Director.

Appendix 6: Some Misconceptions About the Consumer Complaint Process

Misconception	What Happens
The CFPB will advocate for an individual consumer within the consumer complaint process.	The CFPB assists the consumer in obtaining a response from the company.
The CFPB will enforce the law regarding an individual consumer's circumstances as part of the consumer complaint process.	The CFPB generally assists many people at one time with broader actions outside of the consumer complaint process.
A consumer can add information to a closed consumer complaint and the new information will be sent to the company for a new response.	Consumers can add information to closed consumer complaints, but the information is not sent to the company for a response.
Consumer complaints can be submitted to the Consumer Complaint Database.	Consumers submit consumer complaints to the CFPB, not to the Consumer Complaint Database which is a collection of complaints the CFPB publishes on consumerfinance.gov . The Bureau then adds complaints sent to companies for a response to the public Database without information that would identify consumers. It also may be helpful to know that if the company provides an administrative response, for example, to indicate the complaint is a duplicate complaint, the CFPB does not add the complaint to the public Database.

Appendix 7: Strategic Goals, FY2022-FY2023

Strategic Goals, FY2022-FY2023
Further optimize and enhance Ombudsman resources to effectively assist the CFPB and the public, including adding technological efficiencies
Further engage in outreach with external stakeholders by incorporating technology, continuing to balance engagement in keeping with our impartiality while increasing the availability of the Ombudsman resource, and meeting stakeholders where they are to expand our understanding of stakeholders' interests
Build upon existing inreach opportunities and create new avenues for internal engagement to further inform our work and share about emerging process issues
Review and evaluate individual and systemic process issues with the CFPB to assist in resolving them by using existing and new, innovative ombudsman tools
Maintain commitment to education and understanding about the CFPB Ombudsman's Office and how the office assists
Continue demonstrating leadership in ombudsman practice and profession