

Freedom of Information Act (FOIA) and Privacy Act System (FOIAXpress)

v.2.0

Does the CFPB use the information to benefit or make a determination about an individual?

No

What is the purpose?

Facilitate the secure management of Bureau FOIA and Privacy Act requests

Are there controls to enforce accountability?

Yes, all standard Bureau privacy protections and security controls apply.

What opportunities do I have for participation?

Generally applicable: Appropriate opportunities for notice, consent, access, and redress.



Consumer Financial
Protection Bureau

Overview

The Dodd-Frank Wall Street Reform and Consumer Protection Act (the Act), Public Law No. 111-203, Title X, established the Consumer Financial Protection Bureau (Bureau). In executing its duties, the Bureau collects a significant amount of information and data that is of interest to the public.

The Freedom of Information Act (FOIA), 5 U.S.C. § 552 and Privacy Act of 1974, 5 U.S.C. § 552a, obligate the Bureau to provide means for the public to submit requests and obtain records of its activities, to ensure openness and transparency in all government agencies.¹ A request where an individual is seeking only records about him/herself is generally considered a Privacy Act request, while an individual seeking information about other individuals or Bureau business operations is generally considered a FOIA request. The Bureau uses the same process for submitting both Privacy Act requests and FOIA requests.

The Bureau's current FOIA and Privacy Act System, FOIAXpress, is the primary internal tool used by the Bureau to help facilitate the release of information to the public via FOIA and Privacy Act requests. FOIAXpress is a third-party vendor-created tracking and management software that supports the Bureau in administering the entire lifecycle of FOIA and Privacy Act requests.

The Bureau is publishing this Privacy Impact Assessment (PIA) to assess the uses of FOIAXpress and to document a new Public Access Link (PAL) add-on between it and the Federal service, Login.gov, which is owned and operated by the General Services Administration (GSA)². The FOIAXpress Public Access Link (PAL) is a secure public-facing web portal that leverages Login.gov to provide the public with a single access point for requestors to create individual accounts, submit requests, access requested records and communicate with the Bureau about the status of a request.

The Bureau is leveraging this new connection to implement the [Office of Management and](#)

¹ See also

² For more information on Login.gov, please visit: <https://login.gov/what-is-login/>.

[Budget \(OMB\) Memorandum \(M\)-21-04, Modernizing Access to and Consent of Disclosure of Records Subject to the Privacy Act \(Nov. 12, 2020\)](#), which instructs federal agencies to “accept remote identity-proofing and authentication for the purpose of allowing an individual to request access to their records or to provide prior written consent authorizing disclosure of their records under the Privacy Act.” With this connection, the Bureau can leverage the remote identity verification services conducted by Login.gov. Login.gov provides the same function to other Federal agencies who choose to utilize it, helping consolidate the identity verification process across Federal services and platforms.

The Bureau utilizes FOIAxpress to receive and process FOIA/Privacy Act requests, communicate with requestors about their request, provide status updates for requests, keep track of payment information for requests that are charged a fee, provide access to requests (if the file is too large for email), close and archive requests. Bureau staff also use FOIAxpress to summarize and gather similar/frequent requests, for future distribution to the general public. As part of receiving and processing requests, the PII of requestors and the Bureau staff processing the request is maintained in it as well.

This PIA supersedes the Freedom of Information Act (FOIA)/Privacy Act System PIA originally published in 2014 and updated in 2020. The Freedom of Information Act (FOIA)/Privacy Act System of Records Notices (SORN) .001 CFPB, gives notice of the information maintained and processed in the system. The information collected within FOIAxpress, through the PAL and Login.gov does not require approval under the Paperwork Reduction Act (PRA) as it does not meet the definition of a “collection of information” under 5 C.F.R. 1320.3(c) requiring the Office of Management and Budget (OMB) approval.

Privacy Risk Analysis

This PIA examines the risks associated with this system and describes measures that the Bureau implements to mitigate those risks. The Bureau’s Privacy Program has considered system privacy controls that mitigate primary risks related to the following privacy principles:

- **Security**
- **Individual Participation**
- **Data Minimization**
- **Data Quality and Integrity**

Security

There is a possibility, through administrative error, that unauthorized individuals may gain access to the information in FOIAxpress. The Bureau mitigates this risk by designing a system which limits access only to authorized users, based on their need to know. Currently only Bureau FOIA Office staff, legal department staff responsible for FOIA appeals, and technical support staff can access FOIAxpress.

To secure PII against unauthorized disclosure and access for FOIAxpress and the use of the PAL and Login.gov, the Bureau employs extensive security controls and safeguards, with access granted solely to Bureau FOIA staff or approved personnel. The protections include:

- Adherence to Bureau policies and procedures governing privacy and information security.
- Conducting background checks on all personnel with access to the system.
- Initial and follow-on privacy and security awareness training for everyone with access to the system.
- Physical and technical perimeter security safeguards.
- Security Operations Center service to monitor activity, with antivirus and intrusion detection software.
- Technical and physical access controls such as roll based access management and firewalls.
- Risk/controls assessments and mitigation.

Authorized staff are only allowed access to the PII required or appropriate to carry out their assigned job responsibilities. Access to the system is eliminated or modified if the employee or contractor no longer has a need to know the information, changes jobs, is terminated, or resigns.

Individual Participation

There is a risk that an individual's PII may be released without their knowledge or consent. This may be through disclosure in requested records, along with the possibility of a record with PII mistakenly sent to a requestor. Another possible instance is that when an individual submits a FOIA request, the nature of the request and the identity of the requestor can become publicly available information. For example, a member of the public may file a FOIA request that seeks

copies of all the FOIA requests filed by an individual or that relate to a specific topic. For all potential FOIA publications the Bureau engages in a review process based on federal guidelines, to minimize the unnecessary distribution of PII, along with other compliance obligations.

The Bureau summarizes and publishes information about the FOIA requests it receives in aggregate in the “CFPB FOIA Log” on its website, currently, with the following fields:³

- Request ID
- Request Date
- Requestor Name
- Organization
- Request Description
- Final Disposition
- Exemption Cited

The Bureau does not release the identities of individuals who file Privacy Act requests.

Data Quality and Integrity

FOIA and Privacy Act requestors are responsible for submitting or directly inputting most of the PII contained within this system. There is a risk that the PII that requestors submit is incorrect, erroneous, or obsolete. To mitigate this risk, when possible, the Bureau contacts individual requestors to correct their records when inaccuracies are discovered. Inaccurate requestor information can result in the delay or cancellation of a request.

Data Minimization

The Bureau collects the minimum amount of PII necessary for responding to, tracking, and managing FOIA/Privacy Act requests, which is usually limited to contact information from the requestor – their name, address, phone number, email address, FOIA request number, or some combination of these data elements. There is a risk that a requestor may submit more information than necessary to the Bureau in the request.

³ Bureau FOIA Reports and Logs can be found at <https://www.consumerfinance.gov/foia-requests/foia-electronic-reading-room/>. The 2021 CFPB FOIA Log is documented here: <https://www.consumerfinance.gov/foia-requests/foia-electronic-reading-room/cfpb-foia-log-fy2021/>.

To mitigate this risk, the Bureau excludes extraneous information when possible and only asks for sensitive PII when it is required. If extraneous information is provided, the content from the original request is retained as part of the original record of the request. Some inquiries, such as a Privacy Act request, have higher security and identity verification requirements, which may include providing a photo ID or other forms of official identification.

The technical, physical, and administrative controls implemented to promote individual participation, minimization, and accountability are appropriate.

Privacy Risk Management

1. Describe what information the CFPB collects, how the information is collected, and the sources from which the information is collected.

PII collected in FOIAxpress comes directly from the requests themselves or when PII is generated in response to a request. This PII is used to administer FOIA and Privacy Act requests. When collecting PII, the Bureau seeks to obtain the minimum amount needed to fulfill a request. Additional information that is not needed, but still provided as part of the request, is stored in the system as part of the records related to the request.

An individual can make a FOIA/Privacy Act request by mail, email, or online. At times Bureau staff will enter PII from a request manually into FOIAxpress if the request is submitted via mail or email. In some cases, other federal agencies may refer FOIA requests they received to the Bureau, if they are found to be more relevant to the Bureau's work. In that event, PII from the referred request is entered into FOIAxpress manually by Bureau staff.

To make a FOIA request online an individual may visit consumerfinance.gov and be directed to its FOIA page, that hosts PAL. The Bureau leverages PAL for account creation, login, and remote identity verification purposes. PAL allows requestors to create and update their profile. This profile allows requestors to 1) submit multiple requests to the CFPB using their profile information, 2) check on the status of their pending requests, and 3) receive and download responses to their requests that the Bureau sends directly to their profile.

FOIAxpress only collects the necessary information from individuals requesting access to Bureau records under FOIA or Privacy Act. A request where an individual is seeking only records about him/herself is generally considered a Privacy Act request, while an individual seeking information about other individuals or Bureau business operations is generally considered a FOIA request. The Bureau uses the same process for submitting both Privacy Act requests and FOIA requests. Any member of the public may submit a FOIA or Privacy Act request concerning records maintained by the Bureau.

Login.gov is a trusted, shared service that streamlines the sign-in process to Federal agency sites. Login.gov is a means for identity proofing Privacy Act requestors. Once the requestor passes Login.gov identity proofing they are able to sign in and submit a Privacy Act requests via PAL. The following PII may be collected by Login.gov to administer Privacy Act requests:

- Social Security Number (SSN)
- State-issued ID (e.g. driver's license)
- Phone number on a phone plan associated with the requestor's name

Once the requestor passes Login.gov's identity proofing they can sign into PAL and submit their request. The Bureau does not receive any PII from the PAL connection to Login.gov. Login.gov only verifies the requestor's identity.

To use PAL the requestor is required to create a profile and fill out their contact information, which includes at a minimum: first name, last name, email address, requestor category and create a username. Through PAL, the requestor fills out a request form. The information provided by the individual is directly fed into FOIAxpress. The submission pulls the contact information from the requestors profile and also must describe the records that the requestor seeks in sufficient detail to enable CFPB personnel to locate them with a reasonable amount of effort.

Whenever possible, the request should include specific information about each record sought, such as the date, title or name, author, recipient, and subject matter of the record. If known, the requestor should include any file designations or descriptions for the records requested. Requests should, to the extent available, contain a mailing address, telephone number, and email address at which the CFPB may contact the requestor regarding the request. The

information contained in requests sent by mail or email is entered in FOIAxpress, with physical copies scanned and attached as part of the record of the request. The Bureau's FOIA Office may also request proof or attestation of identity if a Privacy Act request is submitted through email, mail, or any other method other than PAL that is not outlined above. Any PII submitted by the requestor is stored in FOIAxpress.

In certain instances, fees may be charged by the Bureau to compensate for resources used to collect the records. For those types of requests, the Bureau communicates via email with the requestor to scope the request or agree upon the fees that need to be paid to process the request. The Bureau does not use FOIAxpress to process payments. Requestors pay applicable fees by sending a check by mail to the Bureau. The check is then deposited into the Department of Treasury general account. The Bureau uses FOIAxpress to collect and store communications and records related to the payment for that record. A copy of the check used to make the payment is attached to the record of the request.

FOIAxpress is used to evaluate records in their original form and to redact sensitive information from those records when necessary. The Bureau processes FOIA/Privacy Act requests in accordance with its implementing regulations at 12 CFR part 1070 to determine what information is redacted from records. Records that are responsive to a request may contain PII of individuals who are not the requestor or Bureau staff assigned to the request. When responsive records are distributed to requestors through FOIAxpress, copies of those records are stored in the system.

Requests, communications related to the requests, responsive documents that are distributed through the system, payment information and any other information from the processing of a request is collected and stored in FOIAxpress. The Bureau uses FOIAxpress to summarize requests and group frequent requests that are similar, for research and to assist in the future publication of those requests. FOIAxpress is also used to archive requests, and these records are deleted from storage when conditions for retention are satisfied.

2. Describe CFPB's objective for the information.

The Bureau asks FOIA/Privacy Act requestors to provide their name and contact information in order to make a request. This information is needed to create a record of the request and

facilitate communication between the Bureau and the requestor. PII that is provided by the requestor is also used to verify their identity, when needed. FOIAxpress is used to collect any communications, submissions, and responsive documents that are associated with a request during its lifecycle, in support of processing of FOIA requests. The PII forms part of the record of the request, which the Bureau uses to track and monitor the request's progress as it is being processed.⁴

While most communications between a requestor and the Bureau's FOIA Office are achieved via email between the office and the requestor, FOIAxpress also facilitates interactions between them. For this, the PII collected by the system is used to provide updates on the status of a request. Communications may also include discussions about the scope of a request, fees, and payment information.

Along with these primary uses the Bureau utilizes the information contained in FOIAxpress to process requests for records and administrative appeals under FOIA, as well as access, notification, and amendment requests and appeals under the Privacy Act. In addition, the information in the system is used to prepare for litigation, as necessary.

3. Describe how CFPB shares any of the information with third parties with whom the CFPB shares the information for compatible purposes, e.g. federal or state agencies, the public, etc.

The Bureau shares information maintained in FOIAxpress in accordance with the routine uses detailed in the CFPB.001 - Freedom of Information Act/ Privacy System SORN. The Bureau may share FOIA or Privacy Act requests (and the PII contained in them) with other Federal government agencies, the Office of the President, and Congress to the extent that the requests concern records or information that belong to or originate with those agencies and the input of those agencies is necessary to determine an appropriate response to the requests. The Bureau may also disclose information contained in the system with state agencies, as required.

⁴ Information related to requests is entered by Bureau staff who use the system to execute their job function. Documents retrieved in response to a request and documents generated during the request's processing may contain PII about the individual requestor, Bureau staff, and others.

Requests may also be transferred to agencies and regulatory bodies other than the Bureau, after notice has been given the requestor indicating that the records, they are seeking are more likely to be found there.

When interacting with other agencies on FOIA matters, the Bureau engages in direct communications with the relevant agency's FOIA office. These communications may contain information about the request or in some instances the request itself. Likewise, the Bureau may share FOIA or Privacy Act requests with businesses to the extent that the requests concern records of those businesses and the input of the businesses is necessary to determine an appropriate response to the requests. Full documentation of what records the Bureau stores and shares can be found in the CFPB.001 - Freedom of Information Act/Privacy Act SORN.

4. Describe what opportunities, if any, individuals to whom the information pertains have to (a) receive notice regarding the CFPB's use of the information; (b) consent to such use; (c) access the information that pertains to them; or (d) obtain redress.

The publication of this PIA and the referenced SORN provide notice to the public about the intended purpose and use of PII for FOIAxpress, including its use of the PAL and Login.gov. The Bureau gives individuals the ability to request access and amend their PII in accordance with the Privacy Act and the Bureau's Privacy Act regulations, at 12 C.F.R. 1070.50 *et seq.* Additionally, individuals receive Login.gov's Privacy Act statement when they create an account, so they can understand how their information may be used and shared to gain access to Federal agencies' services, including the Bureau's.

There is a risk through administrative error or from the individual themselves, that the PII provided to Bureau in relation to a request may be inaccurate. Individuals who believe that this is the case may request an amendment or correction by directly contacting the Bureau's FOIA Office to update any information submitted to the Bureau.

5. Explain the standards and relevant controls that govern the CFPB's—or any third-party contractor(s) acting on behalf of the

CFPB—collection, use, disclosure, retention, or disposal of information

The collection of PII by FOIAXpress requires the use of measures to protect an individual's identity and privacy. These protections focus on ensuring that access to PII is limited to qualified individuals and that the use of PII is solely for the purpose of processing FOIA/Privacy Act requests. The Bureau utilizes the following technical and administrative controls to secure the data and create accountability for the Bureau's appropriate collection, use, disclosure, and retention of the information:

- Audit Logs and Reviews
- Personnel Privacy Training
- The Privacy Incident Response and Recovery Plan
- Compliance with cybersecurity policy and procedures
- Data Quality and Integrity Checks
- Extract logging and 90-day reviews
- Policy and Standard Operating Procedures
- Role-based Access Controls for authorized staff
- Federal Committee on Statistical Methodology Government-wide Statistical Standards
- Guidelines for Ensuring and Maximizing the Quality, Objectivity, Utility, and Integrity of Information Disseminated by Federal Agencies
- Records Schedules Submitted to/Approved by National Archives and Records Administration
- Personnel security, including background checks.

The Bureau, through features within FOIAXpress and other security monitoring, tracks the activity of employees who are responsible for responding to FOIA and Privacy Act requests. The monitoring and information collected from it is used to detect suspicious activity, facilitate responses to FOIA and Privacy Act requests/appeals, improve processing workflows, ensure quality, provide overall security, and facilitate audits of the program.

Access to the FOIAXpress is limited solely to individuals whose job functions include FOIA/Privacy Act related duties or to those who provide technical support for the system. Additionally, the Bureau may grant contractors acting on its behalf access to the system and its information. In all instances, access to the system must be approved by the Bureau's FOIA

Office. Once this is approved, staff are issued non-transferrable access codes and passwords for entry.

AINS - the contracted vendor which created the FOIAXpress web portal – provides access to a technical team to address any related needs regarding its ongoing operation. Consistent with similar projects and general Bureau practice, the vendor as a third party does not have access to any PII or internal data contained in the system. If support is needed, access must be approved by the Bureau’s FOIA Office, through a request from the Bureau’s Technology and Information office.

When applicable, the Bureau may also maintain information in locked file cabinets or rooms with access limited to those personnel whose official duties require access. The access of contractors and employees is removed once they no longer have a defined business need to access the information – either by a change in job function, termination, or resignation.

The Bureau maintains electronic and paper records in accordance with published National Archives and Records Administration (NARA) Disposition Schedule, Transmittal No. 31, and General Records Schedule (GRS) 4.2, Information Access and Protection Records. Records pertaining to FOIA and Privacy Act programs are retained and disposed of in accordance with the GRS 4.2. The aforementioned retention schedules are brief enough to ensure privacy protection, but long enough to ensure the operational integrity of the Bureau’s FOIA/Privacy Act program.

6. Discuss the role of third party(ies) that collaborate or partner with the CFPB, if any. Identify any controls used to protect against inappropriate collection, use, disclosure, or retention of information. (This does not include third parties acting on behalf of the CFPB, e.g., government contractors discussed in Question 5.)

Not applicable.

Document control

Approval

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Change control

Version	Summary of Material Changes	Pages Affected	Date of Change
2.0	<p>This PIA replaces the former FOIA/Privacy Act System PIA (2014 & 2020) by identifying FOIAxpress as the Bureau's FOIA/Privacy Act system in 2021 and documenting additional functions which facilitate the collection of personal information.</p>	All	09/29/2021