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CFPB Bulletin 2011-05 (Enforcement and Fair Lending)

Date: December 15, 2011

Subject: Bureau Invites Whistleblower Information and Law Enforcement Tips, and Highlights Anti-Retaliation Protections.

The Consumer Financial Protection Bureau issues this bulletin to solicit information from knowledgeable sources about potential violations of Federal consumer financial laws. The Bureau welcomes information from current or former employees of potential violators, contractors, vendors, and competitor companies. Certain employees and their representatives who provide such information are protected against retaliation from their employers under Section 1057 of the Dodd-Frank Wall Street Reform and Consumer Financial Protection Act.

Knowledgeable sources with information about potential violations of Federal consumer financial laws may email their information to whistleblower@cfpb.gov. Informants also have the option of calling toll free to (855) 695-7974 and following the instructions to speak to a CFPB employee. You may elect to provide information anonymously. However, providing your name and contact information may facilitate any subsequent investigation and successful remediation of illegal conduct. If you choose to disclose your identity and contact information to the Bureau, you may still request confidentiality. To the extent consistent with law enforcement needs, the Bureau will not disclose your identifying information and will maintain your confidentiality as permitted by federal laws such as the Privacy Act, the Freedom of Information Act and any applicable Bureau regulations.

Law Enforcement Tips vs. Consumer Complaints

Whistleblower information and law enforcement tips are distinct from consumer complaints. The Bureau's consumer complaint process is for individuals who have personally encountered problems as parties to specific transactions with financial services companies. Customers or clients of financial services companies who wish to submit complaints about such issues should complete the Consumer Complaint Form on the Bureau's website: www.consumerfinance.gov

Summary of Protections

The Dodd-Frank Act provides anti-retaliation protections for certain employees and their representatives who provide information regarding potential violations. Specifically, section 1057 provides that no covered employer shall terminate or otherwise discriminate against any covered employee for: (1) providing information to the employer, the Bureau, or any other state, local, or federal government authority or law enforcement agency relating to a violation of Federal consumer financial law; (2) testifying about a potential violation; (3) filing any lawsuit or other proceeding under any Federal consumer financial law; or (4) objecting to or refusing to participate in violations of Federal consumer financial laws. Individuals should consult section 1057 for more detail regarding which employees and employers are covered by these provisions.

Relief is available to certain employees or their representatives who suffer discrimination and/or termination for taking the above actions. The Secretary of Labor may order the employer to take affirmative action to abate the violation; to reinstate the complainant to his or her former position, together with compensation (including back pay) and restore the terms, conditions, and privileges associated with his or her employment; and to provide compensatory damages to the complainant. The Secretary may also award costs and expenses reasonably incurred by the complainant in connection with bringing the complaint. The statute also provides penalties for complaints that are frivolous or brought in bad faith.

If you believe that your employer has retaliated against you in violation of these rights, you may, within 180 days of such violation, file a complaint with the Secretary of Labor. Information about filing such a complaint is available at:

<http://www.dol.gov/compliance/topics/whistleblower-protections.htm>

This bulletin is not intended to nor should it be construed to: (1) restrict or limit in any way the CFPB's discretion in exercising its authorities; (2) constitute an interpretation of law; or (3) create or confer upon any person, including one who is the subject of a CFPB investigation or enforcement action, any substantive or procedural rights or defenses that are enforceable in any manner.