

Office of Information and Regulatory Affairs
Office of Management and Budget
OMB Control Number 3170-0011
ICR Reference Number 202205-3170-001
Via Reg Info.gov

Re: CFPB Consumer Response Intake Form

November 3, 2022

To whom it may concern:

The undersigned consumer, civil rights and fair housing organizations write to support the inclusion of new demographic data to the CFPB Complaint Intake form. We believe that the addition of optional questions regarding a complainant's language preference, sex and race will be of value to the Consumer Financial Protection Bureau (CFPB) and to consumers.

We support the Bureau's determination that including these additional fields will help the CFPB better monitor, analyze and report on access to fair and affordable credit for underserved communities. Adding race, sex and language preference to the data that is collected may give the Bureau early insight into emerging problems, which is one of the significant objectives of the CFPB's complaint process.

We recommend that those consumers who submit their complaints by phone also be asked the optional questions of race, sex and particularly language preference to ensure that those with limited English proficiency be counted in this data set. Consumers who are limited English speakers are often more likely to report their complaints in-language via the Bureau's language lines (that offer translation services in more than 180 languages) since this is the primary avenue for LEP consumers to directly submit complaints in-language to the Consumer Bureau.

With the Bureau's expressed commitment to continuing to improve its complaint system,¹ we would recommend that the CFPB expand the opportunities for limited English proficient consumers to submit complaints in-language (particularly Spanish) online. This is not currently an option for consumers whose primary language is not English.

The Bureau also plans to offer consumers the opportunity to disclose if they are Hispanic, Latino or of Hispanic origin. If ethnic and racial information is to be collected, we recommend that the questions be broadened to allow consumers to choose from the list of ethnicities and races now used by the CFPB to collect HMDA data². The use of consistent data categories is valuable to all parties. Additionally, consumers could be offered a blank field that allows them to fill in the primary ethnicity and race they identify as.

¹ https://www.reginfo.gov/public/do/PRAViewDocument?ref_nbr=202205-3170-001

² https://files.consumerfinance.gov/f/documents/cfpb_2022-reportable-hmda-data.pdf pg.8-15

We recommend that the data the Bureau collects on language preference, race, sex and ethnicity be shared with the public on a regular basis, at a minimum in each year's Consumer Response Annual report. We also suggest that the additional demographic data be included in the CFPB's Complaint Database enabling the public to search and download the new data directly.

We recognize the Bureau's obligation to enforce fair lending laws, such as the Equal Credit Opportunity Act (ECOA), and we appreciate that in an effort to ensure that discrimination is not occurring based on a consumer's source of income the Bureau may request income information. We would recommend that the Bureau meet this duty by asking consumers if some or all of their income is derived from a government source. We encourage the Bureau to not request household income and household size as part of the intake process. If a consumer opts to share income details as part of his complaint we would not oppose consumer-initiated income information, but we can see no clear reason to request household income otherwise and are concerned that it could have a chilling effect on consumer participation in the complaint process.

For credit bureau complaints, the Bureau is requesting that consumers submit the last four digits of their Social Security number (SSN) and their full SSN for student loan complaints to make it easy for companies to identify the complainant. We would recommend that only partial SSNs should be requested—and only when absolutely necessary. We suggest offering consumers a way to encrypt a complaint file that can protect highly sensitive information such as an individual's complete SSN. In the event that a consumer does not have a SSN, we recommend that the Bureau note (within any form's instructions) that the last four digits of an Individual Taxpayer Identification Number (ITIN) may be used in place of the last four digits of a SSN in the same field. This will encourage those without SSNs to proceed with their complaints and reduce confusion.

Thank you for seeking to expand the valuable information you gather as part of the complaint process to help inform and protect consumers. We support the collection of information related to race, sex and language preference and would encourage you to broaden your request for ethnic identification, and we recommend that certain highly sensitive information, such as a person's SSN or income remain private unless the consumer chooses to reveal that information.

Sincerely,

Americans for Financial Reform Education Fund
California Reinvestment Coalition
Connecticut Fair Housing Center
Consumer Action
Consumer Federation of America
Empire Justice Center
Metropolitan Interfaith Council on Affordable Housing
Integrated Community Solutions (MICAH)
20/20 Vision DC

National Association for Latino Community Asset Builders (NALCAB)
National Coalition for Asian Pacific American Community Development (National CAPACD)
National Consumer Law Center (on behalf of its low-income clients)
National Fair Housing Alliance
National Housing Resource Center
Prosperity Now
Revolving Door Project

cc: Consumer Financial Protection Bureau