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# Freedom of Information Act (FOIA) and Privacy Act (PA) Request Guidebook

For Bureau of Consumer Financial Protection Records



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# 1. Introduction to this Guidebook

This Guidebook provides a brief explanation of the Freedom of Information Act (“FOIA”) and how you can use it to access records of the Bureau of Consumer Financial Protection (the “BCFP”). The Guidebook explains how you can submit a FOIA request to the BCFP and provides information about the fees that you may incur when the BCFP searches for, reviews, and reproduces records that are responsive to your FOIA request. The Guidebook also summarizes provisions, set forth in the FOIA, that authorize and in some cases require the BCFP to withhold information when it responds to your FOIA request. Additionally, this Guidebook outlines the method by which you may request records pertaining to yourself under the Privacy Act (“PA”). Finally, this Guidebook includes links to helpful reference material and explains how you can obtain additional information about these topics.

## 1.1 About the BCFP

The BCFP is an agency of the United States Government that Congress established as part of the Dodd-Frank Wall Street Reform and Consumer Protection Act of 2010. The central mission of the BCFP is to make markets for consumer financial products and services work for Americans — whether they are applying for a mortgage, choosing among credit cards, or using any number of other consumer financial products.

The BCFP works to give consumers the information they need to understand the terms of their agreements with financial companies. It works to make regulations and guidance as clear and streamlined as possible so providers of consumer financial products and services can follow the rules on their own.

Among other things, the BCFP:

- Conducts rulemaking, supervision, and enforcement for federal consumer financial protection laws;
- Restricts unfair, deceptive, or abusive acts or practices;
- Takes consumer complaints;
- Promotes financial education;
- Researches consumer behavior;
- Monitors financial markets for new risks to consumers; and,
- Enforces laws that outlaw discrimination and other unfair treatment in consumer finance.

For more information about the BCFP, please visit its website at <http://www.ConsumerFinance.gov>.

## 1.2 About the FOIA Team

The BCFP's regulations designate the Chief Operating Officer as the BCFP's Chief FOIA Officer. The responsibilities of the Chief FOIA Officer include, among other things, acting upon all initial FOIA requests, ensuring agency-wide compliance with the FOIA, and establishing policies and procedures to effectuate compliance with the FOIA.

The Chief FOIA Officer has delegated these responsibilities to the FOIA Team, which exists within the Office of Records, Privacy & FOIA. The FOIA Team collaborates with and assists FOIA requesters in finding the records they seek. The FOIA Team then provides those records to requesters, to the extent permissible and appropriate, in a timely and professional fashion. To accomplish this, the Team utilizes state-of-the-art technology to facilitate the public filing and tracking of FOIA requests. This technology also allows the Team to conduct thorough and efficient searches of the BCFP's records.

In addition to the above, the Chief FOIA Officer has appointed a FOIA public liaison to assist FOIA requesters, in accordance with FOIA regulations.<sup>1</sup> The FOIA Public Liaison is responsible for:

- Assisting in reducing delays associated with FOIA requests;
- Increasing transparency and understanding of the status of requests; and
- Assisting requesters in disputes with agencies pertaining to requests.

The BCFP also works collaboratively with requesters to help tailor the scope of requests and guide them through the FOIA process.

You can reach the BCFP FOIA Public Liaison at [CFPB\\_FOIA@CFPB.gov](mailto:CFPB_FOIA@CFPB.gov) or by calling 1-855-444-FOIA.

## 2. General information about the FOIA

The FOIA is a federal statute that grants the public a judicially-enforceable right to access the records of federal agencies, upon request, subject to several statutory exemptions and exclusions. The FOIA exists to give the public insight into the operations of the federal government and to hold the government accountable for its actions.

Any member of the public may file a FOIA request with the BCFP. The request must contain a reasonable description of the records sought, in accordance with the BCFP's regulations. A description of a record is reasonable if it enables an agency employee to find the requested records without undue effort.

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<sup>1</sup> 5 U.S.C. § 552 (a)(6)(B)(ii).

As noted above, the FOIA grants a right of public access to BCFP records. The term “record” refers to a broad range of materials that an agency generates or receives, including paper and documents, email, letters, charts and presentations, photographs, and videos.

The FOIA does not require the BCFP to create a record that does not otherwise exist in order to respond to a request. Likewise, the FOIA does not require the BCFP to respond to a request for information (e.g., when did the BCFP make a decision on this issue?) rather than records (e.g., provide copies of all records that describe when the BCFP made a decision on this issue). The FOIA does not require the BCFP to explain the meaning of the records it produces in response to a request.

The FOIA authorizes – and in some cases requires – the BCFP to redact certain information contained in its records before releasing those records in response to a FOIA request. The FOIA lists nine grounds (or exemptions) for withholding information from the public. These exemptions are summarized as follows:

1. Classified information;
2. Information that pertains to internal personnel policies and practices of the BCFP;
3. Information that statutes other than the FOIA do not allow the BCFP to disclose;
4. Trade secrets and confidential commercial or financial information that a business has provided to the BCFP;
5. Information that is subject to certain legal privileges, including the attorney-client and work product privileges. This exemption also shields from the public certain information that forms the basis for and precedes BCFP decisions. This includes some draft documents, policy recommendations, analyses, and briefing materials;
6. Information that, if disclosed, would constitute a clearly unwarranted invasion of personal privacy, including the home addresses, telephone numbers, and social security numbers of persons mentioned in BCFP records;
7. Information that the BCFP compiles for law enforcement purposes when its disclosure would:
  - a. Interfere with a pending or prospective law enforcement proceeding;
  - b. Deprive someone of a fair trial;
  - c. Violate the privacy interests of a witness or other participant in a law enforcement matter;
  - d. Disclose the identity of an informant, expose a sensitive law enforcement technique or procedure; or,
  - e. Endanger the physical safety of any individual;
8. Information that relates to the examination of a financial institution by the BCFP; and
9. Certain geological and geophysical information.

If a FOIA requester disagrees with an agency's application of the FOIA exemptions, the requester may file an appeal with the agency. If the agency rejects that appeal, the requester may sue the agency in federal court.

Except in unusual circumstances, the BCFP must respond to a FOIA request within twenty (20) business days. If the BCFP fails to respond within the statutory deadline, and has not made arrangements with the requester to extend that deadline, the requester may sue the BCFP in federal court. A FOIA requester may also seek expedited processing of a request. If granted, expedited processing requires the BCFP to place that request in the front of the queue and respond as soon as practicable.

The FOIA authorizes the BCFP to charge fees to a requester to recover its costs of searching for, reviewing, and reproducing records. The extent to which the BCFP charges fees depends upon the identity of the requester and what he or she intends to do with the records requested. For example, requesters that seek records for journalistic purposes are exempt from certain fees while requesters that intend to use records for commercial purposes are not exempt from the same fees. The FOIA authorizes requesters to apply for waivers of fees. Requesters may appeal the BCFP's decisions to categorize them for fee purposes or to deny their requests for fee waivers. Again, if the BCFP denies those appeals, requesters may seek judicial relief.

## 2.1 Additional Information about the FOIA

The BCFP encourages you to read this Guidebook together with the text of the FOIA, which can be found at [www.ConsumerFinance.gov/FOIA](http://www.ConsumerFinance.gov/FOIA), as well as the BCFP's interim final regulations that implement the FOIA, which can be found in the [Federal Register](#).

For detailed guidance about the meaning of each of the FOIA's provisions, including its exemptions, the BCFP also encourages you to consult the Department of Justice's Guide to the Freedom of Information Act, which can be found [on the Department's website](#).

For specific questions or guidance, please call the BCFP's FOIA Office at: 1-855-444-FOIA (3642) or [CFPB\\_FOIA@cfpb.gov](mailto:CFPB_FOIA@cfpb.gov).

## 3. FOIA requests

You may file a FOIA request with the BCFP to obtain access to, or a copy of, any of its records. Your request must contain a reasonable description of the records you seek and must comply with certain procedural requirements that it summarizes below. In certain circumstances, the BCFP may charge you fees to search for, review, and provide you with copies of the records you seek. The disclosure of BCFP records may be limited to the extent that one or more of the nine FOIA exemptions (described above) apply to these records and require or permit the BCFP to withhold information from public disclosure.

The BCFP's regulations relating to FOIA requests may be found at [12 C.F.R. § 1070.10](#) *et seq.*

## 3.1 Who decides whether to grant my FOIA request?

The BCFP's Chief FOIA Officer delegated responsibility to the FOIA Office to make initial determinations as to whether, and to what extent, to grant FOIA requests. The FOIA Office makes these determinations in consultation with the relevant BCFP offices that maintain the records you request. Where applicable, the FOIA Office may consult any other Federal agencies whose information is reflected in such records.

In the event the records you request are intertwined with another federal or state agency's information, the FOIA Office will consult with the other agency prior to releasing the responsive records. If the records belong to another agency in their entirety, the FOIA Office may refer your request to that agency for processing and direct response to you. The BCFP's FOIA Office will inform you in writing when it makes such a referral of your request to another agency.

## 3.2 How do I file a FOIA request?

Your FOIA request must be made in writing. You may email, fax, or mail your FOIA request as follows:

- Email to [CFPB\\_FOIA@cfpb.gov](mailto:CFPB_FOIA@cfpb.gov)
- Fax to 1-855-FAX-FOIA (329-3642)
- Mail to: Bureau of Consumer Financial Protection  
Attention: Chief FOIA Officer  
1700 G Street, NW  
Washington, DC 20552

Your request should include:

- **Your contact information (e.g. full name, address, phone number, email address).** This enables (as needed) the BCFP to contact you to acknowledge receipt of your request, clarify the scope of the request, invoice fees associated with your request, update you on the status of your request, and ultimately provide you a response.
- **As many details as possible about the information you are seeking from the BCFP.** This enables the BCFP to conduct a reasonable search, identify, and retrieve records responsive to your request.
- **Type of requester (e.g. commercial, media, other).** This relates to the purpose in which you are requesting the information, such as for commercial purposes. Fees are assessed based on the type of requester. Fees are explained later in this Guidebook.
- **Indicate if you are willing to pay fees for searching, reviewing, and/or duplication of records.**

- **If you are seeking a fee waiver and/or the expedited processing of your request, provide justification in your request.** Fee waivers and expedited processing are explained later in this Guidebook.
- **Please specify how you would like to receive the responsive records. Options include in an electronic format (e.g., Adobe PDF) and via email or physical media (e.g., CD, DVD, or hard drive).**

### 3.3 What would a model FOIA request look like?

Below is a sample letter that you can use as a starting point for making a FOIA request. Following this format would ensure that your request contains all of the information that the BCFP needs to process your request and to respond in a timely manner. Information that you will need to supply is denoted by brackets.

[Date]

Bureau of Consumer Financial Protection  
Attention: Chief FOIA Officer  
1700 G Street, NW  
Washington, DC 20552

Re: Freedom of Information Act Request

Dear BCFP FOIA Officer:

This is a request under the Freedom of Information Act (FOIA).

I request that a copy of the following documents be provided to me:

[Identify the documents or information as specifically as possible.]

In order to help you determine my status for the applicability of any fees, I am requesting these documents for a [*choose one*: commercial, educational, scientific, news media or other] purpose.

[If you are seeking news media, educational or scientific institution status, or seek a public interest fee waiver, describe the purpose of the request. *For example*, I am affiliated with an educational institution and the request is made for a scholarly or scientific purpose and not for a commercial use.]

If there are any fees for searching for or copying the documents, please let me know before you process my request. [Or, I am willing to pay fees for this request up to a maximum of \$[\_\_\_\_\_]. If you estimate that the fees will exceed this limit, please contact me.]

If you have any questions about processing this request, you may contact me during at [telephone number] or [email address].

Sincerely,  
[Signature]



[Print name]  
[Address]  
[City, State, Zip Code] [Telephone  
number]  
[Optional: Fax number]  
[Optional: E-mail address]

## 3.4 In what order do you process FOIA requests?

The BCFP normally processes FOIA requests in the order in which they are received. To ensure that simple and easily-fulfilled requests are not delayed by the processing of complex or voluminous requests, we place simple requests in separate queues from complex requests. Within each of these queues, the BCFP processes requests in the order in which it receives them.

You may also request expedited processing of your FOIA request, in accordance with the FOIA and BCFP regulations. If the BCFP grants your request for expedited processing, it will process your request ahead of other requests in the applicable queue and it will respond to you as soon as is practicable. The BCFP notes that expedited processing of a request does not necessarily mean that the BCFP will process the request first or that it will respond immediately or even in fewer than 20 business days. Although the BCFP will process an expedited FOIA request before it processes a normal request, it must process multiple expedited requests in the order in which the BCFP granted them expedited status. Moreover, expedited processing only obligates the BCFP to respond to you as soon as it is practicable to do so. The BCFP will always try to respond to an expedited request sooner than it would to a normal request. Sometimes this may not be possible due to the complexity of the request, the volume of the information requested, or because of other requests in the expedited-request queue.

You must request expedited processing of a request in writing at the time when you file your FOIA request. In your request, you must show that you have a “compelling need” for the information requested. In other words, you must show that either:

- Not obtaining the requested records in an expedited manner could reasonably be expected to pose an imminent threat to the life or physical safety to an individual; or,
- If you are primarily engaged in disseminating information, urgency exists to inform the public about an actual or alleged Federal Government activity and that delaying a response to the request will compromise a significant, recognized interest to the American public.

Your request for expedited processing must include the following certification, which is prescribed by federal law: “I declare under penalty of perjury that the foregoing is true and correct. Executed on [date].”<sup>2</sup>

Your request for expedited processing must demonstrate *why* you satisfy the above criteria with respect to the requested information. It is not sufficient to simply declare, in a conclusory

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<sup>2</sup> 28 U.S.C. § 1746.

fashion, that you meet the criteria. Similarly, the BCFP will not grant expedited processing on the basis of a boilerplate statement of the journalistic or public interest nature of your work; your request must demonstrate, with particularity, why a compelling interest exists in the expedited disclosure of the specific information requested.

The BCFP must decide whether to grant your expedited-processing request within ten (10) calendar days of its receipt. The BCFP will notify you in writing of its decision. If it denies your request, the BCFP will provide an explanation of its decision. You may appeal this decision as set forth below in the section entitled “Administrative Appeals.” The BCFP’s regulations relating to requests for expedited processing may be found at [12 C.F.R. § 1070.17](#).

## 3.5 What kind of response will I receive to my FOIA request?

The FOIA requires the BCFP to respond to your request in writing. It must do so regardless of whether or not it grants your request or uncovers responsive records. Generally, if the BCFP withholds any information or records that are responsive to your request, the BCFP will provide a categorical description of the materials withheld and identify the FOIA exemptions that support the withholding. Lastly, you will be provided your right to file an administrative appeal of response to your request.

If you do not specify in your request how you want the BCFP to produce records to you – and do not include your email address in your request – the BCFP will assume that you wish to receive records in paper format. Duplication fees may apply. If you submit your request to the BCFP electronically via email or include your email address in your request, the BCFP will assume – unless you specify otherwise – that you wish to receive records in electronic format via email and no duplication fees will apply. Due to limitations that often exist on sizes of emails that can be transmitted, responses over 10MB will be sent via CD unless you indicate that your email system accepts larger attachments. The BCFP will make every attempt to accommodate your request to produce records to you on physical media whenever it is reasonable and feasible to do so, provided that you pay the direct costs of such media.

## 3.6 When should I expect to receive a response to my FOIA request?

Unless certain exceptions exist, the FOIA requires the BCFP to respond to your request within twenty (20) business days of its receipt. The BCFP is considered to be “in receipt” of a request if and when your request complies with its procedural requirements. If your request does not meet those requirements in any material respect, the BCFP will inform you and provide you with an opportunity to remedy the problem. Until you correct the problem, however, the BCFP may not be able to process your request and it will not be bound to do so within the twenty (20) business day deadline. Furthermore, if you fail to address the concerns within thirty (30) calendar days of notification, the BCFP will deem your request to be withdrawn.

The BCFP may toll the twenty (20) business day response period, however, while it works with

you to resolve any disputes regarding the applicability or amount of fees associated with your request. It may also toll the deadline once while it awaits your response to its call that you clarify your request.

Furthermore, the BCFP may extend the twenty (20) business day deadline by an additional ten (10) business days under certain circumstances. These circumstances include anytime the BCFP determines that your request requires it to search for and review a large quantity of records, that a response requires it to search its field offices, or that it needs to consult other agencies or multiple BCFP offices before it can respond. The BCFP will inform you in writing of its determination to extend the deadline under these circumstances.

If the FOIA Office decides it needs additional time beyond the deadline to respond to your request, we will inform you before the deadline expires and ask you to extend the deadline further. We will also provide you with an opportunity to limit the scope of the request so that we can respond within the deadline.

## 3.7 What are my rights if you deny my FOIA request or fail to respond to it?

If the BCFP denies your FOIA request in whole or in part, you may be entitled to file an administrative appeal of the denial. More information about administrative appeals is below.

If the BCFP fails to respond to your request by the deadline, you are deemed to have exhausted your administrative remedies and you may file a complaint against the BCFP in Federal district court.

## 3.8 FOIA fee schedule

There is no initial fee for you to make a FOIA request. However, the FOIA authorizes the BCFP to charge you fees to recover the direct costs of providing records to you. The BCFP has prepared the guidance below to assist you in determining the types and amounts of fees that will apply to a FOIA request that you file with it.

The BCFP's regulations relating to fees may be found at [12 C.F.R. § 1070.22](#).

## 3.9 FOIA fee categories

When submitting a FOIA request, you should specify your fee category (the categories are listed below). If you are submitting a FOIA request on behalf of another person or organization (e.g., an attorney submitting a request on the behalf of a client), it is the underlying requester's identity and intended use that determines the fee category. Based on this information, the BCFP will determine your category and the type(s) of fees that apply to your request. Below are the fee categories that are applicable to FOIA requests and the types of fees associated with each of them:

- **Commercial Use Requesters** will be charged for all search, review, and duplication

costs. This category of requester is charged for all duplication and search time.

- **News Media, Educational, or Scientific Requesters** will be charged for record duplication only (after the first 100 pages).
- **Other Requesters** will be charged for search costs (after the first two hours) and record duplication costs (after the first 100 pages).

*Note that the BCFP will not assess duplication fees when it produces records to you in electronic format (e.g., Adobe PDF).*

## 3.10 FOIA fee amounts

The BCFP has established the following fee schedule in accordance with the Uniform Freedom of Information Act Fee Schedule and Guidelines promulgated by the Office of Management and Budget.<sup>3</sup>

### ***RECORD DUPLICATION CHARGES***

- Fees for the duplication of paper records are \$0.10 per page.
- The BCFP standard is to provide responses to FOIA requests in an electronic format whenever possible. Nevertheless, fees may be charged for printing electronic records. These fees, if applicable, will include direct costs and labor costs.

### ***RECORD SEARCH CHARGES***

- If only clerical staff conducted the search, then search fees will accrue at the rate of \$9.00 per 15 minutes (\$36.00 per hour).
- If only professional staff conducted the search, then search fees will accrue at a rate of \$23.00 per 15 minutes (\$92.00 per hour) for professional staff.
- If a combination of clerical and professional staff conducted the search, then search fees will accrue at the basic pay rate plus 16% of the employee(s) pay who conducted the search to cover the cost of benefits.
- If only professional staff conducted the review, then review fees will accrue at the rate of \$23.00 per 15 minutes (\$93.00 per hour).
- If a combination of clerical and professional staff conducted the review, then review fees will accrue at the basic pay rate plus 16% of the employee(s) pay who conducted the review to cover the cost of benefits.

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<sup>3</sup>See 52 Fed. Reg. 10011 (March 27, 1987).

## ***OTHER CHARGES***

Other services and materials requested that are not covered above are chargeable at the actual cost to the BCFP. These charges include, but are not limited to, certifying that records are true copies or sending records by special methods such as Express Mail. Fees associated with these services may vary based upon current market prices for such services. The BCFP will notify requesters of these costs prior to incurring them.

## ***FEE LIMITS ESTABLISHED BY REQUESTER***

In your request letter, you may make a specific statement limiting the amount of fees you are willing to pay (provided that the limit is not less than \$25.00). The BCFP will not charge you if the fee equals \$25 or less. If the BCFP estimates that the fees associated with processing your request exceeds the amount that you agreed to pay, then the BCFP will contact you, in advance of incurring such fees, to give you the opportunity to alter your request in order to reduce the fees. If you do not wish to alter your request, the BCFP may require you to commit in writing to pay the estimated amount of fees before it processes your request.

## ***FEE WAIVERS***

The FOIA entitles a requester to a reduction in or waiver of fees associated with processing a FOIA request whenever the requester demonstrates that the disclosure of the requested information is in the public interest. The disclosure of information is in the public interest whenever (a) it is likely to contribute significantly to the public's understanding of the operations and activities of the government, and (b) the disclosure of the requested information is not primarily in the commercial interests of the requester.

You must request a fee waiver in writing at the time when you file your FOIA request. Your request must demonstrate *why* you satisfy the above criteria with respect to the requested information. It is not sufficient to simply declare, in a conclusory fashion, that you meet the criteria. Similarly, the BCFP will not grant a fee waiver request on the basis of a boilerplate statement of the journalistic or public interest nature of your work; your request must demonstrate, with particularity, why disclosure of the specific information requested will serve the public interest.

The BCFP will notify you in writing of its decision whether or not to grant your fee waiver request. If it denies your request, the BCFP will provide an explanation of its decision. You may appeal this decision as set forth below in the section entitled "Administrative Appeals."

The BCFP's regulations relating to fee waivers may be found at [12 C.F.R. § 1070.22\(e\)](#).

Additional information about fee waivers is available through the [Department of Justice](#).

## ***PAYMENT OF FEES***

Ordinarily, you will not be required to pay the fees until after the records have been processed and sent to you. You may be required to pay fees in advance, however, if the BCFP determines that processing your request will cost more than \$250.00 or if you have a history of non-payment or late payment of fees.

## ***FAILURE TO PAY FEES***

In the event FOIA fees are not paid within thirty (30) calendar days from the date of the invoice, the requester is charged interest in accordance with the Debt Collection Improvement Act of 1996. Any subsequent FOIA requests made by the same requester will not be processed until the fee is paid in full.

## ***IMPORTANT PAYMENT INFORMATION***

All FOIA fees must be paid in U.S. dollars by check or money order, made payable to the “United States Treasury”. Make certain that you reference the specific FOIA request number (e.g., BCFP-2012-001) on the check and mail it to the following:

Bureau of Consumer Financial Protection  
Attention: Chief FOIA Officer Freedom of Information Act Payment  
1700 G Street, NW  
Washington, D.C. 20552

# 4. Administrative appeals

You may file an administrative appeal of one or more of the following BCFP determinations regarding your FOIA request:

- Denial of access to records you requested in whole or in part;
- Assignment to you of a particular fee category;
- Denial of your request for a reduction or waiver of fees;
- Determination that no records exist that are responsive to your request; or
- Denial of your request for expedited processing.

## 4.1 Who decides whether to grant my administrative appeal?

The Office of the General Counsel decides and responds to FOIA appeals. As part of its decision-making process, the Office of the General Counsel may consult with the requester, the FOIA Office, and with any other BCFP offices involved in or responsible for the decisions, actions, and responses that formed the basis of the appeal.

## 4.2 How do I file an administrative appeal?

Although the Office of the General Counsel decides and responds to FOIA appeals, you should nevertheless file your appeal with the FOIA Office for clerical purposes. The FOIA Office will route your request automatically to the Office of the General Counsel. You may email, fax, or mail your appeal as follows:

- Email to [CFPB\\_FOIA@cfpb.gov](mailto:CFPB_FOIA@cfpb.gov)
- Fax to 1-855-FAX-FOIA (329-3642)
- Mail to: Bureau of Consumer Financial Protection  
Attention: General Counsel (c/o Chief FOIA Officer)  
FOIA Appeal  
1700 G Street, NW  
Washington, DC 20552

You must postmark or submit your appeal electronically within forty-five (45) calendar days of (a) the date of the BCFP's initial determination that forms the basis for the appeal, or (b) the date of the letter transmitting the last records released, whichever is later. **Note that if your appeal pertains to a denial of a request for expedited processing, you must file your appeal within ten (10) calendar days of the date of the denial.** Your appeal should include the following information:

- **The label “Freedom of Information Act Appeal”**
- **The Number of the FOIA Request appealed.**
- **Your contact information (e.g. full name, address, phone number, email address).** This enables (as needed) the Office of the General Counsel to contact you to acknowledge receipt of your appeal, clarify the scope of the appeal, invoice fees associated with your appeal, update you on the status of your appeal, and ultimately provide you a response.
- **A detailed explanation as to why the Office of the General Counsel should grant your appeal.** This explanation should include a description of:
  - The relevant aspects of your FOIA request;

- A description of the relevant BCFP actions, decisions, or responses to your request, or of the BCFP's failures to act, decide, or respond to your request; and,
- A statement of the reasons why you believe that such actions, decisions, responses – or failures to do the same – were inappropriate, inadequate, or failed to comply with the FOIA or with other Federal laws.

## 4.3 What would a model administrative appeal look like?

Below is a sample letter that you can use as a starting point for filing a FOIA appeal. Following this format would ensure that your request contains all of the information that the Office of the General Counsel needs to process your appeal and respond in a timely manner. Information that you will need to supply is denoted by brackets.

The requester will be notified in writing of the determination, regardless if the appeal is denied or reversed.

The BCFP's regulations relating to administrative appeals may be found at [12 C.F.R. § 1070.21](#).

[Date]

Bureau of Consumer Financial Protection  
 Attention: General Counsel (c/o Chief FOIA Officer)  
 FOIA Appeal  
 1700 G Street, NW  
 Washington, DC 20552

Re: Freedom of Information Act Appeal (Request No. [ ])

Dear General Counsel:

This letter constitutes an appeal of the BCFP's determination[s] regarding Freedom of Information Act (FOIA) Request No. [ ], which I filed on [date].

In connection with my request, I sought the following: [as applicable, describe the BCFP records you requested, the request you made for expedited processing or for a reduction or waiver of fees, or the request you made for assignment to a particular fee category].

[Describe the BCFP's actions, decisions, responses, or failures to act, decide, or respond to your request]

[Explain in detail why you believe that the BCFP's actions, decisions, responses, or failures to do the same were improper, inadequate, or failed to comply with the FOIA or other Federal laws]



If you have any questions about processing this appeal, you may contact me during at [telephone number] or [email address].

Sincerely,  
[Signature]

[Print name]  
[Address]  
[City, State, Zip Code]  
[Telephone number]  
[Optional: Fax number]  
[Optional: E-mail address]

## 4.4 What kind of response will I receive to my administrative appeal?

The FOIA requires the BCFP to respond to your appeal in writing. It must do so regardless of whether or not it grants your appeal. If the Office of the General Counsel denies your appeal, it must inform you of the reasons for its denial. It must also provide you with the name of the BCFP employee who decided your appeal. Finally, it must inform you of your right to seek mediation of your dispute or to file a complaint against the BCFP in federal district court.

If the Office of the General Counsel grants your appeal by determining that a new or a supplemental records search is required, it may respond by remanding your request to the FOIA Office. In this case, the FOIA Office may respond to you separately. If you are dissatisfied with the remanded response of the FOIA Office, you may file another administrative appeal.

## 4.5 When should I expect to receive a response to my administrative appeal?

The FOIA requires the Office of the General Counsel to respond to your appeal within twenty (20) business days of its receipt. It may extend the twenty (20) business day deadline by an additional ten (10) business days if it determines that your appeal requires: (a) searching for and reviewing a large quantity of records, (b) that a response requires it to search the BCFP's field offices, or (c) that it needs to consult other agencies or multiple BCFP offices before it can respond. The Office of the General Counsel will inform you in writing of its determination to extend the deadline under these circumstances.

If the Office of the General Counsel needs additional time beyond the deadline to respond to your appeal, it will inform you before the deadline expires and ask you to extend the deadline further. It will also provide you with an opportunity to limit the scope of the appeal so that it can respond within the deadline.

If the Office of the General Counsel fails to respond to your appeal by the deadline, you are

deemed to have exhausted your administrative remedies and you may file a complaint against the BCFP in Federal district court.

## 4.6 What are my rights if you deny my administrative appeal?

If you are dissatisfied with your appeal response, you may seek mediation through the Office of Government Information Services. You may also file a complaint against the BCFP in federal district court.

## 4.7 Index of major information systems

The FOIA requires the BCFP to provide the public with an index of the BCFP's major information systems in order to see the types of records that we maintain. This may help you to specify in your FOIA request that you want us to search one or more of these information systems. It may also help us to locate your records more quickly. The index is updated regularly and available [on our website](#).

# 5. General information about the Privacy Act of 1974

The Privacy Act is one of the key legislative acts governing the protection of personally identifiable information (“PII”). It regulates the collection, maintenance, use and dissemination of PII maintained by the BCFP and other Federal agencies.

An individual may request records pertaining to himself or herself (or that pertain to an individual for whom the requester serves as a guardian or authorized representative).

The Privacy Act authorizes a Federal agency to redact certain information contained in its records before it releases those records in response to a Privacy Act request. The Act lists ten grounds (or exemptions) for withholding information. These exemptions are summarized as follows:

- Information compiled in reasonable anticipation of a civil action or proceeding;
- Information concerning polygraph records, intelligence sources and methods, and information provided to foreign governments;
- Information compiled during the course of criminal law enforcement action;
- Classified information;
- Information related to non-criminal law enforcement matters;

- Information pertaining to the protection of the President of the United States or other individual pursuant to section 3056 of Title 18;
- Information maintained or used solely as statistics;
- Investigatory information used to determine suitability, eligibility, or qualification for federal civilian employment or access to classified information when derived from confidential sources;
- Testing or examination information; and
- Military evaluative information.

## 5.1 How do I file a privacy act request?

At the BCFP, the FOIA Office processes both FOIA and Privacy Act requests. You may email, fax, or mail your Privacy Act request as follows:

- Email to [CFPB\\_FOIA@cfpb.gov](mailto:CFPB_FOIA@cfpb.gov)
- Fax to 1-855-FAX-FOIA (329-3642)
- Mail to:
  - Bureau of Consumer Financial Protection
  - Attention: Chief FOIA Officer
  - Privacy Act Request
  - 1700 G Street, NW
  - Washington, DC 20552

Your request should include:

- **A statement that the request is made pursuant to the Privacy Act.**
- **The name of the system of records that the requester believes contain the record requested or a description of the nature of the record sought in detail.** Whenever possible, please also include:
  - A description of the nature of the record(s) sought;
  - The date of the record(s) or the period in which the requester believes that the record was created; and
  - Any other information that might assist the BCFP in identifying the record sought (e.g. maiden name, dates of employment, account information, etc.). This enables the BCFP to locate the system of records containing the record(s) with a reasonable amount of effort. A list of BCFP System of Records Notices (“SORNs”) can be found at [on our website](#).
- **Information necessary to verify the requester’s identity.** This verifies to the BCFP that the requester is the subject of the record(s) sought in the request and provides protection of that individual’s right to privacy. Acceptable proof of identification includes:

- A photocopy of two forms of identification, including one form of identification that bears the requester’s photograph, and one form of identification that bears the requester’s signature; or
- A photocopy of a single form of identification that bears both the requester’s photograph and signature; or
- A statement swearing of affirming the requester’s identity and to the fact that the requester understands the penalties provided in [5 U.S.C. 552a\(i\)\(3\)](#).

**Note:** A designated official may require additional proof of the requester’s identify before action will be taken on any request, if the official determines that it is necessary to protect against unauthorized disclosure of information in a particular case. In addition, if a requester seeks records pertaining to an individual in the requester’s capacity as that individual’s guardian, the requester will be required to provide adequate proof of the requester’s legal relationship before action will be taken on any request

## 5.2 What would a model privacy act request look like?

Following this format would help to ensure that your request contains all information the BCFP would need to process your request and to respond in a timely manner. Information that you will need to supply is denoted by brackets.

[Date]

Bureau of Consumer Financial Protection  
 Bureau Attention: Chief FOIA Officer  
 1700 G Street, NW  
 Washington, DC 20552

Re: Privacy Act Request

Dear BCFP FOIA Officer:

This is a request under the Privacy Act.

I request that a copy of the following documents be provided to me:  
 [Identify the documents or information as specifically as possible.]

[Identify the System of Records where you believe the information is located.]

If you have any questions about processing this request, you may contact me during at [telephone number] or [email address].

Sincerely,  
[Signature]

[Print name]

[Address]

[City, State, Zip Code]

[Telephone number]

[*Optional*: Fax number]

[*Optional*: E-mail address]

Be certain that you include the necessary information to identify you (the requester) or an affirmation statement as described above section.

## 6. Comments or questions regarding the BCFP FOIA program

The BCFP welcomes your comments or questions concerning our FOIA program. They can be sent to us by email ([CFPB\\_FOIA@CFPB.GOV](mailto:CFPB_FOIA@CFPB.GOV)), FAX (1-855-329-3642), or mail:

Bureau of Consumer Financial Protection  
Attention: Chief FOIA Officer  
1700 G Street, NW  
Washington, DC 20552