



1700 G Street NW, Washington, DC 20552

January 17, 2018

Memorandum

TO	Alina M. Semo, Director Office of Government Information Services
FROM	Raynell Lazier, FOIA Manager Consumer Financial Protection Bureau
THROUGH	Martin Michalosky, Chief Administrative Officer & Sartaj Alag, Chief FOIA Officer Consumer Financial Protection Bureau
SUBJECT	Compliance Review of the Consumer Financial Protection Bureau's Freedom of Information Act Program

Handwritten signatures: A blue signature over the 'FROM' line and a black signature 'S. Alag' over the 'THROUGH' line.

This memorandum serves as the Consumer Financial Protection Bureau's (CFPB) response to the Office of Government Information Services (OGIS) report of August 14, 2017, regarding the results of OGIS' Compliance Assessment of CFPB's Freedom of Information Act (FOIA) Program.

CFPB is committed to fulfilling our responsibilities under FOIA. Therefore, CFPB requested that OGIS review our FOIA program to evaluate our compliance with FOIA and make recommendations for improvements. CFPB has used the assessment results, and specifically the four recommendations to enhance the FOIA program. While two of the recommendations required the adoption of new processes, two of the recommendations only advised the CFPB to continue on its current path.

Below are the OGIS Findings and Recommendations with CFPB's Response:

Finding 1: CFPB faces management challenges to maintain its current responsiveness to FOIA requests during the next five years.

Recommendation 1: Continue to engage high-level CFPB officials and highlight the importance of compliance with FOIA and a high degree of cooperation between staff in the FOIA office and the program offices.

CFPB Response: *CFPB agrees with this recommendation. The FOIA Office consistently engages with leadership and will continue this strategy to further transparency as well as an understanding of FOIA at the CFPB. An example of this engagement is the comprehensive weekly FOIA report to senior leadership to share information on new, pending, and closed requests and appeals.*

Recommendation 2: Keep CFPB leadership apprised of the need for any additional FOIA assistance to keep up with growing workload.

CFPB Response: *CFPB agrees with this recommendation. Over the last year, the FOIA Office has consistently relied on detailed employees to support FOIA operations. The FOIA Office currently has one detailed employee, but it will increase this capacity as the workload increases.*

Finding 2: CFPB's investments in technologies improve the FOIA process.

Recommendation 3: Comply with Department of Justice guidance encouraging agencies to use a FOIA metadata tag for all posted records released under FOIA.

CFPB Response: *This recommendation has been implemented. In late-August 2017, CFPB implemented a process to ensure all released records, including those in the electronic reading room contained FOIA metadata in accordance with DOJ guidance.¹ Specifically, the FOIA Office ensures that before records are released that there is a uniform FOIA tag which includes reference to CFPB, and a title, date, and description of the documents at issue.*

¹ "Using Metadata in FOIA Documents Posted Online to Lay the Foundation for Building a Government-Wide FOIA Library," last modified July 16, 2015, <http://www.justice.gov/oip/blog/foia-guidance-11>

Finding 3: Customer Service

Recommendation 4: *Create a formal feedback loop to ensure requests are properly processed at the initial request stage and to reduce the number of appeals remanded for further processing.*

CFPB Response: *This recommendation has been implemented. The CFPB FOIA Office has implemented a process to regularly review remands and immediately implement necessary changes to ensure that requests are consistently processed properly. When an appeal is remanded, the FOIA Office reviews the remand with the Legal Division. Then, the remand is reviewed at the FOIA Office's weekly meeting and any necessary processing changes are disseminated.*

Again, we appreciate the efforts of OGIS in reviewing the FOIA program at CFPB, and we are confident that these recommendations as implemented will enhance our program overall.