

## Request for Records Disposition Authority

|   |   |
|---|---|
| Records Schedule Number                       | DAA-0587-2014-0003  |
| Schedule Status                               | Approved  |
| Agency or Establishment                       | Consumer Financial Protection Bureau  |
| Record Group / Scheduling Group               | Records of the Consumer Financial Protection Bureau   |
| Records Schedule applies to                   | Major Subdivision   |
| Major Subdivision                             | Division of Supervision, Enforcement, Fair Lending & Equal Opportunity  |
| Minor Subdivision                             | Office of Fair Lending and Equal Opportunity  |
| Schedule Subject                              | Office of Fair Lending and Equal Opportunity Records  |
| Internal agency concurrences will be provided | Yes   |
| Background Information                        | <p>Records created and received by this office relate to the mission-critical functions and the internal administration of the Bureau required for compliance with the governing principles of the Dodd-Frank Wall Street Reform and Consumer Protection Act of 2010:</p> <ol style="list-style-type: none"><li>1) Consumers are protected from unfair, deceptive, or abusive acts and practices and from discrimination;</li><li>2) Federal consumer financial law is enforced consistently without regard to the status of a person as a depository institution; and</li><li>3) Markets for consumer financial products and services operate transparently and efficiently to facilitate access and innovation.</li></ol> <p>The Dodd-Frank Act vests the CFPB with specified supervisory, enforcement, and rulemaking authority with respect to a number of federal consumer financial laws, including ECOA and HMDA. ECOA has broad coverage, prohibiting discrimination in mortgage lending and a wide array of other types of lending, including auto finance, credit cards, business loans, and unsecured loans. HMDA requires that specified mortgage lenders annually collect and report mortgage lending data in order to determine whether institutions are serving the housing needs of their communities, to aid in targeting public investment, and to identify possible discriminatory lending patterns and enforce fair lending laws.</p> <p>The records disposition instructions are media neutral, unless otherwise stated.</p> |

Item Count

| Number of Total Disposition Items | Number of Permanent Disposition Items | Number of Temporary Disposition Items | Number of Withdrawn Disposition Items |
|-----------------------------------|---------------------------------------|---------------------------------------|---------------------------------------|
| 14                                | 3                                     | 11                                    | 0                                     |

GAO Approval

## Outline of Records Schedule Items for DAA-0587-2014-0003

| Sequence Number |   |
|-----------------|---|
| 1               | Periodic Reports<br>Disposition Authority Number: DAA-0587-2014-0003-0001   |
| 2               | Fair Lending Regulation Development Support Files<br>Disposition Authority Number: DAA-0587-2014-0003-0002                                      |
| 3               | Fair Lending Research, Markets and Prioritization Files<br>Disposition Authority Number: DAA-0587-2014-0003-0003                                |
| 4               | Fair Lending Training Files<br>Disposition Authority Number: DAA-0587-2014-0003-0004  |
| 5               | Fair Lending Enforcement Files  |
| 5.1             | Fair Lending Research Matter or Review Files – No Action<br>Disposition Authority Number: DAA-0587-2014-0003-0005                               |
| 5.2             | Fair Lending Enforcement Investigation Files-No Action<br>Disposition Authority Number: DAA-0587-2014-0003-0006                                 |
| 5.3             | Fair Lending Enforcement Files – Historic Enforcement Actions<br>Disposition Authority Number: DAA-0587-2014-0003-0007                          |
| 5.4             | Fair Lending Enforcement Action Files – Other Enforcement Actions<br>Disposition Authority Number: DAA-0587-2014-0003-0008                      |
| 5.5             | Fair Lending Criminal and Civil Referrals<br>Disposition Authority Number: DAA-0587-2014-0003-0009  |
| 5.6             | Fair Lending Materials Produced Pursuant to a CID and Enforcement Action Disc<br>overy<br>Disposition Authority Number: DAA-0587-2014-0003-0010 |
| 5.7             | Internal Fair Lending Supervision Reports<br>Disposition Authority Number: DAA-0587-2014-0003-0011  |
| 6               | Fair Lending Supervision Policies and Procedures<br>Disposition Authority Number: DAA-0587-2014-0003-0012                                       |
| 7               | Fair Lending Interagency Coordination Files<br>Disposition Authority Number: DAA-0587-2014-0003-0013  |
| 8               | Fair Lending Supervision Routine Inquiries/Templates<br>Disposition Authority Number: DAA-0587-2014-0003-0015                                   |

## Records Schedule Items

| Sequence Number           |  |                     |  |                          |                     |                           |               |               |              |  |  |                  |  |  |
|---------------------------|--|---------------------|--|--------------------------|---------------------|---------------------------|---------------|---------------|--------------|--|--|------------------|--|--|
| 1                         | <p><b>Periodic Reports</b></p> <p>Disposition Authority Number      <b>DAA-0587-2014-0003-0001</b></p> <p><b>Periodic reports as required by the Dodd-Frank Act, including but not limited to annual reports to Congress and other reports.</b></p> <p>Final Disposition                      <b>Permanent</b></p> <p>Item Status                                <b>Active</b></p> <p>Is this item media neutral?            <b>Yes</b></p> <p>Do any of the records covered by this item currently exist in electronic format(s) other than e-mail and word processing?      <b>No</b></p> <p><b>Disposition Instruction</b></p> <p>Cutoff Instruction                        <b>Cut off files at the end of each calendar year in which report has been issued.</b></p> <p>Transfer to the National Archives for Accessioning      <b>Transfer to the National Archives in 5 year blocks 15 year(s) after the last year in the block.</b></p> <p><b>Additional Information</b></p> <p>First year of records accumulation    <b>2011</b></p> <p>What will be the date span of the initial transfer of records to the National Archives?      <b>From 2011 To 2015</b></p> <p>How frequently will your agency transfer these records to the National Archives?      <b>Every 5 Years</b></p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 50%;"></th> <th style="width: 25%;">Estimated Current Volume</th> <th style="width: 25%;">Annual Accumulation</th> </tr> </thead> <tbody> <tr> <td><b>Electronic/Digital</b></td> <td style="text-align: center;"><b>2.5 MB</b></td> <td style="text-align: center;"><b>0.5 MB</b></td> </tr> <tr> <td><b>Paper</b></td> <td></td> <td></td> </tr> <tr> <td><b>Microform</b></td> <td></td> <td></td> </tr> </tbody> </table> |                     |  | Estimated Current Volume | Annual Accumulation | <b>Electronic/Digital</b> | <b>2.5 MB</b> | <b>0.5 MB</b> | <b>Paper</b> |  |  | <b>Microform</b> |  |  |
|                           | Estimated Current Volume   | Annual Accumulation |  |                          |                     |                           |               |               |              |  |  |                  |  |  |
| <b>Electronic/Digital</b> | <b>2.5 MB</b>  | <b>0.5 MB</b>       |  |                          |                     |                           |               |               |              |  |  |                  |  |  |
| <b>Paper</b>              |  |                     |  |                          |                     |                           |               |               |              |  |  |                  |  |  |
| <b>Microform</b>          |  |                     |  |                          |                     |                           |               |               |              |  |  |                  |  |  |

|                                  |  |  |
|----------------------------------|--|--|
| Hardcopy or Analog Special Media |  |  |
|----------------------------------|--|--|

2

**Fair Lending Regulation Development Support Files**

Disposition Authority Number      **DAA-0587-2014-0003-0002**

The Office of Fair Lending and Equal Opportunity supports the Bureau's Office of Regulations by recommending regulations related to fair lending. Records consist of recommendation memoranda, work papers, comments, and related records.

Note: The official recordkeeping copies of regulation case files are maintained in the Bureau's Office of Regulations.

Final Disposition                      **Temporary**

Item Status                              **Active**

Is this item media neutral?          **Yes**

Do any of the records covered by this item currently exist in electronic format(s) other than e-mail and word processing?      **No**

**Disposition Instruction**

Cutoff Instruction                      **Cut off at the end of the calendar year in which the regulation has been passed.**

Retention Period                        **Destroy 5 year(s) after cutoff.**

**Additional Information**

GAO Approval                            **Not Required**

3

**Fair Lending Research, Markets and Prioritization Files**

Disposition Authority Number      **DAA-0587-2014-0003-0003**

Materials produced in support of Fair Lending research initiatives, prioritization or regulatory work. Records may include: - research, analysis and findings documents; - loan data; - trend reports; - referrals from third parties; - work papers (e.g., drafts and notes); - memos; - analysis and assessment of financial, market and institution-level trends; - legal and regulatory analysis; - research and memoranda on requests for regulatory guidance or interpretation; - copies of consumer complaints; - CFPB Office of Consumer Response referrals and documents; - tipster records (include but are not limited to allegations, analysis, recommendations, and related information, may consist of recordings of voicemail messages, email messages, notes taken during telephone conversations, copies of email messages and attachments, summaries of voice recordings, memoranda, tracking spreadsheets, and analysis and reports). -interviews, interview notes of witnesses.

|     |   |  |
|-----|---|--|
|     | Final Disposition   | Temporary  |
|     | Item Status   | Active   |
|     | Is this item media neutral?   | Yes  |
|     | Do any of the records covered by this item currently exist in electronic format(s) other than e-mail and word processing? | No   |
|     | <b>Disposition Instruction</b>  |  |
|     | Cutoff Instruction  | Cut off at the end of the calendar year in which the analysis is completed/superseded.       |
|     | Retention Period  | Destroy 5 year(s) after cutoff.  |
|     | <b>Additional Information</b>   |  |
|     | GAO Approval  | Not Required   |
| 4   | <b>Fair Lending Training Files</b>  |  |
|     | Disposition Authority Number  | DAA-0587-2014-0003-0004  |
|     | <b>Course materials and related training records used to train employees in specific CFPB fair lending processes.</b>     |  |
|     | Final Disposition   | Temporary  |
|     | Item Status   | Active   |
|     | Is this item media neutral?   | Yes  |
|     | Do any of the records covered by this item currently exist in electronic format(s) other than e-mail and word processing? | No   |
|     | <b>Disposition Instruction</b>  |  |
|     | Cutoff Instruction  | Cut off at the end of the calendar year in which the training materials have been finalized. |
|     | Retention Period  | Destroy 5 year(s) after superseded or discontinued.  |
|     | <b>Additional Information</b>   |  |
|     | GAO Approval  | Not Required   |
| 5   | <b>Fair Lending Enforcement Files</b>   |  |
|     | <b>Materials obtained in the course of a Fair Lending research and review</b>   |  |
| 5.1 | <b>Fair Lending Research Matter or Review Files – No Action</b>   |  |
|     | Disposition Authority Number  | DAA-0587-2014-0003-0005  |

Materials obtained in the course of a Fair Lending Research Matter or Review that do not result in any further action after research and review of information, or a recommendation to open an investigation that is declined. Records may include: - memo recommending a research matter be opened, and documentation of decision on recommendation; - memo recommending opening an investigation that is declined, and documentation of decision on recommendation; - newspaper articles; - internet searches; - investigative lab records (include but are not limited to screenshots of company websites (both static and active), video recordings, audio recordings, notes, completed forms, summaries of audio and visual recordings, electronic mail messages and all related records); - referrals from third parties; - work papers (e.g., drafts and notes); - memos; - analysis and assessment of financial and market trends; - copies of consumer complaints; - CFPB Office of Consumer Response referrals and documents; - tipster records (include but are not limited to allegations, analysis, recommendations, and related information, may consist of recordings of voicemail messages, email messages, notes taken during telephone conversations, copies of email messages and attachments, summaries of voice recordings, memoranda, tracking spreadsheets, and analysis and reports). - interviews, interview notes, voluntary declarations, or voluntary testimony of witnesses; and - Matter Management System (MMS) entries (includes but is not limited to name of legal matter, type of matter, staff assignments, and tracking dates).

Final Disposition Temporary

Item Status Active

Is this item media neutral? Yes

Do any of the records covered by this item currently exist in electronic format(s) other than e-mail and word processing? No

**Disposition Instruction**

Cutoff Instruction Cut off files at the end of each calendar year in which investigation has been completed/closed.

Retention Period Destroy 2 year(s) after cutoff.

**Additional Information**

GAO Approval Not Required

**Fair Lending Enforcement Investigation Files-No Action**

Disposition Authority Number DAA-0587-2014-0003-0006

The decision to close an investigation without taking an enforcement action, or a recommendation to take an enforcement action that is declined. Records may include: - all documents listed in item 5.1 that are directly related to the research matter; - memo recommending opening an investigation, and documentation of

5.2

decision on recommendation; - memo recommending closing an investigation without taking an enforcement action, and documentation of decision on recommendation; - Civil Investigative Demands (CIDs), and correspondence related to CIDs; - Correspondence with third parties; - Potential Action and Request for Response – Fair Lending (PARR-FL), to extent one is issued; and - Fair Lending Opportunity to Respond and Advise (FLORA), to extent one is issued.

Final Disposition Temporary

Item Status Active

Is this item media neutral? Yes

Do any of the records covered by this item currently exist in electronic format(s) other than e-mail and word processing? No

**Disposition Instruction**

Cutoff Instruction Cut off files at the end of each calendar year in which investigation has been completed/closed.

Retention Period Destroy 5 year(s) after cutoff.

**Additional Information**

GAO Approval Not Required

5.3

**Fair Lending Enforcement Files – Historic Enforcement Actions**

Disposition Authority Number DAA-0587-2014-0003-0007

Recommendation to take an enforcement action that is approved. Historically significant cases/matters, completed projects, system data sets, and files exhibiting the following criteria: - Established a primary source of information on an issue of far-reaching national or international importance; information on topics that are less far-reaching but significant to America's heritage or culture; - Had a significant impact on CFPB, pioneered CFPB entry into an issue of national or international importance, or laid the groundwork for applying new and/or advanced mission methodologies; - Resulted in extensive national or international media attention; and - Resulted in either substantively or procedurally new practices or new legal approaches; or - Resulted in the approval of new legislation by Congress, or substantive changes to existing legislation. Note: Annually, the Office of Fair Lending and Equal Opportunity's Enforcement team will conduct an analysis of all enforcement actions to determine historically significant cases/matters, completed projects, system data sets, and files. Records may include: - all documents listed in items 5.1 and 5.2 that are directly related to the research matter or investigation, plus; - memo recommending taking an enforcement action, and documentation of decision on recommendation; - Pleadings, orders, hearing transcripts, and other records related to legal proceedings brought by the CFPB; and - Correspondence, financial/accounting information, and related records that document monetary

relief, the collection and management of restitution payments and civil monetary penalties that are not transferred to the CFO.

Final Disposition Permanent

Item Status Active

Is this item media neutral? Yes

Do any of the records covered by this item currently exist in electronic format(s) other than e-mail and word processing? No

**Disposition Instruction**

Cutoff Instruction Cutoff at the end of the calendar year upon completion of final action.

Transfer to the National Archives for Accessioning Transfer to the National Archives in 5 year blocks 15 year(s) after the last year in the block.

**Additional Information**

First year of records accumulation 2013

What will be the date span of the initial transfer of records to the National Archives? From 2013 To 2017

How frequently will your agency transfer these records to the National Archives? Every 5 Years

|                                  | Estimated Current Volume | Annual Accumulation |
|----------------------------------|--------------------------|---------------------|
| Electronic/Digital               |                          | 2.5 MB              |
| Paper                            |                          |                     |
| Microform                        |                          |                     |
| Hardcopy or Analog Special Media |                          |                     |

5.4

**Fair Lending Enforcement Action Files – Other Enforcement Actions**

Disposition Authority Number DAA-0587-2014-0003-0008

All other cases/matters, not exhibiting the criteria specified in item 5.3. Records may include: - all documents listed in items 5.1 and 5.2 that are directly related to the research matter or investigation, plus; - memo recommending taking

an enforcement action, and documentation of decision on recommendation;  
- Pleadings, orders, hearing transcripts, and other records related to legal proceedings brought by the CFPB; and - Correspondence, financial/accounting information, and related records that document monetary relief, the collection and management of restitution payments and civil monetary penalties that are not transferred to the CFO.

Final Disposition Temporary

Item Status Active

Is this item media neutral? Yes

Do any of the records covered by this item currently exist in electronic format(s) other than e-mail and word processing? No

**Disposition Instruction**

Cutoff Instruction Cutoff at the end of the calendar year in which the investigation has been completed/closed.

Retention Period Destroy 15 year(s) after cutoff

**Additional Information**

GAO Approval Not Required

5.5

**Fair Lending Criminal and Civil Referrals**

Disposition Authority Number DAA-0587-2014-0003-0009

The Dodd-Frank Wall Street Reform and Consumer Financial Protection Act requires the CFPB to refer criminal actions of any type or civil matters where a pattern or practice of discrimination has occurred to the Department of Justice. Referrals may be based on findings from supervisory reviews or from investigatory activity. CFPB may also refer information to other federal or state agencies. Records may include: - all documents listed in items 5.1 and 5.2 that are directly related to the research matter or investigation being referred, plus; - the MOU with DOJ; - memos; - correspondence; and - notes related to the referral.

Final Disposition Temporary

Item Status Active

Is this item media neutral? Yes

Do any of the records covered by this item currently exist in electronic format(s) other than e-mail and word processing? No

**Disposition Instruction**

5.6

Cutoff Instruction                      Cut off files at the end of each calendar year in which case is closed.

Retention Period                        Destroy 15 year(s) after cutoff.

**Additional Information**

GAO Approval                            Not Required

**Fair Lending Materials Produced Pursuant to a CID and Enforcement Action Discovery**

Disposition Authority Number        DAA-0587-2014-0003-0010

**Materials produced to the CFPB pursuant to a CID, and discovery produced by or for the CFPB in an enforcement action.**

Final Disposition                        Temporary

Item Status                                Active

Is this item media neutral?            Yes

Do any of the records covered by this item currently exist in electronic format(s) other than e-mail and word processing?        No

**Disposition Instruction**

Cutoff Instruction                        Cut off files when the investigation or case is closed.

Retention Period                        Destroy 5 year(s) after cutoff.

**Additional Information**

GAO Approval                            Not Required

5.7

**Internal Fair Lending Supervision Reports**

Disposition Authority Number        DAA-0587-2014-0003-0011

**Internal reports created by the supervision function of the Fair Lending office. Records include periodic management reports.**

Final Disposition                        Temporary

Item Status                                Active

Is this item media neutral?            Yes

Do any of the records covered by this item currently exist in electronic format(s) other than e-mail and word processing?        No

**Disposition Instruction**

6

Cutoff Instruction Cut off at the end of the calendar year in which the final report has been issued.

Retention Period Destroy 5 year(s) after cutoff.

**Additional Information**

GAO Approval Not Required

**Fair Lending Supervision Policies and Procedures**

Disposition Authority Number DAA-0587-2014-0003-0012

Final policies and procedures of the supervision function of the Office of Fair Lending and Equal Opportunity, including periodic updates to these policies and procedures.

Final Disposition Permanent

Item Status Active

Is this item media neutral? Yes

Do any of the records covered by this item currently exist in electronic format(s) other than e-mail and word processing? No

**Disposition Instruction**

Cutoff Instruction Cutoff at the end of the calendar year in which policy/procedure has been issued for official use.

Transfer to the National Archives for Accessioning Transfer to the National Archives in 5 year blocks 15 year(s) after the last year in the block.

**Additional Information**

First year of records accumulation 2012

What will be the date span of the initial transfer of records to the National Archives? From 2012 To 2016

How frequently will your agency transfer these records to the National Archives? Every 5 Years

|                    | Estimated Current Volume | Annual Accumulation |
|--------------------|--------------------------|---------------------|
| Electronic/Digital | 4 MB                     | 1 MB                |
| Paper              |                          |                     |

|                                  |  |  |
|----------------------------------|--|--|
| Microform                        |  |  |
| Hardcopy or Analog Special Media |  |  |

7

**Fair Lending Interagency Coordination Files**

Disposition Authority Number      **DAA-0587-2014-0003-0013**

**Records that document the coordination of fair lending efforts with other Federal Agencies and with state regulators. Records include but are not limited memoranda of understanding, formal meeting agendas, and related records.**

Final Disposition                      **Temporary**

Item Status                                **Active**

Is this item media neutral?            **Yes**

Do any of the records covered by this item currently exist in electronic format(s) other than e-mail and word processing?      **No**

**Disposition Instruction**

Cutoff Instruction                        **Cut off files at the end of each calendar year in which activity has been concluded.**

Retention Period                         **Destroy 5 year(s) after cutoff**

**Additional Information**

GAO Approval                              **Not Required**

8

**Fair Lending Supervision Routine Inquiries/Templates**

Disposition Authority Number      **DAA-0587-2014-0003-0015**

**Routine requests for information from other regulatory agencies including the blank templates formulated for the requests.**

Final Disposition                        **Temporary**

Item Status                                **Active**

Is this item media neutral?            **Yes**

Do any of the records covered by this item currently exist in electronic format(s) other than e-mail and word processing?      **No**

Disposition Instruction

Cutoff Instruction

Cutoff at the end of the calendar year.

Retention Period

Destroy 15 year(s) after cutoff.

Additional Information

GAO Approval

Not Required

### Agency Certification

I hereby certify that I am authorized to act for this agency in matters pertaining to the disposition of its records and that the records proposed for disposal in this schedule are not now needed for the business of the agency or will not be needed after the retention periods specified.

### Signatory Information

| Date       | Action                   | By              | Title   | Organization   |
|------------|--------------------------|-----------------|---|--|
| 11/20/2013 | Certify                  | Steven Coney    | Records Officer                               | Operations Division - Administrative Office  |
| 08/06/2015 | Return for Revision      | Lauren Crisler  | Appraiser                                     | National Archives and Records Administration - Records Management Services         |
| 02/29/2016 | Submit For Certification | Steven Coney    | Records Officer                               | Operations Division - Administrative Office  |
| 03/03/2016 | Certify                  | Steven Coney    | Records Officer                               | Operations Division - Administrative Office  |
| 10/13/2016 | Submit for Concurrence   | Rania Mahmoud   | Appraisal Archivist                           | National Archives and Records Administration - Records Management Services         |
| 10/14/2016 | Concur                   | Laurence Brewer | Director, National Records Management Program | National Archives and Records Administration - National Records Management Program |
| 10/14/2016 | Concur                   | Laurence Brewer | Director, National Records Management Program | National Archives and Records Administration - National Records Management Program |
| 10/17/2016 | Approve                  | David Ferriero  | Archivist of the United States                | Office of the Archivist - Office of the Archivist                                  |