

adjudicative body, or other administrative body, where the use of such information by the DOJ is deemed by the CFPB to be relevant and necessary to the advice or proceeding, and in the case of a proceeding, such proceeding names as a party in interest:

(a) The CFPB;

(b) Any employee of the CFPB in his or her official capacity;

(c) Any employee of the CFPB in his or her individual capacity where DOJ or the CFPB has agreed to represent the employee; or

(d) The United States, where the CFPB determines that litigation is likely to affect the CFPB or any of its components;

(8) A court, magistrate, or administrative tribunal in the course of an administrative proceeding or judicial proceeding, including disclosures to opposing counsel or witnesses (including expert witnesses) in the course of discovery or other pre-hearing exchanges of information, litigation, or settlement negotiations, where relevant or potentially relevant to a proceeding, or in connection with criminal law proceedings;

(9) Appropriate agencies, entities, and persons, including but not limited to potential expert witnesses or witnesses in the course of investigations, to the extent necessary to secure information relevant to the investigation; and

(10) Appropriate Federal, state, local, foreign, tribal, or self-regulatory organizations or agencies responsible for investigating, prosecuting, enforcing, implementing, issuing, or carrying out a statute, rule, regulation, order, policy, or license if the information may be relevant to a potential violation of civil or criminal law, rule, regulation, order, policy or license.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPENSING OF RECORDS IN THE SYSTEM:**

**STORAGE:**

Paper and electronic records.

**RETRIEVABILITY:**

Records are retrievable by a variety of fields including without limitation the individual's name, social security number, passport number, driver's license or state identification number, or other unique number used to establish identity of the owner or controlling person, address, account number, phone number, or by some combination thereof.

**SAFEGUARDS:**

Access to electronic records is restricted to authorized personnel who have been issued non-transferrable

access codes and passwords. Other records are maintained in locked file cabinets or rooms with access limited to those personnel whose official duties require access.

**RETENTION AND DISPOSAL:**

The CFPB will maintain computer and paper records indefinitely until the National Archives and Records Administration approves the CFPB's records disposition schedule.

**SYSTEM MANAGER(S) AND ADDRESS:**

Consumer Financial Protection Bureau, Chief Technology Officer, 1801 L Street, NW., Washington, DC 20036.

**NOTIFICATION PROCEDURE:**

Individuals seeking notification and access to any record contained in this system of records, or seeking to contest its content, may inquire in writing in accordance with instructions appearing in Title 12, Chapter 10 of the CFR, "Disclosure of Records and Information." Address such requests to: Chief Privacy Officer, Bureau of Consumer Financial Protection, 1801 L St., NW., Washington, DC 20036.

**RECORD ACCESS PROCEDURES:**

See "Notification Procedures" above.

**CONTESTING RECORD PROCEDURES:**

See "Notification Procedures" above.

**RECORD SOURCE CATEGORIES:**

Information in this system is obtained from entities offering or providing consumer financial products or services.

**EXEMPTIONS CLAIMED FOR THE SYSTEM:**

None.

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**BILLING CODE 4810-25-P**

**BUREAU OF CONSUMER FINANCIAL PROTECTION**

**Privacy Act of 1974, as Amended**

**AGENCY:** Bureau of Consumer Financial Protection.

**ACTION:** Notice of Proposed Privacy Act System of Records.

**SUMMARY:** In accordance with the Privacy Act of 1974, as amended, the Bureau of Consumer Financial Protection, hereinto referred to as the Consumer Financial Protection Bureau ("CFPB") or the "Bureau" gives notice of the establishment of a Privacy Act System of Records.

**DATES:** Comments must be received no later than August 31, 2011. The new system of records will be effective September 12, 2011 unless the

comments received result in a contrary determination.

**ADDRESSES:** You may submit comments, identified by Docket No. CFPB-2011-0011, by any of the following methods:

• *Electronic:* <http://www.regulations.gov>. Follow the instructions for submitting comments.

• *Mail or Hand Delivery/Courier in Lieu of Mail:* Claire Stapleton, Chief Privacy Officer, Consumer Financial Protection Bureau, 1801 L Street, NW., Washington, DC 20036. All submissions must include the agency name and docket number or Regulatory Information Number (RIN) for this notice. In general all comments received will be posted without change to <http://www.regulations.gov>. In addition, comments will be available for public inspection and copying at 1801 L St., NW., Washington, DC 20036, on official business days between the hours of 10 a.m. and 5 p.m. Eastern Time. You can make an appointment to inspect comments by telephoning (202) 435-7220. All comments, including attachments and other supporting materials, will become part of the public record and subject to public disclosure. You should submit only information that you wish to make available publicly.

**FOR FURTHER INFORMATION CONTACT:**

Claire Stapleton, Chief Privacy Officer, Consumer Financial Protection Bureau, 1801 L Street, NW., Washington, DC 20036, (202) 435-7220.

**SUPPLEMENTARY INFORMATION:** The Dodd-Frank Wall Street Reform and Consumer Protection Act ("Act"), Public Law No. 111-203, Title X, established the CFPB to administer and enforce Federal consumer financial protection law. The CFPB will maintain the records covered by this notice.

The new system of records described in this notice, CFPB.002—Depository Institution Supervision Database, will be used to enable the CFPB to carry out its responsibilities with respect to certain banks, savings associations, credit unions, and their affiliates and service providers, including the coordination and conduct of examinations, supervisory evaluations and analyses, and enforcement actions. The system will also allow the CFPB to coordinate with other financial regulatory agencies. A description of the new system of records follows this Notice.

The report of a new system of records has been submitted to the Committee on Oversight and Government Reform of the House of Representatives, the Committee on Homeland Security and Governmental Affairs of the Senate, and

the Office of Management and Budget, pursuant to Appendix I to OMB Circular A-130, "Federal Agency Responsibilities for Maintaining Records About Individuals," dated November 30, 2000, and the Privacy Act, 5 U.S.C. 552a(r).

The system of records entitled, "CFPB.002—Depository Institution Supervision Database" is published in its entirety below.

Dated: July 27, 2011.

**Claire Stapleton,**

*Chief Privacy Officer.*

#### **CFPB.002**

##### **SYSTEM NAME:**

CFPB Depository Institution Supervision Database.

##### **SYSTEM LOCATION:**

Consumer Financial Protection Bureau, 1801 L Street, NW., Washington, DC 20036.

##### **CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

Individuals covered by this system are: (1) Individuals who themselves are, and current and former directors, officers, employees, agents, shareholders, and independent contractors of banks, savings associations, or credit unions; (2) Current and former consumers who are or have been in the past serviced by banks, savings associations, or credit unions subject to the supervision of the CFPB; and (3) CFPB employees assigned to supervise banks, savings associations, or credit unions. Information collected regarding consumer products and services is subject to the Privacy Act only to the extent that it concerns individuals; information pertaining to corporations and other business entities is not subject to the Privacy Act.

##### **CATEGORIES OF RECORDS IN THE SYSTEM:**

Records in the system may contain information provided by a supervised institution, by individuals who are or have been serviced by a supervised institution, or other government authorities, to the CFPB in the exercise of CFPB's responsibilities and used to assess an institution's compliance with various statutory and regulatory obligations. This may include: (1) Personally identifiable information from customers of banks, savings associations, or credit unions, including without limitation, name, account numbers, address, phone number, e-mail address, and date of birth; (2) contact information of officials of institutions such as members of the Board of Directors, Audit Committee

Chair, Chief Executive Officer, Chief Compliance Officer, Internal Auditor, and Independent Auditor including, without limitation, name, address, phone number and e-mail address; (3) information about CFPB employees assigned to depository institution supervision tasks, including, without limitation, name, phone number, e-mail address, address, and other employment information; and (4) Confidential Supervision Information or Personal Information, including information relating to individuals that is derived from Confidential Supervisory Information or from consumer complaints. This information may include, without limitation, reports of examinations and associated documentation regarding compliance with consumer financial protection laws; documents assessing the current and past safety and soundness/risk management of a covered person or service provider; reports of consumer complaints; and correspondence relating to any category of information discussed above and actions taken to remedy deficiencies in these areas.

Information contained in the Depository Institution Supervision Database is collected from a variety of sources, including, without limitation: (1) The individuals who own, control, or work for covered persons or service providers; (2) existing databases maintained by other Federal and state regulatory associations, law enforcement agencies, and related entities; (3) third parties with relevant information about covered persons or services providers; and (4) information generated by CFPB employees or about CFPB employees assigned supervisory tasks. Whenever practicable, the CFPB will collect information about an individual directly from that individual.

##### **AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

Public Law 111-203, Title X, Section 1011, 1012, 1021, 1025, codified at 12 U.S.C. 5491, 5492, 5511, 5515.<sup>1</sup>

##### **PURPOSE(S):**

The information in the system is being collected to enable the CFPB to carry out its responsibilities with respect to banks, savings associations, credit unions, and their affiliates and service providers, including the coordination and conduct of examinations, supervisory evaluations

<sup>1</sup> Section 1066 of the Act grants the Secretary of the Treasury interim authority to perform certain functions of the CFPB. Pursuant to that authority, Treasury published rules on the Disclosure of Records and Information within 12 CFR Chapter X. This SORN is published pursuant to those rules and the Privacy Act.

and analyses, enforcement actions, actions in Federal court, and coordination with other financial regulatory agencies. The information collected in this system will also support the conduct of investigations or be used as evidence by the CFPB or other supervisory or law enforcement agencies. This may result in criminal referrals, referral to the Federal Reserve Office of Inspector General, or the initiation of administrative or Federal court actions. This system will track and store examination and inspection documents created during the performance of the CFPB's statutory duties. This system also will enable the CFPB to monitor and coordinate regular examinations and required reports, supervisory evaluations and analyses, and enforcement actions internally and with other Federal and state regulators.

##### **ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:**

These records may be disclosed, consistent with the CFPB Disclosure of Records and Information Rules promulgated in the title of the CFR to:

(1) Appropriate agencies, entities, and persons when: (a) The CFPB suspects or has confirmed that the security or confidentiality of information in the system of records has been compromised; (b) the CFPB has determined that, as a result of the suspected or confirmed compromise, there is a risk of harm to economic or property interests, identity theft or fraud, or harm to the security or integrity of this system or other systems or programs (whether maintained by the CFPB or another agency or entity) that rely upon the compromised information; and (c) the disclosure made to such agencies, entities, and persons is reasonably necessary to assist in connection with the CFPB's efforts to respond to the suspected or confirmed compromise and prevent, minimize, or remedy such harm;

(2) Another Federal or state agency to: (a) Permit a decision as to access, amendment or correction of records to be made in consultation with or by that agency; or (b) verify the identity of an individual or the accuracy of information submitted by an individual who has requested access to, or amendment or correction of records;

(3) The Office of the President in response to an inquiry from that office made at the request of the subject of a record or a third party on that person's behalf;

(4) Congressional offices in response to an inquiry made at the request of the individual to whom the record pertains;

(5) Contractors, agents, or other authorized individuals performing work on a contract, service, cooperative agreement, job, or other activity on behalf of the CFPB or Federal Government and who have a need to access the information in the performance of their duties or activities;

(6) Any authorized agency or component of the Department of Treasury, the Department of Justice, the Federal Reserve System, the Federal Deposit Insurance Corporation or other law enforcement authorities including disclosure by such authorities:

(a) To the extent relevant and necessary in connection with litigation in proceedings before a court or other adjudicative body, where (i) The United States is a party to or has an interest in the litigation, including where the agency, or an agency component, or an agency official or employee in his or her official capacity, or an individual agency official or employee whom the Department of Justice or the Bureau has agreed to represent, is or may likely become a party, and (ii) the litigation is likely to affect the agency or any component thereof; or

(b) To outside experts or consultants when considered appropriate by CFPB staff to assist in the conduct of agency matters;

(7) The U.S. Department of Justice ("DOJ") for its use in providing legal advice to the CFPB or in representing the CFPB in a proceeding before a court, adjudicative body, or other administrative body, where the use of such information by the DOJ is deemed by the CFPB to be relevant and necessary to the advice or proceeding, and in the case of a proceeding, such proceeding names as a party in interest:

(a) The CFPB;

(b) Any employee of the CFPB in his or her official capacity;

(c) Any employee of the CFPB in his or her individual capacity where DOJ or the CFPB has agreed to represent the employee; or

(d) The United States, where the CFPB determines that litigation is likely to affect the CFPB or any of its components;

(8) A grand jury pursuant either to a Federal or state grand jury subpoena, or to a prosecution request that such record be released for the purpose of its introduction to a grand jury, where the subpoena or request has been specifically approved by a court. In those cases where the Federal Government is not a party to the proceeding, records may be disclosed if a subpoena has been signed by a judge;

(9) A court, magistrate, or administrative tribunal in the course of

an administrative proceeding or judicial proceeding, including disclosures to opposing counsel or witnesses (including expert witnesses) in the course of discovery or other pre-hearing exchanges of information, litigation, or settlement negotiations, where relevant or potentially relevant to a proceeding, or in connection with criminal law proceedings;

(10) Appropriate agencies, entities, and persons, including but not limited to potential expert witnesses or witnesses in the course of investigations, to the extent necessary to secure information relevant to the investigation;

(11) Appropriate Federal, state, local, foreign, tribal, or self-regulatory organizations or agencies responsible for investigating, prosecuting, enforcing, implementing, issuing, or carrying out a statute, rule, regulation, order, policy, or license if the information may be relevant to a potential violation of civil or criminal law, rule, regulation, order, policy or license; and

(12) An entity or person that is the subject of supervision or enforcement activities including examinations, investigations, administrative proceedings, and litigation, and the attorney or non-attorney representative for that entity or person.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPENSING OF RECORDS IN THE SYSTEM:**

**STORAGE:**

Paper and electronic records.

**RETRIEVABILITY:**

Records are retrievable by a variety of fields including without limitation the individual's name, complaint/inquiry case number, address, account number, transaction number, phone number, date of birth, or by some combination thereof.

**SAFEGUARDS:**

Access to electronic records is restricted to authorized personnel who have been issued non-transferrable access codes and passwords. Other records are maintained in locked file cabinets or rooms with access limited to those personnel whose official duties require access.

**RETENTION AND DISPOSAL:**

The CFPB will maintain computer and paper records indefinitely until the National Archives and Records Administration approves the CFPB's records disposition schedule.

**SYSTEM MANAGER(S) AND ADDRESS:**

Consumer Financial Protection Bureau, Assistant Director of Large Bank

Supervision, 1801 L Street, NW., Washington, DC 20036.

**NOTIFICATION PROCEDURE:**

Individuals seeking notification and access to any record contained in this system of records, or seeking to contest its content, may inquire in writing in accordance with instructions appearing in Title 12, Chapter 10 of the CFR, "Disclosure of Records and Information." Address such requests to: Chief Privacy Officer, Bureau of Consumer Financial Protection, 1801 L St., NW., Washington, DC 20036.

**RECORD ACCESS PROCEDURES:**

See "Notification Procedures" above.

**CONTESTING RECORD PROCEDURES:**

See "Notification Procedures" above.

**RECORD SOURCE CATEGORIES:**

Information in this system is obtained from banks, savings associations, credit unions, and their affiliates and service providers, persons subject to the CFPB's authority, and current, former, and prospective consumers who are or have been customers or prospective customers of covered persons, and others with information relevant to the enforcement of Federal consumer financial laws.

**EXEMPTIONS CLAIMED FOR THE SYSTEM:**

Portions of the records in this system are compiled for law enforcement purposes and are exempt from disclosure under CFPB's Privacy Act regulations and 5 U.S.C. 552a(k)(2). Federal criminal law enforcement investigatory reports maintained as part of this system may be the subject of exemptions imposed by the originating agency pursuant to 5 U.S.C. 552a(j)(2).

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**BILLING CODE 4810-25-P**

**BUREAU OF CONSUMER FINANCIAL PROTECTION**

**Privacy Act of 1974, as Amended**

**AGENCY:** Bureau of Consumer Financial Protection.

**ACTION:** Notice of Proposed Privacy Act System of Records.

**SUMMARY:** In accordance with the Privacy Act of 1974, as amended, the Bureau of Consumer Financial Protection, hereinto referred to as the Consumer Financial Protection Bureau ("CFPB") gives notice of the establishment of a Privacy Act System of Records.

**DATES:** Comments must be received no later than August 31, 2011. The new