



**ZACH KLEIN**  
COLUMBUS CITY ATTORNEY



March 23, 2021

**VIA EMAIL**

Dave Uejio  
Acting Director  
Consumer Financial Protection Bureau  
1700 G Street NW  
Washington, DC 20552

Dear Acting Director Uejio:

We, the undersigned localities, along with Public Rights Project, respectfully write to request that the Consumer Financial Protection Bureau (“CFPB”) restore local government access to the CFPB’s consumer complaint database (“complaint database”). At this moment of intense economic challenge for our residents and the nation, it is crucial that we have access to any information that may support our work to protect our communities from corporate abuse and fraud. Your database is the nation’s gold standard and contains an array of consumer and financial service information that can aid our efforts moving forward.

As you know, the complaint database collects consumer complaints about consumer financial products and services as well as subsequent responses from companies. The complaint database has two components. The first is a public-facing component which permits the general public to obtain information such as the names of credit card issuers tied to particular complaints, and consumer narratives about various consumer financial products or services.<sup>1</sup> The second is a government-facing, confidential component that includes detailed information about the nature of the complaints themselves and the company’s response, if any.<sup>2</sup> The second component also may

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<sup>1</sup> CFPB, Sources and Uses of Data at the Bureau of Consumer Financial Protection 182 (2018) ([https://s3.amazonaws.com/files.consumerfinance.gov/f/documents/bcfp\\_sources-uses-of-data.pdf](https://s3.amazonaws.com/files.consumerfinance.gov/f/documents/bcfp_sources-uses-of-data.pdf)); Compare 78 Fed. Reg. 11483, 11494, 11496 (Mar. 18, 2013) <https://www.govinfo.gov/content/pkg/FR-2013-02-15/pdf/2013-01737.pdf> with 77 Fed. Reg. 37558, 37567-68 (June 22, 2012), <https://www.govinfo.gov/content/pkg/FR-2012-06-22/pdf/2012-15163.pdf>.

<sup>2</sup> CFBP, *supra* note 1, at 93-94.

include consumer complaint data from other federal, state, and local agencies. As of February 2021, the database had over 1,750,000 complaints.<sup>3</sup>

The CFPB previously granted access to the complaint database to a number of localities, including some joining this letter. The CFPB may have granted access under the terms of Memoranda of Understanding (“MOU”) signed between the CFPB and the respective locality.<sup>4</sup> We understand that the CFPB restricted access to the complaint database to only federal and state agencies at some point after January 20, 2017. Access was cut off even to those localities that had previously signed MOUs with the CFPB. We believe this was an informal decision with limited formal notice or explanation.<sup>5</sup> We respectfully request that the CFPB restore access to the complaint database to localities as a matter of general policy.

### **1. The CFPB Has Authority to Grant Access to Localities**

The CFPB’s regulations expressly permit the sharing of consumer information within the complaint database to state agencies. Specifically, 12 C.F.R. § 1070.43 authorizes the disclosure of “confidential information to . . . a Federal or State agency to the extent that the disclosure of the information is relevant to the exercise of the agency’s statutory or regulatory authority.”<sup>6</sup> The state agency requesting access to the complaint database and its confidential information must: submit a written request to the CFPB; explain what information is sought and why the information is needed; identify the state agency’s relevant statutory or regulatory authority; and certify that the state agency will keep the information in confidence. The CFPB’s regulations define “State” to include “any political subdivision thereof.”<sup>7</sup> References within the CFPB’s regulations to state agencies or state regulators thus include local agencies or regulators. Therefore, the CFPB’s authority to grant access to its complaint database to states and state agencies extends to granting access to localities and local agencies.

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<sup>3</sup> CFPB, Consumer Complaint Database, [https://www.consumerfinance.gov/data-research/consumer-complaints/search/?dataNormalization=None&dateRange=3y&date\\_received\\_max=2021-02-19&date\\_received\\_min=2018-02-19&searchField=all&tab=Map](https://www.consumerfinance.gov/data-research/consumer-complaints/search/?dataNormalization=None&dateRange=3y&date_received_max=2021-02-19&date_received_min=2018-02-19&searchField=all&tab=Map).

<sup>4</sup> CFBP, *supra* note 1, Appendix C.

<sup>5</sup> As discussed in this letter, the CFPB has clear authority pursuant to the Dodd-Frank Act to provide localities with access to complaint database. Localities also have the ability to maintain the privacy infrastructure of the complaint database as localities regularly handle a variety of programs that collect personally identifiable information and have procedures in place to adequately safeguard this information. Moreover, by allowing localities to access the CFPB’s cloud-based platform, the CFPB can ensure that its preferred safety features are in place, including through virtual private networks, two-factor authentication, and more. Finally, given that the complaint database is subject to the Freedom of Information Act, providing localities with access via the CFPB’s government portal avoids an increased burden to the CFPB in the form of FOIA requests for complaint data from localities across the country.

<sup>6</sup> 12 C.F.R. § 1070.43.

<sup>7</sup> *Id.* at § 1070.2(p).

## 2. Sharing Access with Localities Furthers the CFPB's Interests

Congress has mandated that the CFPB establish a centralized system to “facilitate the centralized collection of, monitoring of, and response to consumer complaints regarding consumer financial products or services.”<sup>8</sup> Moreover, the CFPB must share this information with “prudential regulators” in order to further “supervision and enforcement activities, and monitoring of the market for consumer financial products and services.”<sup>9</sup> Sharing access to localities furthers this mandate. State and local governments have used the complaint database to identify and bolster enforcement actions, assess the strength of particular claims, and uncover the extent to which a company’s practices affect the respective jurisdiction’s residents. The database is an integral source for pre-discovery information gathering and is especially useful for municipalities without pre-filing subpoena power. It is a vital tool in promoting meaningful consumer protection efforts across the country.

There is a clear track record to support the significance of data-sharing. Over the years, localities have successfully brought consumer protection cases against predatory lenders and other financial institutions. For example, in 2015, Los Angeles City Attorney Mike Feuer sued Wells Fargo for allegedly opening millions of fraudulent bank accounts.<sup>10</sup> This resulted in a collaborative investigation with the CFPB, resulting in over \$185 million in penalties. Mr. Feuer is quoted as saying: “[O]ur collaboration with the CFPB enabled there to be nationwide relief to Wells customers.”<sup>11</sup> This action, among many others, demonstrates the shared objective of local jurisdictions and the CFPB in protecting consumers and stopping exploitative business practices. Data sharing between federal and local governments, such as through the complaint database, is an integral tool that strengthens such enforcement.

Moving forward, access to the database will equip our localities to engage in a variety of activities to protect consumers. This may include initiating investigations into and enforcement actions against certain companies, strengthening monitoring of certain financial institutions, and bettering tracking of consumer complaint trends within our jurisdictions. Granting access also enables our constituent-facing services to better support consumers who share their challenges directly with us. Sharing complaint information with local jurisdictions will also strengthen the

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<sup>8</sup> Dodd Frank Wall Street Reform and Consumer Protection Act, Sec. 1013(b)(3)(D), Pub. L. 111-203, 124 Stat 1376, 1963 (July 21, 2010) (codified at 12 U.S.C. § 5493).

<sup>9</sup> *Id.*

<sup>10</sup> Los Angeles City Attorney Office, *Los Angeles City Attorney Mike Feuer Achieves Historic Result in Consumer Action against Wells Fargo*, (Sept. 8, 2016), <https://www.lacityattorney.org/post/2016/09/08/los-angeles-city-attorney-mike-feuer-achieves-historic-result-in-consumer-action-against>.

<sup>11</sup> CNN Money, *Guy who fought Wells Fargo is angry about Republican attack on CFPB* (May 15, 2017), <https://money.cnn.com/2017/05/15/investing/wells-fargo-city-attorney-cfpb/index.html>.

CFPB's overall mission as it could lead to more consumer protection enforcement efforts overall. This could, in turn, lead to greater public visibility for the CFPB's consumer response efforts and encourage deeper trust in the complaint system, including with under-served communities.

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In conclusion, restored access to the CFPB's consumer database will directly support more robust consumer protection work across the country. The CFPB has the authority to grant such access and doing so is in furtherance of its mission. Please contact us if you need additional information. We are happy to further discuss restoring our localities' access to the CFPB's consumer database as is helpful to you and look forward to your response.

Sincerely,

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