



United States House of Representatives
One Hundred Eighteenth Congress
Committee on Financial Services
2129 Rayburn House Office Building
Washington, DC 20515

June 14, 2023

The Honorable Rohit Chopra
Director
Consumer Financial Protection Bureau
1700 G Street NW
Washington, D.C. 20552

Dear Director Chopra:

We write to request information regarding the Consumer Financial Protection Bureau's (CFPB) responsiveness to public requests under the Freedom of Information Act (FOIA). It has come to the Committee's attention that the CFPB may not be complying with the timelines prescribed by statute and not providing responsive information to public requests.

As you know, the FOIA enables members of the public to request records from government agencies. The FOIA provides that when an agency receives a proper request, it "must determine within twenty [working] days . . . whether to comply with such request."¹ The CFPB's website further states that it is the goal of the CFPB "to respond within the time frame outlined in the Freedom of Information Act," however, the CFPB's ability to meet this goal may vary with the complexity of the request.² While FOIA allows an extension of the twenty-day time limit in "unusual circumstances,"³ timely and responsive production of agency information is crucial an open and transparent government.

The FOIA permits agencies to toll this twenty-day time period under two circumstances: (1) to allow time for the agency to obtain information from the requester; and (2) as "necessary" to clarify fee-related issues with the requester.⁴ Tolling of the twenty-day period limited to situations where the agency is awaiting information that it has "reasonably requested" from the FOIA requester.⁵

¹ 5 U.S.C. § 552(a)(6)(A)(i).

² FOIA FAQs, Consumer Financial Protection Bureau, <https://www.consumerfinance.gov/foia-requests/faqs/>.

³ 15 U.S.C. § 552(a)(6)(B)(i); *See* CREW v. FEC, 711 F.3d 180, 189 (D.C. Cir. 2013) (noting that agencies can extend twenty-working-day timeline to thirty working days if unusual circumstances delay ability to search for, collect, examine, and consult regarding responsive documents).

⁴ 5 U.S.C. § 552(a)(6)(A)(ii).

⁵ *Id.* *See* OIP Guidance: New Limitations on Tolling the FOIA's Response Time (posted 11/18/2008) (advising that, if contacting requester for non-fee-related information more than one time will facilitate processing of request, agency is free to do so, but clock will continue to run); *see also* OIP Guidance: The Importance of Good Communication with FOIA Requesters (posted 3/1/2010) (noting that agencies should work "'in a spirit of cooperation'" with requesters and "[u]necessary bureaucratic hurdles have no place in 'new era of open Government'").

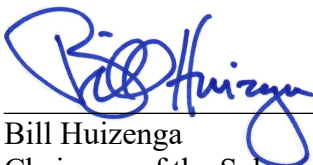
It is concerning to receive notice that the CFPB is not complying with the timelines outlined in FOIA and that it does not provide responsive information when the CFPB does provide a response. It is our understanding that in some cases the CFPB has taken nearly a year to respond after an original FOIA request was made. When the CFPB does respond, it has redacted virtually all material information that was requested. The CFPB has also deemed several trade associations who are acting on behalf of their members as commercial requestors, meaning they are required to pay significant fees to receive redacted documents. This practice of unnecessary redaction and unresponsive behavior is impeding the constitutional rights of the public to redress grievances with the unaccountable CFPB. Furthermore, the FOIA reports and logs on the CFPB website are severely outdated and do not include the number of requests made of the CFPB, creating an additional lack of transparency for the public.

To assist the Committee in understanding the CFPB's approach to responding to FOIA requests, please provide answers to the following:

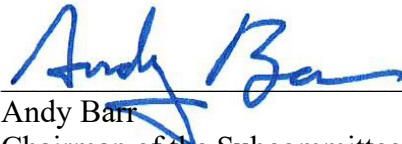
1. A full and accurate list of all FOIA requests made since January 2022 and their status.
2. A list of all requests that were not completed in the timeline outlined in FOIA.
3. Information about how the decision is made to redact requested information.

Please provide your response as soon as possible, but no later than June 30, 2023. Contact Michael Case of the Committee's Majority Staff at michael.case@mail.house.gov with any questions regarding this request. Thank you for your attention to this important matter.

Sincerely,



Bill Huizenga
Chairman of the Subcommittee on
Oversight and Investigations
House Committee on Financial Services



Andy Barr
Chairman of the Subcommittee on
Financial Institutions and Monetary Policy
House Committee on Financial Services