



February 27, 2015

VIA ELECTRONIC DELIVERY TO REGULATIONS.GOV

Consumer Financial Protection Bureau
Attn: PRA Office
1700 G Street NW
Washington, DC 20552

Re: Comments of ACA International on CFPB'S Consumer Response Intake Form, OMB Control Number: 3170-0011, Docket No: CFPB-2014-0035

Dear PRA Officer:

ACA International ("ACA") respectfully submits these comments in response to the information collection request made by the Consumer Financial Protection Bureau ("Bureau" or "CFPB") related to its Consumer Response Intake Form ("Intake Form").¹ Specifically, the Bureau is seeking comments on its submission to the Office of Management and Budget ("OMB") for approval of revisions to the existing clearance of the Intake Form, as well as a three-year extension.

ACA continues to be very supportive of the Bureau's efforts to make the consumer complaint handling process more efficient and less prone to inaccuracies. This is particularly important to ensure that consumer complaints are appropriately routed to the right companies. As a result, ACA applauds many of the Bureau's proposed revisions which can strengthen the overall quality of the Intake Form. However, ACA has some concerns over "the quality, utility, and clarity of the information to be collected" in some instances given the Intake Form's heavy reliance on "natural language processing" to provide selection suggestions for consumers. In addition, ACA suggests that the Bureau revise the Intake Form to provide consumers with an explicit choice to share positive interactions with financial service companies, along with appropriate related questions, to minimize potential consumer confusion and ensure a more balanced process.

I. Background on ACA International

ACA International is the trade association for credit and collection professionals. Founded in 1939, and with offices in Washington, D.C. and Minneapolis, Minnesota, ACA represents nearly

¹ "CFPB'S Consumer Response Intake Form," 79 Fed. Reg. 78068 (Dec. 29, 2014)("Comment Request").

3,700 members, including credit grantors, collection agencies, attorneys, asset buyers, and vendor affiliates, and 230,000 employees worldwide. Given its broad membership, ACA is uniquely positioned to collaborate with the Bureau on how its proposed policies and regulations will impact the collections industry.

ACA company members range in size from small businesses with a few employees to the very largest of national corporations doing business in every state. The large majority of ACA company members, however, are small businesses that maintain less than 25 employees. ACA members play an important role in the American economy by collecting rightfully-owed debts that would otherwise constitute losses on the financial statements of businesses. In years past, the combined effort of ACA members has resulted in the annual recovery of billions of dollars – a substantial sum that is returned to and reinvested by businesses. In this way, third party debt collection contributes significantly to the economic viability of businesses and, by extension, the American economy as a whole.

II. Comments of ACA International

In the Comment Request, the Bureau invites comments on four aspects of the Intake Form in accordance with the requirements of the Paperwork Reduction Act.² In these comments, ACA focuses on “[w]ays to enhance the quality, utility, and clarity of the information to be collected.”³

A. The Bureau Must Be Careful To Ensure Enhancements to the Intake Form Do Not Unintentionally Reduce the Quality, Utility, and Clarity of Information Being Provided By Consumers.

In its Supporting Statement, the Bureau states that the Intake Form “has helped the CFPB facilitate the centralized collection of, monitoring of, and response to consumer complaints about consumer financial products or services.”⁴ Over time, the Intake Form has been expanded to provide for complaints over several industries, including debt collection. Given the significant role that collecting, investigating, and responding to consumer complaints plays in the Bureau’s mission, it is critical that the mechanism to receive such complaints is as clear and fair as possible. Meaningful and quality information coming in is a prerequisite to meaningful and quality information and resolutions coming out.

Fundamentally, to be meaningful and high quality, information must be accurate. As a result, ACA believes the Bureau’s use of drop-down menus, error checks, and auto-completion *if done*

² The four questions posed include: (a) Whether the collection of information is necessary for the proper performance of the functions of the Bureau, including whether the information will have practical utility; (b) The accuracy of the Bureau’s estimate of the burden of the collection of information, including the validity of the methods and the assumptions used; (c) Ways to enhance the quality, utility, and clarity of the information to be collected; and (d) Ways to minimize the burden of the collection of information on respondents. *See* Comment Request at 78068.

³ *See id.*

⁴ CFPB, “Supporting Statement for CFPB’s Consumer Intake Form” (Docket No: CFPB–2014–0035), at 2 (“Supporting Statement”).

properly are enhancements that not only can minimize the burden on respondents, but can also help increase consistency and accuracy in the information consumers provide.

However, ACA is concerned that the Bureau’s reliance on “natural language processing” to make suggestions may unintentionally lead to inaccurate information being submitted by consumers. According to the Intake Form, based on a consumer’s response to Question 2 in which he or she can describe what happened in text format, natural language processing will then suggest “possible products, sub-products, issues, sub-issues, and fair resolutions” for other questions.⁵

ACA sees several potential problems with this design. First, it is not clear how the natural language processing will work and if there will be any kind of bias for the suggestions. For example, what if certain products or issues are more likely to be suggested than others? If so, those products or issues (or sub-products or sub-issues) may be selected more often even when they are not the most appropriate. Second, the way the suggestions are ordered may have an unintended impact on the likelihood of being selected. For example, a consumer might just read the first suggestion and choose that without comparing it to the others to determine which would actually be the most fitting to his or her situation. Other consumers may mistakenly attach greater weight to a suggestion listed first as opposed to a suggestion listed last. Finally, while a consumer will have the option of choosing “other” if none of the generated suggestions are fitting, there is a risk that some consumers will simply ignore this option and instead just choose a generated suggestion despite it not being accurate.

As a result, without understanding more about how the natural language processing will work, it is impossible to assess whether its use will “enhance the quality, utility, and clarity of the information to be collected” or lead to less accurate results.

B. To Improve Clarity, the Bureau Should Provide Consumers with an Explicit Choice to Provide Information Related to a Positive Experience with a Financial Service Provider.

ACA appreciates that the Intake Form provides consumers with an opportunity to share a “comment” about a financial institution, product, service, or practice, as opposed to just complaints and alerts. As ACA has emphasized, it is important for consumers to be able to share their stories of positive interactions with companies so that the Bureau receives a more balanced picture to inform its work.

However, in order to improve the clarity and accuracy of the information it receives from consumers, ACA recommends that the Bureau include an explicit choice for consumers to share positive experiences with financial service providers. While a consumer conceivably could use the “comment or question” category in the proposed Intake Form to describe a positive encounter with a company, ACA believes this should be clarified in order to reduce potential consumer confusion and increase the quality of the information the Bureau receives.

⁵ “*Inventory of Questions for the CFPB’s Consumer Response Intake Form*” (OMB No. 3170-0011), at 2 (“Questions Inventory”).

In looking at the Intake Form, it might not be apparent to all consumers that a generic “comment or question” category is actually the right place to describe a positive experience. Furthermore, given the composition of the proposed Intake Form, even if a consumer checks the “comment” box as a default, he or she may be confused by the subsequent questions which do not seem designed to capture information relevant to a positive interaction. For example, Question 15 asks what the consumer has done to resolve the issue.⁶

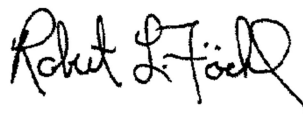
As a result, ACA urges the Bureau to create an explicit checkbox on the Intake Form for consumers to be able to select when they want to share a positive experience with a company – separate from the current generic comment or question category – along with follow-up questions that appropriately reflect the choice made by the consumer. These modifications will increase the clarity of the information being collected, minimize consumer confusion, and allow positive stories to be shared so that the Bureau can have a more balanced source of information.

* * *

ACA appreciates the opportunity to provide comments on the proposed Intake Form and respectfully urges the CFPB to consider ACA’s concerns and adopt the suggestions made herein. An Intake Form that is designed to assist consumers in submitting quality and accurate information, as well as to clearly capture positive experiences with financial service providers, will result in a fairer and more meaningful process that benefits consumers, industry, and the Bureau.

Please feel free to contact me at (952) 259-2103 with any questions.

Respectfully submitted,



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⁶ Questions Inventory, at 4.