

June 8, 2018

Monica Jackson
Office of the Executive Secretary
Consumer Financial Protection Bureau
1700 G Street NW
Washington, DC 20552

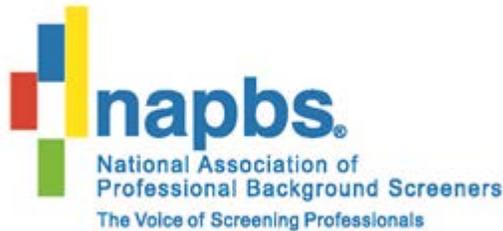
Re: Response of The National Association of Professional Background Screeners (“NAPBS”) to Request For Information Regarding Bureau’s Consumer Complaints and Inquiries Process -- Docket No. CFPB-2018-0014

Dear Ms. Jackson:

The National Association of Professional Background Screeners (“NAPBS”) is an international trade association of over 850 member companies. Its members provide employment and tenant background screening and related services to virtually every industry around the globe. The reports prepared by NAPBS’s background screening members are used by employers and landlords every day to ensure that workplaces and residential communities are safe for all who work, reside or visit there. NAPBS members range from large background screening companies to individually-owned businesses, each of which must comply with applicable law, including how they obtain, handle, or use public record data. NAPBS members also include court record retrieval services - companies that provide access to public record data to background screeners, technology partners and employers who utilize background screening services in their onboarding process.

The majority of NAPBS’s members are consumer reporting agencies (“CRAs”) who provide consumer reports for employment or tenant screening purposes to employers and landlords. Accordingly, most of NAPBS’s member’s activities are governed by the Fair Credit Reporting Act (“FCRA”). Enacted in 1970, the FCRA is designed to protect the privacy and accuracy of consumer report information; and for this purpose, the FCRA created a well-defined consumer dispute resolution process. The FCRA’s dispute process provides an easy mechanism for consumers to appropriately and efficiently address any issues with their consumer reports directly with the CRA.

As a result of the Dodd-Frank Wall Street Reform and Consumer Protection Act (Dodd-Frank Act), the Consumer Financial Protection Bureau (the “Bureau”) is statutorily required to (1) establish reasonable procedures to provide consumers with timely responses regarding consumer complaints and (2) centralize the collection of consumer complaints about consumer financial products services and, for certain defined entities (namely large depository institutions), provide



a mechanism for those entities to receive and respond to a complaint. In the development of its complaint platform, the Bureau made the platform more broadly available and, relevant to NAPBS' members, developed complaint procedures that duplicated the established dispute procedures under the FCRA.

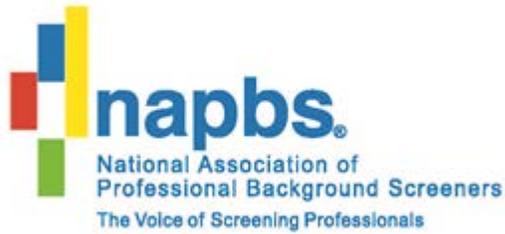
In doing so, the Bureau has created an unnecessarily confusing dual-track system for addressing consumer reporting agency disputes. Consumers who wish to file a dispute about the accuracy or completeness of information in a consumer report may be confused as to which avenue, the Bureau or the CRA itself, is most appropriate. Moreover, the Bureau's complaint portal prematurely inserts a middle man into the dispute process, depriving the consumer of the opportunity to more quickly and efficiently settle an issue by directly contacting the consumer reporting agency.

Since working directly with a CRA is a consumer's most efficient avenue to resolve a dispute, a process already established under the FCRA, the NAPBS recommends the Bureau provide a threshold question in its complaint process on whether or not the consumer has pursued dispute resolution for consumer reporting agency disputes under the FCRA. Specifically, the initial threshold question would ask the consumer if s/he has first disputed the completeness or accuracy of the information in his/her consumer report with the consumer reporting agency who prepared the report. This recommendation could easily be implemented into the Bureau's complaint form, which already provides consumers with options to select the type of consumer financial product or service with which they have a problem and the type of problem they are experiencing. This threshold question could also be accompanied with information about the established FCRA dispute process itself, including how consumers can more efficiently resolve their issue directly with the consumer reporting agency.

By including this threshold question, the Bureau could simplify and consolidate the consumer reporting agency process while adhering to its statutory requirements. This reasonable reroute to an already timely and effective process would reduce consumer confusion concerning the current dual-track system. The Bureau would also meet its statutory requirements by reserving its consumer complaint portal once the statutorily established and more efficient dispute resolution options have been exhausted.

NAPBS thanks the CFPB for the opportunity to share its comments regarding the consumer complaint process, and sincerely hopes its comments are beneficial to the CFPB's review of the process.

NAPBS and its members are available and prepared to discuss any questions regarding our industry or the aforementioned concerns. Thank you for accepting our comments and we look



forward to working with you to improve the Bureau's consumer Complaints and Inquiries Process. Please feel free to contact me directly at melissa.sorenson@napbs.com

Sincerely,

A handwritten signature in black ink, appearing to read "Melissa Sorenson", is positioned below the word "Sincerely,".

Melissa Sorenson
Executive Director