H. R. 4604

To amend the Consumer Financial Protection Act of 2010 to create a consumer opt-out list for data collected by the Bureau, to put time limits on data held by the Bureau, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MAY 7, 2014

Mr. WESTMORELAND (for himself, Mr. DUFFY, Mrs. BACHMANN, Mr. LONG, Mr. POSEY, Mr. BENTIVOLIO, and Mr. LUETKEMEYER) introduced the following bill; which was referred to the Committee on Financial Services

A BILL

To amend the Consumer Financial Protection Act of 2010 to create a consumer opt-out list for data collected by the Bureau, to put time limits on data held by the Bureau, and for other purposes.

1 Be it enacted by the Senate and House of Representa-
2 tives of the United States of America in Congress assembled,

3 SECTION 1. SHORT TITLE.

4 This Act may be cited as the “CFPB Data Collection
5 Security Act”.

SEC. 2. COLLECTION AND DISPOSAL OF CONSUMER INFORMATION.

Section 1022(c) of the Consumer Financial Protection Act of 2010 (12 U.S.C. 5512(c)) is amended by adding at the end the following:

“(10) Opt-out list for data collection.—

“(A) In general.—The Bureau shall establish an opt-out list, which shall contain a list of consumers who have notified the Bureau that they do not wish to allow the Bureau to collect personally identifiable information about them.

“(B) Availability of list.—The Bureau shall provide consumers with a method of adding and removing their names from the opt-out list both over the phone and on the website of the Bureau.

“(C) Prohibition on data collection.—

“(i) In general.—The Bureau may not collect personally identifiable information about a consumer if the consumer is listed on the opt-out list.

“(ii) Exception for consumer complaints.—
“(I) In General.—This subparagraph shall not apply with respect to consumer complaints.

“(II) Use of Data.—Personally identifiable information contained in a consumer complaint with respect to a consumer that is listed on the opt-out list may not be used for any purpose other than the consumer complaint, including supervisory functions or market monitoring.

“(11) Timing Limitation on Data Held by the Bureau.—The Bureau shall delete or otherwise destroy—

“(A) any information related to a consumer complaint regarding consumer financial products or services, not later than the end of the 60-day period following the completion of any review into such complaint where no further action will be taken;

“(B) any reports issued by, or data collected while conducting an examination of, any covered person, depository institution, or credit union over which the Bureau has supervisory authority, after three examinations, except for
enforcement actions that specifically address payments to consumers; and

“(C) any information collected by the Bureau about a particular consumer or other person not described under subparagraph (A) or (B), not later than the 60-day period following the date on which the Bureau collected such information.

“(12) Requirement in event of privacy breach.—If the Bureau experiences a data breach that exposes personally identifiable information about a consumer, the Bureau shall provide such consumer with one year of free credit monitoring and publicly notify consumers of the breach on the front page of the Bureau’s website.

“(13) Requirement for Senate-confirmed director.—Notwithstanding any other provision of law, the Bureau may not collect any data or perform any market monitoring unless the Bureau has a Senate-confirmed Director.”.

SEC. 3. PERSONNEL REQUIREMENT.

Section 1013(a) of the Consumer Financial Protection Act of 2010 (12 U.S.C. 5493(a)) is amended by adding at the end the following:
“(6) Confidential security clearance required for certain employees.—No employee of the Bureau may access personally identifiable information collected by the Bureau unless such employee holds a ‘confidential’ security clearance.”.