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*"Rummaging in the government's attic"*

Description of document: A copy of the Consumer Financial Protection Bureau (CFPB) policy in the Freedom of Information Act (FOIA) Office describing the process for additional review of sensitive or high visibility topics, 2016

Requested date: 03-March-2022

Release date: 21-March-2022

Posted date: 14-July-2025

Source of document: Consumer Financial Protection Bureau  
Attn: Chief FOIA Officer  
1700 G Street NW  
Washington, D.C. 20552  
Email: [FOIA@consumerfinance.gov](mailto:FOIA@consumerfinance.gov)  
[FOIA.gov](http://FOIA.gov)

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1700 G Street NW, Washington, D.C. 20552

RE: FOIA Request #CFPB-2022-0170-F

March 21, 2022

*Via email*

This letter is in final response to your Freedom of Information Act (FOIA) request dated March 3, 2022. Your request sought:

A copy of the CFPB policy in the FOIA Office describing the process for additional review of sensitive or high visibility topics. The recent Interior Dept Office of Inspector General report cites the CFPB practice/process in footnote 12. See: <https://www.oversight.gov/sites/default/files/oig-reports/DOI/Final-Report-FOIAAwareness.pdf>

A search of our Office of the Chief Data Officer for documents responsive to your request produced a total of 20 pages that are granted in full. No deletions or exemptions have been claimed on these records.

Although the FOIA Office does not currently have a process for additional review of sensitive or high visibility topics, we are releasing a Standard Operating Procedure that described the “FOIA Awareness Group” as it existed at that time.

Provisions of the FOIA allow us to recover part of the cost of complying with your request. In this instance, we have waived all fees related to the processing of your request.

You may appeal any of the responses or decisions set forth above. If you choose to file an appeal, you must do so within 90 calendar days from the date of this letter. Your appeal must be in writing, signed by you or your representative, and should contain the rationale for the appeal. You may send your appeal via the mail (address below) or email ([foia@consumerfinance.gov](mailto:foia@consumerfinance.gov)).

Your appeal should be addressed to:

Consumer Financial Protection Bureau

**[consumerfinance.gov](https://consumerfinance.gov)**

Chief FOIA Officer  
Freedom of Information Appeal  
1700 G Street, NW  
Washington, DC 20552

For inquiries concerning your request, please reference your FOIA request number above and contact our FOIA Public Liaison via email at [FOIA@consumerfinance.gov](mailto:FOIA@consumerfinance.gov) or by phone at 1-855-444-FOIA (3642).

Additionally, you may contact the Office of Government Information Services (OGIS) at the National Archives and Records Administration to inquire about the FOIA mediation services they offer. The contact information for OGIS is as follows: Office of Government Information Services, National Archives and Records Administration, 8601 Adelphi Road-OGIS, College Park, MD 20740; e-mail at [ogis@nara.gov](mailto:ogis@nara.gov); telephone at 202-741-5770; toll free at 1-877-684-6448; or facsimile at 202-741-5769.

Sincerely,

A handwritten signature in black ink, appearing to read "Paul Levitan", with a stylized flourish at the end.

Paul Levitan  
Acting FOIA Manager  
Office of the Chief Data Officer

# FOIA Request and Production Procedures

FOIA-SOP-0001

CFPB Standard Operating Procedure (SOP)

Effective Date: 12/5/2016



Consumer Financial  
Protection Bureau



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## Revision History

Effective	Version	Explain the Change Action	Changes Made By:



## 1.0 Purpose

This procedure outlines the process, roles, and responsibilities of the Consumer Financial Protection Bureau (CFPB) in responding to requests related to the Freedom of Information Act (FOIA), Title 5 of the United States Code, section 552. It is intended to support the CFPB framework of internal controls and provide direction for responding to all FOIA requests.

The FOIA gives any person the right to request access to records of agencies of the United States federal government. Upon receipt of a request for records, those records must be disclosed unless they are protected pursuant to the nine categories of exempt information or three exclusions contained in the FOIA.

## 2.0 Scope

This procedure represents CFPB's policy and procedures for administering and implementing FOIA. It supplements and is in full compliance with the CFPB's FOIA Regulations. This procedure will be followed by all CFPB personnel involved in the processing of a FOIA request.

## 3.0 Definitions

**Freedom of Information Act (FOIA)** – is a United States federal law that grants the public access to information possessed by government agencies. Upon written request, U.S. government agencies are required to release information unless it falls under one of nine exemptions listed in the Act.

**FOIAXpress** - is a web-based commercial-off-the-shelf application for processing FOIA requests that is administered by CFPB's Technology & Innovation Team. FOIAXpress captures the information and documents associated with the lifecycle of a FOIA request including case assignment/status, correspondence/document management, fee/payment management, document review/redaction and reporting.



## 4.0 Roles and Responsibilities

The FOIA Team and point of contacts (POCs) are required to confirm FOIA roles and responsibilities as documented below as part of the on-boarding process and annually thereafter.

### FOIA Team

*FOIA Manager* – Conducts final reviews of FOIA documentation and signs the FOIA response letter prior to the response being sent to the requester. Responsible for receiving requests for and approving access to FOIAXpress for new users. Plans, directs and coordinates all program functions. Ensures program goals and objectives are met. Designs and implements strategies to maximize effectiveness and timely processing of FOIA requests. Issues the FOIA Weekly Update and provides program level progress reports to senior management. Upon request, reviews and reports on CFPB's program performance. Secures CFPB resources for the overall program.

*Senior FOIA Analyst/Public Liaison* – Manages the FOIA office case work flow. Reviews acknowledgment letters and assigns FOIA Analysts to a respective case. Responsible for receiving requests for and approving access to FOIAXpress for new users. Works with FOIA Analysts to resolve complex FOIA matters by facilitating discussions, providing guidance on the FOIA statute and CFPB regulations, giving concise and timely feedback and fostering a collaborative environment. Informs and engages internal CFPB employees and external consumers on various aspects of FOIA, including operations, exemptions, and other related information by participating in meetings, conferences, training sessions and other events related to the FOIA program. Responds to inquiries from CFPB employees and the public concerning FOIA and works with FOIA Analysts to pro-actively contact requesters to address issues with requests. Performs the final review and resolves any outstanding issues on completed FOIA





cases before they are sent to the FOIA Manager. Responsible for identifying cases that require additional coordination within the CFPB.

*FOIA Analyst* – Receives FOIA requests from the public via postal mail, email or fax and conducts a brief review to ensure sufficiency of all incoming record requests, evaluating for reasonableness, CFPB relevancy, and regulatory compliance. Enters new requests into the FOIAXpress tracking system and populates the appropriate fields within the system. Reviews the incoming requests and determines under what track the FOIA case will be processed and any outstanding issues such as expedited processing or requests for a fee waiver. Responsible for creating an acknowledgment letter and sending the letter to the requester. Coordinates with the requester to narrow the scope as needed. Emails the Program Office POCs or the e-discovery team, requesting a search for records, as needed. Contacts POCs if search results and status update have not been provided within three business days of request. Uploads responsive documents into FOIAXpress and conducts a review of documents received for responsiveness and applicable FOIA Exemptions. Redacts documents as needed and creates a final response letter for the requester. Maintains detailed request notes and uploads any necessary administrative documents into FOIAXpress. Forwards completed cases files to the Senior FOIA Analyst for review and finalizes the case closeout process.

## **Legal Division**

*General Law Attorney* – Provides legal advice to the FOIA Team concerning certain complex FOIA matters. Conducts reviews of FOIA material as necessary for legal sufficiency.

*Litigation Attorney* – Reviews and responds to incoming FOIA Appeals and handles FOIA litigation.



## E-Discovery Team

*Electronic Search Team* – Obtains search parameters and location(s) from FOIA Analysts and perfects the search criteria. Documents approach for searching electronic files on each record request. Delivers search results/output to the FOIA Analyst. Notifies the FOIA Analyst of record search requests that cannot be completed within a routine time frame.

## CFPB Program Offices

*FOIA Designated Point of Contact (POC)* – Serves as central POC for all record requests within their program office. Executes search in response to request from FOIA Analyst. Identifies responsive custodians and locations where responsive records might reside. Provides and coordinates input from internal subject matter experts and program owners. Verifies and documents that record search is accurate and complete for assigned area.

## CFPB Awareness Group

*FOIA AG* – Consists of CFPB stakeholders including representatives from the FOIA Office, Legal, Operations, Office of the Director, Consumer Education & Engagement, Supervision, Enforcement & Fair Lending, Research, Markets & Regulations and External Affairs.

## 5.0 Point of Contact

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The content of this document is maintained by the FOIA Office. Address questions to:

**Mark Vugrinovich**

Senior Analyst/Public Liaison  
Administrative Operations



## 6.0 Procedure

The procedural steps defined below reflect the general process flow of a FOIA request within the CFPB FOIA office.

### Receive and Review FOIA Request

The CFPB typically receives FOIA requests through three methods: postal mail, email and fax. Upon receipt of a request, the FOIA Analyst assigned to intake shall conduct a brief review to ensure the request contains appropriate contact information for the requester and a description of the records sought. Generally, FOIA requests must describe the records in reasonably sufficient detail to enable an employee, familiar with the subject, to locate the records. The description should include the name, subject matter, date or timeframe, location of the records, the CFPB office maintaining the records if known, along with any other information which would help an employee clearly identify the requested records. The FOIA Analyst will also note any request for a fee waiver or expedited processing. Along with Freedom of Information Act (FOIA) requests the Bureau occasionally receives requests that fall under both the FOIA and the Privacy Act (PA). See Privacy Act Request Guidance (Process Guidance Document A) concerning the additional steps taken when processing a PA request.

### Creation of a New Case File

All new CFPB FOIA requests are created and tracked within the FOIAXpress system. The following fields within FOIAXpress must be populated upon receipt of a new FOIA request:

a) General Information Tab

a. Requester



- b. Request Type
- c. Requester (Fee) Category
- d. Received Mode
- e. Requested Date/Received Date
- f. Expedited Treatment Requested
- g. Multi-Track Processing
- b) Request Information Tab
  - a. Date Range
  - b. Request Description
- c) Fee Information Tab
  - a. Willing Amount \$
  - b. Fee Waiver Requested

## **Acknowledgement Letter**

Once a new request has been entered the FOIA Analyst assigned to intake is responsible for creating an acknowledgement letter (Sample Document A). The letter must address all elements of the request, including:

- a) A description of the request
- b) The date of the request
- c) The date the request was received by the CFPB
- d) The fee category of the requester
- e) The FOIA Analyst assigned to process the request and their contact information
- f) The contact information for the Public Liaison



- g) If applicable, a determination on any request for a fee waiver or expedited processing

Once the acknowledgement letter is created the request should be assigned in FOIAXpress to the Senior FOIA Analyst or FOIA Manager for review. After their review is complete the Senior FOIA Analyst/FOIA Manager will assign the request back to the FOIA Analyst assigned to intake to send the acknowledgement letter to the requester.

### **Case Assignment**

After the acknowledgement letter is finalized the Senior FOIA Analyst/FOIA Manager will instruct the FOIA Analyst assigned to intake to assign the request to a FOIA Analyst to complete a search for responsive records. Case assignments are based on a review of current case workload, subject matter areas of expertise, and previous related case work.

### **Coordination with Requester and Request Notes**

The FOIA Analyst is responsible for coordinating with the Requester throughout the processing of the request. When correspondence is sent or received from the Requester it should be added to the Correspondence Log in FOIAXpress. As the FOIA Analyst begins to process the case, detailed request notes must be retained for each FOIA case and entered into FOIAXpress. The notes should include areas such as: how searches were crafted, scope determinations, correspondence (e.g., the individuals with whom the FOIA Analyst has spoken, date, time, subject / records requested), why certain documents were excluded and key actions. The Request Notes should be crafted so that any FOIA team member could understand the status of a case at any time.



## **Initiating a Search for Responsive Records**

The FOIA Analyst will review the new request and then determine the scope of the request and the CFPB Program Offices likely to maintain responsive material. Search determinations are based on the subject of the request in conjunction with reviewing the function of the CFPB Program Offices and coordination with the respective FOIA POCs. Based on this review and any discussions, the scope of the request might need to be further narrowed with the requester. If a Program Office raises an issue with the scope of the search the FOIA Analyst will contact the requester to discuss the request. If the scope of the request is modified the FOIA Analyst is responsible for updating the request description in FOIAXpress.

## **Sending a Request for Documents**

Once the FOIA Analyst has determined the appropriate CFPB Program Office(s) to search they will create a “Request for Documents” (RFD) (Sample Document B). The RFD is sent via email to the FOIA POC of the respective office and provides instructions about conducting a search for records. A copy of the email is maintained in FOIAXpress.

The FOIA POC will identify responsive custodians and locations where responsive records might reside and provide and coordinate input from internal subject matter experts and program owners. They will then verify that the record search is accurate and complete for assigned area. The FOIA Office requires that each Program Office completes its search within three business days.

## **Utilizing the E-Discovery Team to Conduct a Search**

For searches involving CFPB employee email accounts the FOIA Analyst will send an email to the E-Discovery Team to conduct a search and place the results within the eDiscovery System. The email should contain the following information:



- a) The FOIA request number
- b) The date range for the search
- c) The FOIA Analyst assigned to the request
- d) The due date
- e) The employee (custodian) name(s) to collect
- f) A copy of the original FOIA request

Once the E-Discovery Team has completed the email collection the FOIA Analyst is responsible for searching the eDiscovery collection for responsive records. Once a search is complete the FOIA Analyst must document the search by uploading a screenshot (Sample Document C) of the search to the Correspondence log within FOIAXpress.

## Review

Once records have been collected from responsive Program Office(s) and/or a Clearwell search the FOIA Analyst will conduct a review of the documents. The review will consist of removal of non-responsive or duplicative pages, review for releasability, and the necessity for any consults, referrals, business submitter notices. Under normal circumstances all responsive documents will be uploaded to FOIAXpress. If the responsive documents total more than 2,500 pages the FOIA Analyst will discuss the situation with the Senior FOIA Analyst or FOIA Manager to determine the best course of action for processing and document any review that takes place outside of FOIAXpress in the request notes.

If the FOIA Analyst anticipates that the length of the review process will prevent the FOIA Team from providing a response to the Requester within twenty business days, the FOIA Analyst will notify the FOIA Manager.



## **Redact Documents**

The FOIA Analyst will mark the responsive documents for redaction and note the exemption relied on at the redacted portion of the record within FOIAXpress.

## **Additional Program Office Review**

In some instances the FOIA Analyst may consult with a Program Office POC concerning redactions and the documents being released before the case is passed along for further review.

## **Response Letter**

After the review is complete, the assigned FOIA analyst will prepare a response package. This package normally includes an interim or final response letter (Sample Document D) and the releasable responsive documents. The response letter should contain the following:

- a) The current description of the request, including any clarification or modification of the request
- b) The Program Office(s) searched
- c) Pages counts (Granted in full, granted in part, withheld in full)
- d) Exemption descriptions [If necessary]
- e) Appeal rights [If necessary]
- f) Contact information for the Public Liaison and FOIA Service Center
- g) OGIS contact information

## **Interim Response**

An interim response to a FOIA Requester is sent when a FOIA Analyst identifies a partial production of data that could be produced prior to providing the entire population to the FOIA





Requester. This method is recommended especially when processing requests for voluminous records.

## **Fees**

The FOIA Analyst is responsible for resolving any outstanding fee issues associated with the processing of the request. See Fee Guidance (Process Guidance Document B) concerning the process of administering and collecting fees for FOIA requests.

## **Updating Administrative Record**

Upon completing the Response Letter the FOIA Analyst will update the administrative record for the case file in FOIAXpress. This includes adding requests notes as needed and updating records search processing costs and staff processing costs.

## **Senior FOIA Analyst Review**

Once the FOIA Analyst has completed the steps outlined above they transfer the request package to the Senior FOIA Analyst for review. The Senior FOIA Analyst conducts a complete review of the case file including the request description, requester correspondence, the search conducted, request notes, work hours, and fee information. If any redactions have been applied to the responsive documents the Senior FOIA Analyst validates the redactions are completely and accurately applied. If there are any questions or clarification required regarding the case file, the Senior FOIA Analyst contacts the FOIA Analyst responsible for the case file. If there are any unresolved or missing actions the request is assigned by the FOIA Analyst for correction. Once the review is complete the Senior FOIA Analyst enters their time associated with the review and assigns the request to the FOIA Manager.



## **Awareness Group**

The Senior FOIA Analyst is responsible for evaluating any request that is ready for closure to be presented to the CFPB Awareness Group. If a FOIA request is determined to be sensitive in nature it may be presented to the Awareness Group for general awareness. The group is led by the Senior FOIA Analyst and meets on a weekly basis (as needed) to make stakeholders aware of requests that will be closed out that week.

## **FOIA Manager Review**

The FOIA Manager reviews the case file and validates the Senior FOIA Analyst's comments have been incorporated. The FOIA Manager reviews the Response Letter, original request and responsive documents to validate all issues are resolved and responsive records are complete as documented in the request and Response Letter. If corrections are required, the FOIA Manager returns the case file to the FOIA Analyst to research and resolves errors. Once all outstanding issues have been resolved the FOIA Manager will complete the Final Actions within FOIAXpress and send the Response Letter and any responsive documents to the requester.

## **Case Closeout**

After the FOIA Manager has finalized the request and sent the Response Letter the case is re-assigned to the FOIA Analyst to close in FOIAXpress.

## **Appeals**

The FOIA Office is responsible for receiving new appeals and creating a new appeal file within FOIAXpress. Upon completion of a new appeal file the FOIA Analyst assigned to intake will send an acknowledgement letter to the requester and assign the case file to the FOIA Manager to send to the Litigation Attorney in the Legal Division for processing.



## **Appeal Closeout**

After the Litigation Attorney has made a determination they will send out final response letter to the Requester and assign the request to the FOIA Manager in FOIAXpress. After completing the final actions in FOIAXpress the FOIA Manager will assign the request to the FOIA Analyst to complete the case closeout.

## **Reports**

The following reports are generated by the FOIA Office:

### **Weekly Report**

The Weekly Report (Sample Document E) is a summary of cases recently received, closed, and pending in the FOIA office. The report has the following sections: New Requests, Closed Requests, Pending Requests, New Appeals, Closed Appeals, and Pending Appeals. In, addition there is a fiscal year to date summary and a graph of the request for documents.

### **Directors Report**

The Director's Report (Sample Document F) is a summary of all cases from January 1, 2012 to present. It is sent to the Front office POC on a weekly basis. The report contains the following FOIAXpress fields: Request ID, Requested Date, Target Date, Request Type, Requester Name, Organization, Request Description, Request Status, and Closed Date.



## Quarterly Report

Quarterly Reports (Sample Document G) are requested by and submitted to the Department of Justice's (DOJ) Office of Information Privacy at the end of each fiscal year quarter. The report contains information on the number of requests received and processed during the quarter, the CFPB backlog at the end of the quarter, and the progress being made on the 10 overall oldest requests.

## Annual Report

The Annual Report (Sample Document H) is requested by and submitted to the DOJ's Office of Information Privacy on an annual basis. The report contains detailed statistics on the numbers of requests received and processed by the CFPB, the time taken to respond, the outcome of each request, as well as other vital statistics regarding the administration of the FOIA.

## 7.0 Document Management

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FOIAXpress serves as the repository for managing the official case file records of the FOIA Office. In the instance where responsive records cannot be loaded into FOIAXpress (large files size or incompatible formatting) the records will be located on the FOIA Office Z Drive and updated to Box in the Requests Folder and organized by fiscal year and by FOIA case number. Any case file records located outside of FOIAXpress will be detailed in the request notes of the case file.

## 8.0 References

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The following serve as references for the FOIA Team:

- A. CFPB FOIA Internet Web Site: <http://www.consumerfinance.gov/foia-requests/>



B. CFPB FOIA and Privacy Act Request Guidebook:

[http://files.consumerfinance.gov/f/201204\\_cfpb\\_foia-and-pa-request-guidebook.pdf](http://files.consumerfinance.gov/f/201204_cfpb_foia-and-pa-request-guidebook.pdf)

C. "Freedom of Information Act Guide & Privacy Act Overview," U.S. Department of Justice, 2009 edition, [http://www.justice.gov/oip/foia\\_guide09.htm](http://www.justice.gov/oip/foia_guide09.htm)

D. U.S. Department of Justice Web Site: [www.foia.gov](http://www.foia.gov)

## 9.0 Effective Date

The FOIA Request and Production Procedures FOIA-SOP-0001 is effective as of 12/5/2016.

## 10.0 Approval

**Raynell Lazier** Digitally signed by Raynell Lazier 12/05/16  
Date: 2016.12.05 14:41:51 -05'00'

FOIA Manager Signature

Date

**Suzanne Tosini** Digitally signed by Suzanne Tosini 12/05/2016  
Date: 2016.12.05 14:51:48 -05'00'

Chief Administrative Officer Signature

Date



## Appendices

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### Appendix A: Sample Documents

- A. Acknowledgement Letter available at: Z:\Operations Division\Records, Privacy & FOIA\FOIA\Box Structure\FOIA Admin\Policies and Regs\FOIA SOP
- B. Request for Documents Language available at: Z:\Operations Division\Records, Privacy & FOIA\FOIA\Box Structure\FOIA Admin\Policies and Regs\FOIA SOP
- C. eDiscovery Screenshot available at: Z:\Operations Division\Records, Privacy & FOIA\FOIA\Box Structure\FOIA Admin\Policies and Regs\FOIA SOP
- D. Final Response Letter available at: Z:\Operations Division\Records, Privacy & FOIA\FOIA\Box Structure\FOIA Admin\Policies and Regs\FOIA SOP
- E. FOIA Weekly Report available at: Z:\Operations Division\Records, Privacy & FOIA\FOIA\Box Structure\FOIA Admin\Policies and Regs\FOIA SOP
- F. Directors Report available at: Z:\Operations Division\Records, Privacy & FOIA\FOIA\Box Structure\FOIA Admin\Policies and Regs\FOIA SOP
- G. Quarterly Report available at: <http://www.consumerfinance.gov/foia-requests/foia-electronic-reading-room/cfpb-foia-quarterly-reports/>
- H. Annual Report available at:  
[http://files.consumerfinance.gov/f/201601\\_cfpb\\_report\\_annual-foia-report.pdf](http://files.consumerfinance.gov/f/201601_cfpb_report_annual-foia-report.pdf)



## Appendix B: Process Guidance Documents

- A. Privacy Act Request Guidance available at: Z:\Operations Division\Records, Privacy & FOIA\FOIA\Box Structure\FOIA Admin\Policies and Regs\FOIA SOP
- B. Fee Guidance available at: Z:\Operations Division\Records, Privacy & FOIA\FOIA\Box Structure\FOIA Admin\Policies and Regs\FOIA SOP

## Appendix C: Authorities

- A. Freedom of Information Act (FOIA), 5 U.S.C. 552 <http://www.usdoj.gov/oip/foiastat.htm>
- B. Electronic Freedom of Information Act Amendments of 1996 (EFOIA), Pub. L. No. 104-231, 110 Stat. 3048 (codified throughout 5 U.S.C. 552)
- C. Open Government Act of 2007 and Open FOIA Act of 2009  
<http://www.justice.gov/oip/amended-foia-redlined-2010.pdf>
- D. Office of Management and Budget (OMB), December 8, 2009 Memorandum M-10-06, Open Government Directive  
[http://www.whitehouse.gov/sites/default/files/omb/assets/memoranda\\_2010/m10-06.pdf](http://www.whitehouse.gov/sites/default/files/omb/assets/memoranda_2010/m10-06.pdf)
- E. Executive Order No. 12600, "Predisclosure Notification Procedures for Confidential Commercial Information" (July 23, 1987) <http://www.archives.gov/federal-register/codification/executive-order/12600.html>
- F. CFPB FOIA Regulations, 12 CFR, Part 1070 <https://www.gpo.gov/fdsys/pkg/FR-2013-02-15/pdf/2013-01737.pdf>