

COMMENTS OF THE ELECTRONIC PRIVACY INFORMATION CENTER AND THE  
NATIONAL CONSUMER LAW CENTER

to the

CONSUMER FINANCIAL PROTECTION BUREAU

Privacy Act of 1974; System of Records

Notice of a Modified System of Records

Docket No. CFPB-2026-0016

June 22, 2026

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## I. Introduction

The Electronic Privacy Information Center (“EPIC”) and the National Consumer Law Center (“NCLC”) submit these comments in response to the Consumer Financial Protection Bureau (“CFPB” or “the Bureau”)’s notice of a modified system of records titled “CFPB.009-Employee Administrative Records System” (“the Notice”) published on May 20, 2026.<sup>1</sup>

EPIC is a public interest research center in Washington, D.C., established in 1994 to secure the fundamental right to privacy in the digital age for all people through advocacy, research, and litigation.<sup>2</sup> EPIC has long advocated for both government transparency and the protection of personal information held by federal agencies, including the information of federal workers.<sup>3</sup>

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<sup>1</sup> CFPB, *Privacy Act of 1974; System of Records*, CFPB-2026-0016, 91 Fed. Reg. 29,464 (May 20, 2026).

<sup>2</sup> *About Us*, EPIC, <https://epic.org/about/> (2026).

<sup>3</sup> See EPIC, *EPIC’s Fight Against the Administration’s Privacy Abuses*, <https://epic.org/issues/democracy-free-speech/fighting-federal-data-abuses/>; Open Government, EPIC (2025), <https://epic.org/issues/open-government/>; Freedom of Information Act, EPIC (2025), <https://epic.org/issues/open-government/foia/>; EPIC, Comments to the US Dept. of Ag. on System of Records Notice, USDA/FNS-15: National Supplemental Nutrition Assistance Program (SNAP) Information Database, 90 Fed. Reg. 26,521 (Jul. 16, 2025), <https://epic.org/wp-content/uploads/2025/07/EPIC->

NCLC is a national nonprofit research and advocacy organization specializing in consumer issues on behalf of low-income and older individuals.<sup>4</sup> For over fifty years, NCLC has advocated for protecting the rights of consumers under privacy and data fairness laws such as the Fair Credit Reporting Act, the Gramm-Leach-Bliley Act, and other federal and state statutes and regulations.

EPIC and NCLC strongly object to the CFPB’s proposed routine use 18 that would permit the disclosure of sensitive, personally identifiable data about current and former CFPB employees, volunteers, detailees, applicants, and people who have been offered jobs at the CFPB, as well as their dependents, beneficiaries, and emergency contacts.<sup>5</sup> The Notice proposes that the CFPB may disclose sensitive personnel information as a routine use to the news media and the public “when there exists a legitimate public interest in the disclosure of the information (*e.g.*, when disclosure is necessary to preserve confidence in the integrity of the Bureau, or when disclosure is necessary to demonstrate the accountability of individuals covered by this system) except to the extent that release of the specific information in the context of a particular case would constitute a clearly unwarranted invasion of personal privacy.”<sup>6</sup>

As this comment details, the creation of routine use 18 runs contrary to the Freedom of Information Act (FOIA) and would violate the privacy of the people whose information is contained within the system in question, recklessly creating unnecessary intrusions and presenting safety risks for those individuals. Further, the routine use does not (and cannot) satisfy the Privacy Act nor the Act’s implementation requirements set by OMB. We urge the CFPB to withdraw this proposal.

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[comments-USDA-NSID-SORN-071625.pdf](#); EPIC et al., Comments to the US Dept. of Ag. on Privacy Act of 1974; System of Records Notice of Modified System of Records, 91 Fed. Reg. 18,812 (May 13, 2026), <https://epic.org/wp-content/uploads/2026/05/USDA-Comments-EPIC-05.13.2026-FINAL2.pdf>; Statement of John Davisson, Electronic Privacy Information Center, Hearing on the JFK Files Before the H. Comm. on Oversight and Gov. Reform Task Force on the Declass. of Fed. Secrets, 119th Cong. (Apr. 1, 2025).

<sup>4</sup> *About Us*, NCLC, <https://www.nclc.org/about-us/>. These comments are submitted on behalf of NCLC’s low-income clients.

<sup>5</sup> CFPB *supra* note 1.

<sup>6</sup> *Id.*

## II. Proposed Routine Use 18 Undermines FOIA Precedent.

The FOIA already provides a mechanism for federal agencies to release certain information requested by the public, including news media.<sup>7</sup> In general, the FOIA requires that all agency records be made available to the public, with a number of exceptions. Exemption 6 protects the privacy of personnel files, medical files, and other similar files when the disclosure of this information would create an unwarranted invasion of personal privacy.<sup>8</sup> The FOIA is grounded in extensive precedent that has established a careful balancing test with respect to the release of personally identifiable information held in personnel files.<sup>9</sup>

With this Notice, the CFPB sidesteps FOIA rules around the disclosure of sensitive personnel data. Currently, the Bureau's FOIA office must carefully balance the public interest in disclosing certain information with the privacy interests of the individuals with whom the records are associated when determining whether to release records in response to a FOIA request. Now the CFPB proposes to expand its authority to release personnel information on its own without receiving a FOIA request from the public and without otherwise explaining how this use ties to a legitimate purpose recognized by the Privacy Act. The FOIA does not authorize the disclosure contemplated by this Notice, exceeding the agency's authority under the Privacy Act.<sup>10</sup>

Further, the notice does not clarify whether the CFPB will be bound to the guidance and standards established by FOIA precedent about the release of personnel information to the public. In fact, the examples of "legitimate public interest" provided within the notice ("*e.g.*, when disclosure is necessary to preserve confidence in the integrity of the Bureau, or when disclosure is necessary to

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<sup>7</sup> 5 U.S.C. § 552.

<sup>8</sup> 5 U.S.C. § 552(b)(6).

<sup>9</sup> Dept. of Justice, Dept. of Justice Guide to the Freedom of Information Act: Exemption 6 (Mar. 7, 2025), <https://www.justice.gov/oip/page/file/1207336/dl?inline>.

<sup>10</sup> 5 U.S.C. § 552a(e)(1).

demonstrate the accountability of individuals covered by this system”)<sup>11</sup> indicate that the Bureau intends to expand its authority to release information to the public beyond what is permitted by FOIA. The purpose of the FOIA is to increase government transparency, recognizing that “the public has a right to know what their ‘government’ is up to.”<sup>12</sup> In contrast, proposed routine use 18 seems to seek to create a new tool for CFPB to choose when to disclose personal information about its personnel when doing so would be beneficial to the Bureau’s own image.

If the CFPB were not attempting to circumvent the FOIA, this Notice would be unnecessary. The CFPB already has the means to disclose records that meet the FOIA’s balancing test while keeping with its responsibilities under the Privacy Act of 1974. The Privacy Act provides an agency with an exemption to disclose records when it receives a FOIA request and determines that the requested records meet the FOIA’s careful balancing test for disclosure.<sup>13</sup> Instead, proposed routine use 18 exceeds the bounds of the Privacy Act and upends the balance struck by Congress through the FOIA. It should be withdrawn immediately.

### **III. Proposed Routine Use 18 Creates Unnecessary Privacy and Safety Risks.**

As demonstrated above, proposed routine use 18 will expand the CFPB’s ability to release deeply sensitive personal information about its personnel to the media and the public well outside of what is permitted by the FOIA. Proposed routine use 18 would permit CFPB to disclose extensive information about the individuals covered by this system including, but not limited to:

- (1) identification and contact information, including name, address, email address, phone number and other contact information;

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<sup>11</sup> CFPB *supra* note 1 at 29,466.

<sup>12</sup> *Dep’t of the Air Force v. Rose*, 425 U.S. 352, 372 (1976); *see also Showing Animals Respect & Kindness v. U.S. Dep’t of the Interior*, 730 F. Supp. 2d 180, 196 (D.D.C. 2010).

<sup>13</sup> 5 U.S.C. § 552a(b)(2).

- (2) employee emergency contact information, including name, phone number, relationship to employee or emergency contact;
- (3) Social Security number (SSN), employee ID number, organization code, pay rate, salary, grade, length of service, and other related pay and leave records including payroll data;
- (4) biographic and demographic data, including date of birth and marital or domestic partnership status;
- (5) employment-related information such as performance reports, training, professional licenses, certification, and memberships information, alternative dispute resolution processes, fitness center membership information, union dues, employee claims for loss or damage to personal property, and other information related to employment by the Bureau;
- (6) benefits data, such as health, life, travel, and disability insurance information;
- (7) retirement benefits information and flexible spending account information; and
- (8) time and attendance records.<sup>14</sup>

This information is highly sensitive, and many of these categories of information should never be disclosed to the news media or the public. To name just a few examples, there would never be a legitimate interest in the disclosure of someone's address, Social Security Number, biographic and demographic information, and fitness center member information that would overcome the clearly unwarranted invasion of personal privacy that would result in the release of this information. In fact, the release of this information could create serious safety risks for the people whose information is contained within this system. We have seen a rise of violent attacks against public officials,<sup>15</sup> and the disclosure of identifying information about CFPB personnel may fuel similar

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<sup>14</sup> CFPB, *Privacy Act of 1974; System of Records*, CFPB-2026-0016 (May 20, 2026).

<sup>15</sup> *Data Broker Harms to Public Officials*, EPIC (Dec. 2025), <https://epic.org/documents/data-broker-harms-to-public-officials/>.

violence. If information about personnel who are survivors of domestic violence or stalking is released, they could be found and harmed by their abusers.<sup>16</sup> The CFPB should never be permitted to disclose an individual's home address to the media or the public, so this category of data should not be subject to routine use 18. Social Security Numbers should also never be released to the public because of the risk of fraud and identity theft, which both have potentially devastating financial and personal consequences. Further, if the CFPB releases demographic and biographic information about personnel, fraudsters and scammers may use it to target people for scams or to legitimize their schemes.<sup>17</sup>

The data included in the Notice is sensitive, personally identifiable information. The FOIA already allows the release of government information to the public. However, the FOIA requires a careful balancing to ensure that the release of information does not constitute an unwarranted invasion of the privacy of the individuals whose information is included in the requested records. Proposed routine use 18 goes well beyond the FOIA's carefully laid boundaries because the examples of a "legitimate public interest" provided within the notice ("e.g., when disclosure is necessary to preserve confidence in the integrity of the Bureau, or when disclosure is necessary to demonstrate the accountability of individuals covered by this system")<sup>18</sup> indicate that the CFPB intends to expand its authority to publicly release information beyond what is permitted by FOIA. In applying the FOIA's balancing test, courts have already found that federal employees have a protectable privacy interest in precisely the information contemplated for release under proposed

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<sup>16</sup> *Data Broker Harms: Domestic Violence Survivors*, EPIC (Dec. 2025), <https://epic.org/documents/data-broker-harms-domestic-violence-survivors/>.

<sup>17</sup> *Data Breaches: Guidance for Individuals and Families*, UK National Cyber Security Centre (Jan. 28, 2021), <https://www.ncsc.gov.uk/guidance/data-breaches>.

<sup>18</sup> CFPB *supra* note 1 at 29,466.

routine use 18.<sup>19</sup> Yet this proposal goes further, potentially even empowering present or future CFPB leadership to release records in retaliation against former CFPB staff who speak out against the Bureau or its leadership. Sharing personal information about someone to retaliate against them or intimidate someone is referred to as “doxxing,” and this practice puts people at risk of physical violence, stalking, and harassment.<sup>20</sup> The CFPB should not make it easier to disclose the information in this system. Doing so puts individuals’ privacy, financial health, and physical safety at risk and disrupts the balance struck by the FOIA.

#### **IV. The Notice reveals numerous violations of the Privacy Act of 1974.**

Finally, the proposed routine use cannot satisfy the Privacy Act’s mandate to minimize the data that an agency collects, uses, and discloses.<sup>21</sup> Data minimization is a core principle underlying the Act. In addition to its limitations on collection and maintenance, the Act also requires data minimization for disclosures, including under routine uses. When an agency seeks to use a routine use to disclose records, it may only do so if the routine use disclosure is compatible with the purpose for which the record was originally collected.<sup>22</sup> In addition to compatibility, guidance from the Office of Management and Budget (OMB) requires that any routine use must be narrowly tailored to a specific and appropriate use of the records the agency seeks to disclose.<sup>23</sup> The routine use proposed in the instant Notice does not—and cannot—meet these requirements.

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<sup>19</sup> For example, courts have found that federal employees have a privacy interest protected by the FOIA in information such as job performance evaluations, contact information, biographic information like Social Security Numbers and dates of birth, retirement information, time sheets, and more. *See* DOJ, *Department of Justice Guide to the Freedom of Information Act: Exemption 6* at 18-33 (Mar. 7, 2025) (discussing trends in how courts apply Exemption 6 to the FOIA).

<sup>20</sup> *Doxxing: How to Stay Safe and Protect Yourself*, ACLU of New York (Jan. 5, 2024), <https://www.nyclu.org/resources/know-your-rights/doxxing-how-stay-safe-and-protect-yourself>.

<sup>21</sup> 5 U.S.C. § 552a.

<sup>22</sup> 5 U.S.C. § 552a(a)(7).

<sup>23</sup> OMB, *Federal Agency Responsibilities for Review, Reporting, and Publication under the Privacy Act*, OMB Circular No. A-108 at 10-11 (Dec. 2016), [https://www.whitehouse.gov/wp-content/uploads/legacy\\_drupal\\_files/omb/circulars/A108/omb\\_circular\\_a-108.pdf](https://www.whitehouse.gov/wp-content/uploads/legacy_drupal_files/omb/circulars/A108/omb_circular_a-108.pdf).

Proposed routine use 18 is patently incompatible with the original purpose for collecting the identified records. As discussed above, the Bureau here contemplates disclosing reams of sensitive personal information related to potential, current, and former civil servants that was originally collected “to assist in personnel management” and “administer the benefits, retirement, human resources, and payroll programs” of Bureau employees.<sup>24</sup> These are routine personnel tasks completed by a human relations department at any workplace. According to the instant Notice, the agency now asserts its authority to broadly disclose this information to members of the public in order to “preserve confidence in” the Bureau or “demonstrate the accountability” of Bureau workers. Such disclosures would be neither compatible nor appropriate uses of employee information—information so sensitive, judges have declined its release when sought through the appropriate channel of the FOIA.

Nor is the contemplated disclosure a “narrowly tailored” or “specific” use of Bureau employee information. While the agency lists example scenarios, it declines to explicitly limit the potential purposes of disclosure or types of information disclosed under this routine use. As noted above, there is significant concern that such an overbroad routine use will be construed broadly to release substantial amounts of information when convenient to the Bureau. Routine use 18, as drafted, is ripe for abuse and a far cry from a narrowly tailored, specific use of Bureau records.

In sum, the routine use proposed in this Notice violates the Bureau’s responsibilities under both the Privacy Act and OMB guidance, is contrary to FOIA’s protections for sensitive personal information, and creates privacy and safety risks.

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<sup>24</sup> 76 Fed. Reg. 71327, 71327 (Nov. 17, 2011).

## V. Conclusion

For the above reasons, the CFPB must immediately withdraw this Notice. Proposed routine use 18 would inappropriately expand the CFPB's authority to release information about its personnel to the public and the news media without following the safeguards set forth by the FOIA regarding the release of personnel files. If this proposal is implemented, it would threaten the privacy, financial, and physical safety of CFPB personnel and potentially enable the CFPB to retaliate against former employees by releasing their personal information. If you have any questions about this comment, please contact Caroline Kraczon, EPIC Counsel, at [kraczon@epic.org](mailto:kraczon@epic.org) or Chi Chi Wu, National Consumer Law Center Director of Consumer Reporting and Data Advocacy, at [cwu@nclc.org](mailto:cwu@nclc.org).

Respectfully Submitted,

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