

**Joshua J. Hicks**  
[jhicks@mcdonaldcarano.com](mailto:jhicks@mcdonaldcarano.com)

**Reply to Reno**

November 9, 2021

**Via electronic mail**

Bureau of Consumer Financial Protection  
Attention: Chief FOIA Officer  
1700 G Street, NW  
Washington, DC 20552  
(855) 444-3642  
[FOIA@consumerfinance.gov](mailto:FOIA@consumerfinance.gov)

**Re: Freedom of Information Act Request**

Dear Sir/Madam:

Pursuant to the Freedom of Information Act (“FOIA”), as amended, 5 U.S.C. §§ 552 *et seq.*, we are requesting materials relating to the Consumer Financial Protection Bureau’s (“CFPB” or “Bureau”) advisory opinion providing guidance on consumer reporting agencies’ obligations under the Fair Credit Reporting Act (“FCRA”) in matching information to consumers, issued on November 4, 2021 (“Advisory Opinion”).<sup>1</sup>

Given the importance of the Bureau’s role in issuing guidance implementing Federal consumer financial law generally and the FCRA specifically, as well as the public interest in ensuring that the Bureau’s actions are transparent, we request documents relating to the above-described Advisory Opinion, including but not limited to the following:<sup>2</sup>

1. Documents that were provided to or submitted to the CFPB for consideration with respect to the formulation of the Advisory Opinion, including all Documents reflecting the genesis of the initial request for the Advisory Opinion.

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<sup>1</sup> The Advisory Opinion is available at: [https://www.consumerfinance.gov/documents/10214/cfpb\\_name-only-matching\\_advisory-opinion\\_2021-11.pdf](https://www.consumerfinance.gov/documents/10214/cfpb_name-only-matching_advisory-opinion_2021-11.pdf). The Bureau issued the Advisory Opinion through the procedures set forth in its Advisory Opinions Policy. 85 FR 77987 (Dec. 3, 2020).

<sup>2</sup> For the purposes of this request, “Document” means any written matter of every type and description, and audio and video recordings, including electronically stored information. “Document” includes any non-identical copy (such as a draft or annotated copy) of another document. “Relating to” means discussing, describing, reflecting, containing, analyzing, studying, reporting, commenting, evidencing, constituting, comprising, showing, setting forth, considering, recommending, concerning, or pertaining to, in whole or in part.

2. Documents relating to or reflecting Bureau communications with any other branches and agencies of the federal government, including with Congress and executive and independent agencies, relating to the Bureau's formulation of the Advisory Opinion.
3. Documents relating to or reflecting Bureau communications with non-governmental entities relating to the Bureau's formulation of the Advisory Opinion.
4. A list of all meetings, whether conducted in person or via teleconference or telephone—and the participants at each meeting—both within the Bureau and between the Bureau and outside parties, where the formulation of the Advisory Opinion was discussed, including any Documents created as a result of such meetings.

We request that you provide us with accurate copies or a complete and accurate account of the information requested. This is a commercial request. We agree to pay reasonable search and reproduction costs; however, if these costs exceed \$1,000.00, we request that you notify us before reproducing the documents.

Given the importance of the compliance obligations the Advisory Opinion creates with respect to the consumer reporting industry, we request expedited treatment of this request. Regardless, we understand pursuant to 12 C.F.R. Part 1070.16(c) that we can expect a response no later than **20 days** of your receipt of this letter. We prefer electronic copies of the documents, but if courier or overnight delivery is necessary, please contact us for delivery or pickup information.

Please send the materials to:

Joshua J. Hicks  
McDonald Carano  
100 West Liberty Street, 10<sup>th</sup> Floor  
Reno, Nevada 89501

Thank you for your assistance. If you have any questions, please call me at (775) 788-2000 or email me at: [jhicks@mcdonaldcarano.com](mailto:jhicks@mcdonaldcarano.com).

Sincerely,



Joshua J. Hicks

JJH/ns