



Dissemination of Information Concerning Consumer Complaints Through Agency Databases and Data Sets

Committee on Administration and Management

Draft Recommendation

1 Some federal agencies maintain records of consumer complaints and feedback on
2 products and services offered by private entities. Taking advantage of recent technological
3 developments, several agencies have recently begun to make such information available to the
4 public through online searchable databases and downloadable data sets that contain complaint
5 narratives or provide aggregate data about complaints. Examples of such online searchable
6 databases include: the Consumer Product Safety Commission's database of consumer product
7 incident reports ("Saferproducts.gov"); the National Highway and Traffic Safety
8 Administration's database of recalls, investigation, and complaints ("Safercar.gov"); and the
9 Consumer Financial Protection Bureau's database of financial products and services complaints
10 ("Consumer Complaint Database").¹

11 As documented by the Executive Office of the President's National Science and
12 Technology Council, agencies are constantly improving databases that publish consumer
13 complaints and information, and are gradually developing best practices for such disclosures.²
14 Two policy considerations are significant in this process. Agencies must have the flexibility to
15 provide information to the public to facilitate informed decisionmaking. At the same time,

¹ Other examples located by the Administrative Conference include: the Department of Transportation's monthly data sets on the number and types of complaints against airlines ("Air Travel Consumer Report") (only aggregated data about complaints is made public, with the exception of animal incident reports, for which a narrative description is provided); the Food and Drug Administration's database of reports of suspected device-associated deaths, serious injuries, and malfunctions ("MAUDE"), as well as its downloadable data sets of adverse events and medication errors ("FAERS"); the Federal Trade Commission's consumer complaints database ("Consumer Sentinel") (only aggregated data about complaints is made public); and the Federal Communications Commission's database of unwanted calls and consumer complaints ("Consumer Complaints at the FCC") (complaint narratives are not provided).

² See EXECUTIVE OFFICE OF THE PRESIDENT, NATIONAL SCIENCE AND TECHNOLOGY COUNCIL, SMART DISCLOSURE AND CONSUMER DECISION MAKING: REPORT OF THE TASK FORCE ON SMART DISCLOSURE 15 (May 30, 2013).



16 agencies should ensure that the public is aware of any limitations on the quality, integrity,
17 objectivity, or reliability of information published.³ The following recommendations aim to
18 promote the widespread availability of such information while ensuring the continued integrity
19 of complaints databases and data sets.

RECOMMENDATION

20 Agencies that make consumer complaints publicly available (whether in narrative or
21 aggregated form) through online databases or downloadable data sets should, to the extent
22 permitted by law:

23 1. adopt written policies governing the public dissemination of consumer
24 complaints through databases or downloadable data sets;

25 2. publish those policies online;

26 3. ~~inform~~ ~~ensure that users are informed of the source(s), context, and procedures~~
27 ~~taken to ensure data quality, and any limitations on the integrity, objectivity, or reliability of the~~
28 ~~database or downloadable data set~~ ~~the limits of the information~~, including whether the
29 information has been verified or authenticated by the agency; and

30 4. adopt procedures ~~to ensure to permit that~~ subjects publicly identified in
31 consumer complaints databases or downloadable data sets ~~are given the opportunity to~~
32 ~~respond~~ ~~post responses~~ ~~as~~ ~~where~~ practicable or request corrections or retractions, as
33 appropriate.

Commented [AP1]:
CFPB suggests this edit in order to simplify the language of the proposed recommendation.

Commented [GB2]:
Ron Levin: Language is hard to follow. With no change to the substance, should language be changed to: “ensure that users are informed of the source(s) and context of the database or downloadable data set, any procedures taken to ensure the quality of its data, and any limitations on its integrity, objectivity, or reliability, including whether the information has been verified or authenticated by the agency; and”

Commented [GB3]:
Alan Morrison: As written, ACUS recommends that "subjects" of complaints be given the opportunity to respond etc. I think it should read "entities whose products have been publicly identified" etc. TV sets and drugs can't respond, but the companies that produce them can.

Commented [AP4]:
CFPB offers this edit based on certain considerations related to handling consumer complaints.

³ See generally *id*; see also Nathan Cortez, Agency Publicity in the Internet Era 44-45 (Sept. 25, 2015) (report to the Administrative Conference of the United States), <https://www.acus.gov/sites/default/files/documents/agency-publicity-in-the-internet-era.pdf> (discussing disclaimers provided by Food and Drug Administration on the accuracy and reliability of data in MAUDE and FAERS databases).