Consumer Complaint Databases

Committee on Administration and Management

Proposed Recommendation | June 10, 2016

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

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[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 Federal Trade Commission's consumer complaints database ("Consumer Sentinel") (only aggregated data about complaints is made public); and the Federal Communications Commision's database of unwanted calls and consumer complaints ("Consumer Complaints at the FCC") (complaint narratives are not provided). Some databases and data sets include reports from both consumers and manufacturers, such as 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").

[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).

15 provide information to the public to facilitate informed decisionmaking. At the same time,

16 agencies should inform the public of the limitations of the information they disseminate.[3] The

17 following recommendations aim to promote the widespread availability of such information

18 while ensuring the continued integrity of complaints databases and data sets.

RECOMMENDATION

19   Agencies that make consumer complaints publicly available (whether in narrative or

20 aggregated form) through online databases or downloadable data sets should, to the extent

21 permitted by law, adopt and publish online written policies governing the public dissemination of

22 consumer complaints through databases or downloadable data sets, which policies should:

23   1.   inform users of the source(s) and limitations of the information, including

24 whether the information has been verified or authenticated by the agency, and any procedures

25 used to do so; and

26   2.   permit entities publicly identified in consumer complaints databases or

27 downloadable data sets to respond, as practicable, or request corrections or retractions, as

28 appropriate.

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[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).

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