



August 16, 2004

Federal Trade Commission
Office of the Secretary
Room H-159 (Annex S)
600 Pennsylvania Avenue, N.W.
Washington, D.C. 20850

Re: FACTA Notices, Matter No. R411013

Equifax Information Services LLC (Equifax) is a consumer reporting agency that furnishes consumer reports to its financial institution customers, other businesses that have a permissible purpose as defined in the Fair Credit Reporting Act (FCRA), and consumers. It is a subsidiary of Equifax Inc., a 105-year-old company and member of the Standard & Poor's (S&P) 500® Index, and is a global leader in turning information into intelligence, serving customers across a wide range of industries and markets, including financial services, retail, telecommunications, utilities, mortgage, brokerage, insurance, automotive, healthcare, direct marketing and transportation. Equifax Inc., the parent company, is not a consumer reporting agency.

The Fair and Accurate Credit Transactions Act of 2003 (FACT Act) requires the Federal Trade Commission (Commission) to prepare a model summary of the rights of consumers under FCRA as amended by the FACT Act and, in consultation with the federal banking agencies and the National Credit Union Administration, to prepare a model summary of the rights of consumers with respect to the identity theft provisions of the Act. The Commission has published for comment two rights notices under this requirement. In addition, the Commission has revised the notices that consumer reporting agencies are required to provide to users of consumer reports and furnishers of information given the extensive changes to their obligations and responsibilities under the FACT Act.

We appreciate the opportunity to provide comments on these important notices. Equifax has the responsibility of furnishing these notices to consumers and users and furnishers and therefore has a profound interest in their accuracy and reliability. Consumers and fraud victims that receive the notices of rights from Equifax will use them and expect Equifax to conform to the requirements stated in them. Similarly, users of consumer reports and furnishers of information need to know their new obligations and therefore, accuracy of the notices is of paramount importance.

We appreciate the care the Commission has taken in developing these notices and attempting to present complex rights and obligations in a consumer friendly and understandable manner. The balance between simple language and accuracy is a difficult

one; however, we believe accuracy must be the priority. We have reviewed and participated in the development of the proposed revisions to the notices submitted with the comment made by our trade association, the Consumer Data Industry Association (CDIA). We fully support the substantive and editorial suggestions for changes to the notices made by the association. We believe those changes accurately reflect the rights and obligations of consumers, users and furnishers and urge the Commission to adopt the suggestions.

Given our support for the CDIA comments, we will not address the notices in detail but would like to take this opportunity to briefly address some the specific questions raised in the request for comments.

A1. Completeness and Reference to Commission Web sites.

The Commission has sought to include enough information in the summary to effectively assist consumers who are the victims of identity theft and to refer consumers to the Commission’s Web site for more information. Is it appropriate and useful to refer consumers to the Commission’s Web sites for more information?

We believe that a notice that is too long and has too much detail will be confusing and not particularly helpful to consumers at the time they are identity theft victims. When victims contact a consumer reporting agency, they are interested in a solution to their problem more than an education into the details of the law or the operation of the consumer reporting system. The model notice, as modified in the CDIA comments, meets this objective—it tells consumers what they need to do and want to know in a limited number of numbered or bullet points at the stressful time when they are victims.

Referring consumers to the Commission web site for further information that they may consult at any time of their choosing is useful and helpful additional information and we believe is completely appropriate. It would also be useful to provide the address and telephone number of the FTC that victims can contact for additional information. The Commission can then respond by sending victims copies of its ID Theft brochures.

A2. Statutorily-Required Items.

Section 609(d) states only that the Commission must issue a model summary of rights, but does not identify specific items to be included. Has the Commission included all of the rights that should be included in the summary?

As modified by the CDIA comment, we believe the summary of rights lists all the essential rights that are of interest to victims at the time they are trying to solve their problem.

A3. Understandability of Summary.

Since the identity theft summary is intended for consumers, the Commission has tried to use, as much as possible, non-technical terms that will be understood by consumers. Has the Commission succeeded? Are there areas where the understandability of the summary may be improved?

As discussed above, the model summary of rights has a particular purpose—informing and helping identity theft victims resolve their problem. We believe the model form, with the modifications suggested by CDIA, with its six points meets that test and fulfills its purpose. It is simple and straight forward without jargon. Increasing the length or complexity of the model form would impede understanding. We commend the Commission on its efforts and success.

B1. Effectiveness of Current Notice.

The current summary of consumer rights has been in place for nearly seven years. The Commission welcomes any comments as to whether the summary has been effective in informing consumers about their rights under the FCRA, and whether the effectiveness of the summary may be improved.

Equifax has been providing the consumer rights notice to consumers who ask for their file disclosure for seven years and has no experience of consumers having any difficulty with it. We believe consumers are well informed by it and that it is effective in achieving its purpose.

B2.-B5 These questions generally deal with the adequacy of the general summary of rights notice, understandability, form and possible alternatives.

As discussed above, we believe the essence of a consumer friendly form is one that is short with numbered paragraphs or bullet points. The proposed summary, as modified by the CDIA comments, is that. Also, the inclusion of the Commission's address helps those consumers who do not have ready access to a computer and is therefore appropriate. Equifax supports the goal of consumer understanding and education about credit reporting and believes the notice achieves that goal. We believe the form is appropriate and meets the statutory requirement. The Commission's flexible standard also assures that if any difficulties arise with the model form, it can be modified.

C. Furnisher Notice (Appendix G) and D. User Notice (Appendix H)

We commend the Commission for preparing the furnisher and user forms to reflect the changes in the law brought about by the FACT Act. Equifax participates in industry fora that help educate users and furnishers about their new obligations and will continue to do so. In addition, we have regular and continuing contact with current and new users and furnishers and anticipate that we will provide the new model forms to them on an ongoing basis. We believe the terminology and content of the notices is adequate for the purpose intended and

do not believe they need to be lengthened or changed in a material way, other than as outlined in the comment submitted by CDIA.

We appreciate this opportunity to provide comments to the Commission on this important matter.

Sincerely yours,

KENT E. MAST
General Counsel
Equifax Information Services, LLC
Equifax Inc.