

June 15, 2004

Federal Trade Commission
Office of the Secretary
Room 159-H
600 Pennsylvania Ave., NW
Washington, D.C. 20580

Re: The FACT Act Disposal Rule, Matter No. R-411007

I. INTRODUCTION

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. Equifax is a subsidiary of Equifax Inc., a 105-year-old company and member of the Standard & Poor’s (S&P) 500® Index, 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. is not a consumer reporting agency.

Equifax appreciates the opportunity to submit comments to the Federal Trade Commission (FTC) in the above captioned matter, which would implement § 628 of the FCRA, as added by the Fair and Accurate Credit Transactions Act of 2003 (the FACT Act). We believe, as discussed below, that the FTC’s overall approach in crafting the Rule is appropriate; adopting flexible standards which recognize that a prescriptive “one-size-fits-all” approach is neither feasible nor practical given the diversity of entities potentially subject to the rule. We believe, however, that the proposed rule is overly broad to the extent that it applies to consumer reporting agencies. In addition, we believe that the proposed rule also could be improved upon in several respects, which we discuss further below.

II. COMMENTS AND SUGGESTIONS REGARDING THE DISPOSAL RULE

A. The broad, flexible standard set in the proposed rule is appropriate.

The FTC is right, in our view, to draft a disposal rule that is highly flexible and not prescriptive with respect to disposal methods. The disposal rule will apply to a wide range of diverse entities, including everyone from “mom-and-pop” businesses that are only occasional users of consumer reports to highly-sophisticated, multi-billion dollar corporations that obtain many reports on a regular basis. As such, the rule is correct to provide flexibility for such a diversity of users of varied sophistication and resources.

