



555 West Adams Street
Chicago, Illinois 60661
Telephone: (312) 466-7774



Oscar Marquis
Vice President and General Counsel

March 29, 2000

Via Hand Delivery

Ms. Jennifer J. Johnson
Secretary
Board of Governors of the Federal Reserve System
20th and C Streets, NW
Washington, DC 20551

Attention: Docket No. R-1058

Robert E. Feldman
Executive Secretary
Federal Deposit Insurance Corporation
550 17th Street, NW
Washington, DC 20429

Attention: Comments/OES

Secretary
Federal Trade Commission
Room H-159
600 Pennsylvania Avenue, NW
Washington, DC 20580

Gramm-Leach-Bliley Act Privacy Rule,
16 CFR Part 313-Comment

Becky Baker
Secretary of the Board
National Credit Union Administration
1775 Duke Street
Alexandria, VA 22314-3428

Communications Division
Office of the Comptroller of the Currency
250 E Street, SW
Washington, DC 20219

Attention: Docket No. 00-05

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Manager, Dissemination Branch
Information Management & Services Division
Office of Thrift Supervision
1700 G Street, NW
Washington, DC 20552

Attention: Docket No. 2000-13

Jonathan G. Katz, Secretary
Securities and Exchange Commission
450 5th Street, NW
Washington, DC 20549-0609

File No. S7-6-00

Ladies and Gentlemen:

This comment letter is submitted on behalf of Trans Union, LLC (“Trans Union”) in response to the Notices of Proposed Rulemaking (“Proposal”) published by the Board of Governors of the Federal Reserve System, the Federal Deposit Insurance Corporation, the Federal Trade Commission (“FTC”), the National Credit Union Administration, the Office of the Comptroller of the Currency, the Office of Thrift Supervision, and the Securities and Exchange Commission (collectively, the “Agencies”), to implement Subtitle A of Title V of the Gramm-Leach-Bliley Act (the “GLB Act”). Trans Union appreciates the opportunity to comment on the Proposal and respectfully requests that the Agencies consider the following in preparing the final rule (“Final Rule”).

BACKGROUND

Trans Union is best known as one of the country’s largest consumer reporting agencies. Our principal line of business involves compiling information furnished to us by thousands of sources, including a wide variety of financial institutions, and furnishing that information in the form of “consumer reports” to banks, employers, insurance companies, and other businesses who rely on the information to make millions of business decisions each year. These activities are extensively regulated under the federal Fair Credit Reporting Act (“FCRA”).

In addition to the services Trans Union provides as a consumer reporting agency, we also provide a wide variety of more general information services to all types of businesses and governmental entities. For example, when state officials are having difficulty locating a parent who is refusing to pay his or her child support, they frequently come to Trans Union for a current address. The information in our files is likely to be more reliable than other sources because we obtain much of our information from financial institutions who are likely to receive updated information from their customers, even from parents who owe back child support. Criminal law enforcement officials also frequently request information from us to help locate suspected criminals or witnesses in connection with crimes they are investigating. Financial

institutions also use our database to obtain current, reliable address information for a variety of purposes. For example, reliable address and other identifying information increasingly is important in preventing and detecting fraud, including the burgeoning crime of identity theft.

THE GRAMM-LEACH-BLILEY ACT

In recognition of the importance of continuing to allow consumer reporting agencies to furnish information to financial institutions and others, Congress incorporated specific provisions into the GLB Act to exclude consumer reporting agencies from its scope. We are concerned, however, that the well intended efforts to provide greater clarity in the Proposal may have unintended consequences for consumer reporting agencies. In particular, as discussed below, we are concerned that the Proposal could inadvertently limit or even prohibit certain well established and important information practices. We believe that such unintended consequences can easily be avoided by adopting a Final Rule which more closely adheres to the plain language and intent of the GLB Act.

At the outset, it is important to note that the provisions of the GLB Act are intended to protect the privacy of consumers with respect to their personally identifiable financial information in a manner that does not create unnecessary burdens on affected industries. Several statements by key Members of Congress illustrate the intent to minimize private sector costs. For example, Congressman David Dreier, Chairman of the House Rules Committee, noted that financial privacy “is what the American people want. But there are some other demands that they have. They also demand low cost and integrated financial products and services That is why I am convinced that [the GLB Act] is in fact the balance that is needed for us to deal with the issue of privacy as well as meeting consumer demands” for low cost services. *See* 145 Cong. Rec. H5315 (daily ed. July 1, 1999) (statement of Rep. Dreier).

Moreover, Congressman Oxley, the primary author of the amendment which eventually became the privacy provisions in the GLB Act, stated that his amendment was “not some statute that ties up these financial institutions, costs them millions and millions of dollars which is going to be passed on to the consumer ultimately.” *See* 145 Cong. Rec. H5315 (daily ed. July 1, 1999) (statement of Rep. Oxley). In addition, the House Commerce Committee stated in its Committee Report that the FTC was to “provide for exemptions, temporary waivers or delayed effective dates” for compliance with the privacy provisions in order to “minimize costs and logistical difficulties potentially incurred” by affected parties. *See* H. Rep. No. 106-74, Part 3, at 203. Such exemptive authority was preserved for all the Agencies in the final version of the GLB Act.

While the GLB Act was drafted in a manner so as not to place inappropriate restrictions or burdens on financial institutions in general, Congress was especially mindful of preventing any inappropriate impact on consumer reporting agencies. Congress clearly recognized that consumer reporting agencies are extensively regulated under the FCRA, and in an effort to avoid impeding the important activities of consumer reporting agencies, Congress included three provisions in the GLB Act to preserve the *status quo* for consumer reporting agencies.

First, Section 506(c) of the GLB Act states that “nothing [in Title V of the GLB Act] . . . shall be construed to modify, limit, or supersede the operation of the [FCRA].” This provision was adopted to make it clear that the GLB Act does not affect the well established workings of the FCRA. Section 506(c) was intended to, among other things, address concerns that the GLB Act might be inappropriately construed to impose greater restrictions on the information practices of consumer reporting agencies than those already imposed under the FCRA. In particular, this provision was intended to ensure that consumer reporting agencies may continue to provide information services to the same extent they are permitted to do so under the FCRA. To appropriately implement Section 506(c), we urge the Agencies to state in the Final Rule that:

“The GLB Act does not affect the ability of a consumer reporting agency to furnish information about individuals to third parties. The extent to which a consumer reporting agency may furnish such information shall continue to be determined under the Fair Credit Reporting Act.”

The second statutory provision adopted by Congress to prevent the GLB Act from impeding the operations of consumer reporting agencies is found in Section 502(e)(6). Section 502(e)(6) states that the disclosure and opt out provisions, which are the core of the GLB Act protections, do not apply to any communication of information “to a consumer reporting agency in accordance with the [FCRA], or . . . from a consumer report reported by a consumer reporting agency.” This provision is intended to augment the protections provided to consumer reporting agencies under Section 506(c). It does so by clarifying that the notices and opportunity to opt out required under the GLB Act do not apply to information that financial institutions and other entities furnish to a consumer reporting agency “in accordance with the [FCRA].”

Section 623 of the FCRA sets forth the provisions specifying the requirements for furnishing information “in accordance with the [FCRA].” In particular, Section 623 imposes several obligations on those who furnish information to a consumer reporting agency which specifically apply to “*any* information relating to a consumer” that is furnished to a consumer reporting agency. See 15 USC § 1681t(a)(1) and (b). (Emphasis added.) Thus, as a practical matter, Section 502(e)(6) has the effect of ensuring that a financial institution need not provide notice or allow a consumer to opt out of *any* information furnished to a consumer reporting agency. Moreover, if a consumer chooses to “opt out” of information provided by the financial institution, that opt out does not apply to any information provided by that financial institution to a consumer reporting agency.

Section 502(e)(6) also makes it clear that any information that is part of a consumer report furnished by a consumer reporting agency is not subject to the notice and opt out provisions. It is important to note that the language of this provision was carefully crafted to make it clear that the exception applies to any information “from a consumer report” regardless of whether the information when reported by itself would be deemed to be a consumer report under the FCRA. The Agencies should make this clear by either incorporating the plain language of Section 502(e)(6) into the Final Rule or by stating that the notice and opt out

provisions do not apply to information “from a consumer report even if the information itself does not constitute a consumer report.”

The third statutory provision Congress included in the GLB Act to protect the operations of consumer reporting agencies is found in Section 502(d). Section 502(d) sets forth the prohibition against a financial institution disclosing a credit card account, deposit account, or transaction account number to a nonaffiliated third party for use in telemarketing, direct mail marketing, or electronic marketing to the consumer. This was intended to address situations where financial institutions were providing account numbers to nonaffiliated third parties for their independent use in marketing products to consumers. In crafting this provision, however, Congress recognized that certain marketing practices that are valuable to financial institutions require the financial institution to furnish a credit card account number or other account number to a “consumer reporting agency.” In order to preserve those activities, Congress expressly exempted any disclosure of an account number to a consumer reporting agency from this prohibition. Accordingly, we applaud the Agencies’ language in the Proposal which clarifies that the GLB Act does not impose any restrictions on the ability of a financial institution to disclose account numbers to a consumer reporting agency.

OTHER ISSUES

We also are concerned that other portions of the Proposal could have serious, unintended consequences for many types of businesses, including consumer reporting agencies. Many of the potential unintended consequences of the Proposal stem from the language of the definitions set forth in the Proposal. In our view, these issues can be resolved easily by adopting a Final Rule which more closely adheres to the plain language of the GLB Act. In particular, we strongly urge the Agencies to modify the definition of “nonpublic personal information” to more precisely reflect Congressional intent.

Nonpublic Personal Information (Section 3(n))

The GLB Act defines the term “nonpublic personal information” as “personally identifiable *financial* information” that is obtained by a financial institution as specified in the statute. (Emphasis added.) The Proposal would expand this definition, however, to include “*any* personally identifiable information . . . if it is obtained by a financial institution in connection with providing a financial product or service to the consumer.” (Emphasis added.) The Supplementary Information states that the “Agencies believe that this approach reasonably interprets the word ‘financial’ and creates a workable and clear standard for distinguishing information that is financial from other personal information.” While we applaud the Agencies for seeking to establish a workable standard for distinguishing financial information from other information, we respectfully disagree with the approach taken in the Proposal. We believe that the definition outlined in the Proposal is difficult to support in light of the plain language of the GLB Act and its legislative history.

Section 509(4) of the GLB Act sets forth the definition of “nonpublic personal information” which on its face is clear and relatively simple to apply. Specifically, Section 509(4) reads, in relevant part:

“(A) The term “nonpublic personal information” means personally identifiable financial information—

“(i) provided by a consumer to a financial institution;

“(ii) resulting from any transaction with the consumer or any service performed for the consumer; or

“(iii) otherwise obtained by the financial institution.

“(B) Such term does not include publicly available information, as such term is defined by the regulations prescribed under Section 504.”

Based on this statutory language, it is clear that there are the following three basic elements of the definition of “nonpublic personal information:”

1. The information must be “personally identifiable;”
2. The information must be “financial;” and
3. The information must have been obtained in one of the three ways specified in the statute.

It is without question that unless a particular piece of information specifically satisfies all three elements of the definition it cannot be deemed to be “nonpublic personal information.” In addition, the statutory language excludes “publicly available” information from the definition of “nonpublic personal information.” As a result, even if information satisfies the first three elements of the definition, it will not be deemed to be “nonpublic personal information” if it is “publicly available.”

We urge the Agencies to modify the Proposal to accurately reflect the clear definition set forth in Section 509(4) of the GLB Act. This could be accomplished simply by using the definition of “nonpublic personal information” contained in Section 509(4). Although we appreciate the efforts of the Agencies to provide more specific guidance than is contained in the statutory language, we believe the language of Section 509(4) would, by itself, be more workable than the language set forth in the Proposal.

Whether or not the Agencies choose to use the specific language set forth in Section 509(4) of the GLB Act, however, the Proposal should be modified to more precisely adhere to that language. At a minimum, the Supplementary Information and the Final Rule should specifically state that information will not be deemed to be “nonpublic personal information” unless it is information that is: (1) personally identifiable; (2) financial;

(3) obtained by a financial institution as described in the statute; and (4) not publicly available. Moreover, we urge the Agencies to provide guidance in the Supplementary Information and the Final Rule consistent with the following comments.

Personally Identifiable. It is important that any guidance provided by the Agencies on the meaning of “personally identifiable” be appropriately crafted to implement the clear intent of the drafters of the GLB Act. In this regard, it is clear that the GLB Act is intended to cover only information that gives rise to potential privacy issues with respect to consumers. In addition, if “nonpublic personal information” were interpreted in any way to cover information that is not about a particular individual, it would convert the GLB Act from a privacy statute to a general information practices statute covering statistical abstracts, anonymous studies, and a virtually limitless collection of other types of information clearly not intended to be covered by Congress.

Accordingly, we urge the Agencies to provide appropriate guidance with respect to the meaning of “personally identifiable.” At a minimum, the Final Rule should make it clear that “personally identifiable” information does not include any information about an individual so long as the individual’s identity is not revealed. For example, when information on consumers is furnished in a way that codes, encrypts or excludes each individual’s identity, that information should not be viewed as personally identifiable so long as it is not decoded or otherwise matched to the individuals to whom it relates. This is important because creditors and other businesses frequently seek the assistance of expert nonaffiliated third parties to perform credit, fraud, and other modeling using information that has been coded or otherwise “depersonalized.” Activities conducted in this way do not implicate the privacy of consumers because the third party does not know the identities of the individuals to whom the information relates. As a result, there simply is no need to subject these activities to coverage under the Final Rule. Moreover, any attempt to do so would be inconsistent with the plain language of the GLB Act.

In addition, the Final Rule should state that “personally identifiable” information “does not include aggregate, average or approximate information about consumers so long as each individual consumer’s information cannot be identified.” For example, information on the average income levels of consumers within a given county or ZIP code is not “personally identifiable” because no particular consumer’s income can be ascertained.

Financial Information. The requirement that information be “financial information,” which is the second element of the definition of “nonpublic personal information,” is important because it embodies Congress’ intent to establish the GLB Act as a “financial,” rather than a general, privacy act. Indeed, unless the word “financial” is appropriately interpreted by the Agencies, the Final Rule will have the effect of regulating many types of information simply not intended to be covered under the GLB Act. The Proposal, however, effectively eliminates the requirement that information must be “financial” in order to be covered. In fact, the Agencies expressly recognize that, under the Proposal, information would not have to be “financial” at all in order to be covered so long as it was collected by a financial institution in connection with providing a financial product or service.

In our view, this approach cannot be supported under the plain language of the GLB Act. Moreover, the legislative history of the GLB Act demonstrates that this approach was considered and rejected by Congress. The original version of the GLB Act privacy provisions which was adopted by the House Commerce Committee, but rejected by Congress, provided that “nonpublic personal information” was defined as “personally identifiable information, other than publicly available directory information, *pertaining to an individual’s transactions with a financial institution.*” (Emphasis added.) There are two aspects of this definition which are most striking in terms of their relevance to the Proposal.

First, the House Commerce Committee definition did not require that the information be “financial” in order to be covered by the definition. Under the House Commerce Committee definition, *any* “personally identifiable information” would have been covered if it pertained “to an individual’s transactions with a financial institution.” Congress rejected this approach, however, when the House of Representatives inserted the word “financial” as a modifier to “information” and adopted the revised definition as an amendment on the House floor.

Second, the definition used by the House Commerce Committee closely resembles the definition set forth in the Proposal. In fact, the effect of the two definitions is virtually identical. Under the House Commerce Committee definition, nonpublic personal information would have included any information, whether financial or not, so long as the information was “pertaining to an individual’s transactions with a financial institution.” The Proposal would achieve the same result because any information gathered in connection with “providing financial products or services to consumers” would essentially be information “pertaining to [the consumer’s] transactions with [the] financial institution.” Since Congress rejected the House Commerce Committee approach, it appears difficult, if not impossible, to justify the virtually identical approach set forth in the Proposal.

In short, it is inescapable that Congress intended that information must be “financial” in order to be covered by the definition of “nonpublic personal information.” Any interpretation, such as the one included in the Proposal, suggesting that information is covered by the definition even if it is not “financial” flies in the face of the plain language of the GLB Act.

Accordingly, we urge the Agencies to expressly clarify in the Final Rule that information will not be deemed to be covered by the definition “nonpublic personal information” unless the information is “financial” in and of itself. The Final Rule must also make it clear that the context in which a financial institution collected the information is of no consequence. In particular, we urge the Agencies to exclude from the Final Rule any suggestion that information will be deemed to be financial simply because it was obtained in connection with providing financial products or services to consumers.

Just as importantly, we urge the Agencies to implement the clear Congressional intent to define “financial information” in accordance with its plain meaning. In this regard, we urge the Agencies to defer to two of the key participants in the House/Senate Conference Committee which produced the final version of the GLB Act – Senator Allard and Senator

Gramm. During the Senate's consideration of the GLB Act, the two Senators specifically clarified in a colloquy that "nonpublic personal information" was to apply to "information that describes *an individual's financial condition.*" (Emphasis added.) See 145 Cong. Rec. S13902 (daily ed., November 4, 1999) (Statement of Sen. Allard). This definition of "financial information" not only more accurately states the plain meaning of the statutory language than does the Proposal, there is nothing in the legislative history of the GLB Act that would contradict the Senators' articulation. As a result, there appears to be no justification for adopting a definition that varies from this approach. Accordingly, we urge the Agencies to state in the Final Rule that "information will not be deemed to be nonpublic personal information unless it describes a consumer's financial condition."

In addition, we urge the Agencies to provide examples of the types of information excluded from the definition. These examples should expressly clarify that names, addresses, telephone numbers and other similar information are not covered by the definition. If such information were covered, the Proposal could have especially troublesome unintended consequences for consumer reporting agencies like Trans Union and the many businesses who rely on us for critically important information. As noted above, consumer reporting agencies have the most current name and address file available because consumers update their addresses with creditors and other financial institutions when they move. Creditors then report such information to consumer reporting agencies in accordance with the FCRA. This information, otherwise known as "header data" is furnished by consumer reporting agencies for use by:

- law enforcement agencies to locate suspects, witnesses and absent parents who have failed to pay child support;
- the IRS for returned mail (*e.g.*, refunds and tax notices) or Social Security number verification;
- mutual funds and banks to locate lost shareholders or depositors; and
- banks to verify addresses when opening accounts.

The importance of these services and header data is clear. However, the Proposal could create ambiguity regarding the ability of consumer reporting agencies to provide such information if name and address are characterized as "nonpublic personal information." This is not what Congress intended, nor is it what Congress enacted.

Information Obtained by a Financial Institution. The third element of the definition of "nonpublic personal information" is that the information must be obtained by a financial institution as described in the statute. Although the statute incorporates the methods of gathering information as an element of the definition of "nonpublic personal information," the Proposal takes a different approach and uses the method of gathering information as part of the definition of "personally identifiable financial information." This approach creates unnecessary confusion. The Agencies should address this issue by referring to the methods of gathering information only in the definition of "nonpublic personal information."

In addition, with respect to the examples of “personally identifiable financial information,” the Agencies should clarify that only “financial” information is covered. This could be accomplished by inserting the word “financial” before “information” where appropriate in paragraphs (o)(1) and (o)(2). We also urge the Agencies to reconsider the example set forth in paragraph (2)(A) dealing with medical records. Trans Union fully recognizes the sensitivity of the medical records issue, and we are a strong advocate of privacy protection for medical records. We note, however, that although earlier versions of the GLB Act expressly covered medical records, those provisions were intentionally deleted from the GLB Act as it was enacted in its final form. In view of the complexities with respect to the medical records issue and the fact that Congress explicitly determined not to cover it under the GLB Act, we urge the Agencies to refrain from reintroducing the medical records issue as part of the Proposal. This matter should be left to the Department of Health and Human Services, which is in the process of conducting its own rulemaking to address the issue pursuant to its authority under the Health Insurance Portability and Accountability Act. We urge that any issues with respect to medical records be addressed in the context of that rulemaking and not under the GLB Act.

Publicly Available. The plain language of the GLB Act states that “nonpublic personal information” “does not include publicly available information, as such term is defined by the regulations prescribed under section 504.” The Proposal provides two alternative approaches to the definition of “publicly available information.” Under Alternative A, information would be deemed to be “publicly available” only if it were actually obtained from a public source. This means that even the most public of information would be deemed to be “nonpublic personal information” unless it were obtained directly from a public source. For example, all the names and addresses of the customers of a financial institution would be covered by the definition simply because they were obtained from those customers directly rather than from a telephone book or other publicly available source. In our view, such a result is inconsistent with the plain language and intent of the GLB Act, and we urge the Agencies to reject Alternative A. We note that if Congress had intended to adopt the interpretation set forth under Alternative A, it could have used any number of phrases to much more precisely implement that intent. For example, rather than stating that information is excluded if it is “publicly available,” Congress simply could have stated that information must be “publicly obtained” or “obtained from public sources” in order to be exempt from coverage. Congress did not, and the Agencies should not, choose such an approach.

In addition, we believe that the practical consequences of Alternative A provide a more than adequate basis for rejecting it. In this regard, Alternative A would effectively eliminate the flexibility provided by the drafters of the GLB Act for publicly available information. It would essentially require all of those who have existing databases containing the names and addresses of their customers to either comply with the Proposal or re-obtain that same information from publicly available sources. There is no evidence that Congress intended any such result, and the cost that would be involved in implementing such an approach would be difficult to justify.

As for the definition of “publicly available information” in Alternative B, the first part of the definition is correct. It states that the definition includes “any information that is lawfully made available to the general public.” However, the remainder of the definition inappropriately restricts the meaning of “publicly available” and should be deleted. Specifically, the Proposal limits what is “publicly available” to that which is available through government records, “widely distributed media” or required disclosures to the general public. This means that information that would be available to every member of the general public must be treated as “nonpublic” by a financial institution unless it can show that the information is available through one of the specified sources.

Moreover, the definition set forth in Alternative B unnecessarily creates ambiguity by introducing the concept of “widely distributed media.” This standard will generate significant potential for litigation regarding whether a particular form of communication that is clearly available to the public is sufficiently “widely distributed” to satisfy the Proposal. To avoid such problems, we urge the Agencies to adopt as the definition of “publicly available information” the first portion of the definition already set forth in Alternative B which states that the term “means any information that is lawfully made available to the general public.”

In addition, we urge the Agencies to refine their guidance with respect to the types of lists that will be excluded from the definition of “nonpublic personal information.” Specifically, we urge the Agencies to more precisely reflect the distinction manifested in the plain language of the GLB Act. Section 509(4)(C)(ii) makes it clear that the term “nonpublic personal information” does “not include any list, description, or other grouping of *consumers* (and any publicly available information pertaining to them) that is derived without using any nonpublic personal information.” (Emphasis added.) Since the term “consumer” is defined as an individual who obtains a financial product or service from a financial institution, this portion of the definition clearly recognizes that certain lists of individuals who obtain financial products or services from financial institutions do not fall within the definition of “nonpublic personal information.” This exception was intended to allow a financial institution to provide a list of names and addresses of its customers without that information being deemed to be “nonpublic personal information” and the Proposal should be modified to clarify this point. Naturally, if the list were to include financial information such as account balances or payment history, the list would be covered as “nonpublic personal information.”

Limits on Redislosure and Reuse of Information (Section .12)

It should be noted that the limits on the reuse or redislosure of information included in the Proposal do not apply to information furnished to a consumer reporting agency. The entire purpose for furnishing information to a consumer reporting agency is to enable the consumer reporting agency to assemble and redisclose that information to businesses, governmental entities, and others that need it, for a purpose permitted by law.

Moreover, as noted above, the GLB Act makes it clear that nothing in the privacy provisions is intended to “modify, limit, or supersede” the FCRA. The plain language of the GLB Act also makes clear that the notice and opt out provisions do not apply to information

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provided to a consumer reporting agency "in accordance with the [FCRA]" nor do they apply to information provided by a consumer reporting agency. Therefore, the extent to which a consumer reporting agency is restricted in its reuse or redisclosure of information is governed solely by the FCRA, and the Final Rule should make this clear.

In addition, we note that the Proposal creates a restriction which is found nowhere within the GLB Act. Specifically, the Proposal purports to limit the purposes for which a nonaffiliated third party may "reuse" nonpublic personal information. We are aware of no authority for such a restriction since the statutory language restricts only the redisclosure of information. The "reuse" restriction should be deleted.

Clarification on Consumers/Customers and Consumer Reporting Agencies

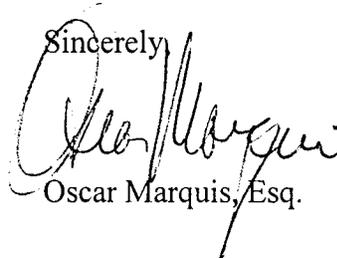
The FTC provides a helpful clarification in its Supplementary Information recognizing that some "financial institutions" will not have "consumers" or "customers" and, therefore, need not comply with the notice or opt out provisions of the GLB Act. For example, a consumer reporting agency could technically be viewed as a "financial institution" since "credit bureau activities" have been approved as an activity that is "closely related to banking" and "incidental thereto" under the Bank Holding Company Act. However, since consumer reporting agencies provide services to businesses and not to consumers, the Final Rule should clarify that a consumer reporting agency need not comply with the notice and opt out provisions in the GLB Act.

In particular, it is important to clarify that a consumer reporting agency does not have "consumers" or "customers" by virtue of providing information about an individual to that individual. The FCRA requires consumer reporting agencies to make such disclosures to consumers and any programs used to inform consumers about their consumer reporting "files" should not cause a consumer reporting agency to be covered by the GLB Act or the Final Rule.

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Once again, Trans Union appreciates the opportunity to comment on the Proposal. If you have any questions concerning our comments, or if we can otherwise be of assistance in connection with the Proposal, please do not hesitate to contact me at (312) 466-7774.

Sincerely,



Oscar Marquis, Esq.