



Consumer Federation of America

1620 I Street, N.W., Suite 200 * Washington, DC 20006

October 22, 2010

Federal Trade Commission
Office of the Secretary
Room H-135
600 Pennsylvania Avenue
Washington, DC 20580

RE: Proposed Consent Agreement In the Matter of US Search, Inc., a corporation, and US Search, LLC, a limited liability company; FTC File No. 1023131

Dear Mr. Secretary:

These comments are being made on behalf of Consumer Federation of America, a nonprofit association of nearly 300 consumer organizations in the United States, and the Center for Digital Democracy; Patients Privacy Rights; Consumer Action; Privacy Activism; Privacy Rights Clearinghouse; the Electronic Privacy Information Center; Robert Ellis Smith, Publisher of Privacy Journal; and Chip Pitts at Stanford Law School.

We are very concerned about the proposed consent agreement cited above because of the implication that it is acceptable to charge consumers to opt out of data sharing as long as you actually remove the data for those who pay. We support the arguments in the comments filed by Robert Gellman on October 20, 2010 that charging consumers for opting out is an unfair practice.

In the absence of a comprehensive legal framework for privacy based on opt-in, consumers have no choice but to opt out if they want to protect their personal information from being shared and used for purposes beyond those of the transactions they make. As Mr. Gellman pointed out, it is already burdensome for consumers to have to opt out with every individual company. The burden would obviously be even greater if consumers could be charged for each opt-out. With the ever-increasing collection of data on the Internet and via mobile devices, the potential cost of opting out would effectively negate the already-minimal privacy choices that consumers have.

The Federal Trade Commission should take this opportunity to challenge the fairness of charging consumers to opt out. It would be unfortunate if, instead, the agreement to settle this matter sets a harmful precedent for consumers.

Sincerely,

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