UNITED STATES OF AMERICA
FEDERAL TRADE COMMISSION
WASHINGTON, D.C. 20580

Office of the Secretary

March 5, 2013

Mr. Robert Gellman
District of Columbia

Re: In the Matter of Equifax Information Services LLC, File No. 102 3252

Dear Mr. Gellman:

Thank you for your comment regarding the Federal Trade Commission's consent agreement in the above-entitled proceeding. The Commission has placed your comment on the public record pursuant to rule 4.9(b)(6)(ii) of the Commission's Rules of Practice, 16 C.F.R. § 4.9(b)(6)(ii), and has given it serious consideration.

In your comment you express concern that the complaint and proposed consent decree do not provide sufficient facts about the amount of disgorgement that Equifax Information Services LLC ("Equifax") has agreed to pay for the public to assess the adequacy of the settlement. The precise figures you request come from company records which were obtained during the investigation and which are subject to confidentiality protections. The Commission is committed to protecting consumers in financial distress as well as safeguarding consumer privacy and believes that the proposed order with Equifax will further this objective.

The monetary remedy in the proposed consent order is disgorgement, which is limited to the amount of the entity's ill-gotten gains. The order requires Equifax to pay $392,803 which represents its gross revenue from the sale of the lists at issue and does not include any deduction for overhead or other expenses. In deciding whether the amount and type of monetary remedy in this or any other consent order is appropriate in relation to the alleged violations, the Commission carefully considers a variety of factors, including the type of monetary relief authorized by law, the specific facts at issue, and the alleged violations of the law. The Commission considered these factors in this case and determined that disgorgement and injunctive provisions will provide the appropriate level of relief.

In addition to disgorgement, the proposed consent order includes a number of injunctive provisions designed to prevent future violations of the Fair Credit Reporting Act. For example, the order prohibits Equifax from furnishing prescreened lists to anyone that it does not have reason to believe has a permissible purpose to receive them and from failing to maintain reasonable procedures to limit the furnishing of prescreened lists to anyone except those who have a permissible purpose to receive them. Further, the order prohibits Equifax from selling prescreened lists in connection with offers for debt relief products or services and mortgage assistance relief products and services, when advance fees are charged, with limited exceptions. Should Equifax violate any term of the final order, it could be liable for civil monetary penalties of up to $16,000 per violation per day (pursuant to Section 5(l) of the FTC Act).

Your comment also expresses concern that the Commission does not consider the comments submitted to it by members of the public. In fact, you allege that the "Commission's practice of soliciting comments in these cases borders on being fraudulent and deceptive because the Commission never seems to make any changes in privacy consent decrees in response to public comments." We respectfully disagree. The Commission has modified consent orders in response to public comments in the past.[1] Even when the Commission does not modify a consent decree following the comment period, it certainly does read and consider the points raised by the public. We appreciate your comments and hope that you will continue to provide thoughtful feedback on our future proposed orders.

Having considered all the facts of this case and all of the comments submitted in response to the proposed order, the Commission has determined that the public interest would best be served by issuing the Decision and Order in final form without any modifications. The final Decision and Order and other relevant materials are available from the Commission's website at http://www.ftc.gov. It helps the Commission's analysis to hear from a variety of sources in its work. The Commission thanks you again for your comment.

By direction of the Commission, Commissioner Leibowitz and Commissioner Wright not participating.

Richard C. Donohue
Acting Secretary

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[1] *See* Press Release, FTC, FTC Approves Final Consent Order in Matter of Sony BMG Music Entertainment (June 29, 2007), *available at* http://www.ftc.gov/opa/2007/06/fyi07258.shtm; Press Release, FTC, FTC Approves Modified Final Order Settling Charges against Marketer of Four Loko Malt Beverage (February 12, 2013), http://www.ftc.gov/opa/2013/02/fourloko.shtm.