



Office of the Secretary

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

March 5, 2013

Mr./Ms. Perez  
State of California

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

Dear Mr. or Ms. Perez:

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 assert that the penalty is not high enough. The Commission is committed to protecting consumers in financial distress as well as safeguarding consumer privacy and believes that the proposed order with Equifax Information Services LLC ("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 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 order includes a number of injunctive provisions designed to prevent future violations of the Fair Credit Reporting Act ("FCRA"). 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 concerns about consumers' ability to access the

information consumer reporting agencies (“CRAs”), such as Equifax, maintain about them. We appreciate your concerns, and note that the FCRA grants consumers the right to obtain a free annual file disclosure through AnnualCreditReport.com. The law, the Free Annual File Disclosures Rule, prohibits Equifax, Experian, and TransUnion from promoting products or services until after you have obtained access to your report. If you have specific information suggesting that Equifax is not complying with the FCRA or other federal laws or regulations, you may file a complaint with the Commission at <http://www.ftccomplaintassistant.gov>.

Having considered all of 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