

INDIVIDUAL REFERENCE SERVICES
INDUSTRY PRINCIPLES

PREAMBLE:

The following principles were developed by members of the individual reference services industry to respond, as an industry, to heightened interest in the industry's practices. The principles represent good practices that the undersigned companies agree to support as part of their operating practices. While it may take up to a year for some principles to be implemented fully, other principles are already part of the operating practices of the undersigned companies.

SCOPE:

These principles apply to individual reference services, which are commercial services that directly or as suppliers to others provide information that assists users in identifying individuals, verifying identities and locating individuals for various purposes.

DEFINITIONS :

- *Public Record Information:* Information about or related to an individual which has been obtained originally from the records of a federal, state, or local governmental entity that are open for public inspection.
- *Publicly Available Information:* Information about an individual that is available to the general public from non-governmental sources such as telephone directories, classified ads, newspaper reports, publications, or other forms of information.
- *Non-Public Information:* Information about an individual that is of a private nature and neither available to the general public nor obtained from a public record.
- *Appropriate or Appropriately:* Describes actions or uses that are reasonable under the circumstances reflecting a balance between the interests of individual privacy and legitimate business, governmental, and personal uses of information, including prevention and detection of fraud.

42 PRINCIPLES:

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44 I. *Education*: Individual reference services shall individually and through their industry groups
45 make reasonable efforts to educate users and the public about privacy issues associated with their
46 services, the types of services they offer, these principles, and the benefits of the responsible flow -
47 of information.

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49 11, *Reputable Sources*: Individually identifiable information shall be acquired from only sources
50 known as reputable in the government and private sectors.

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52 A. Reasonable measures shall be employed to understand an information source's data
53 collection practices and policies before accepting information from that source.

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55 B. Individually identifiable information that is collected for marketing purposes shall not
56 knowingly be purchased, sold or retained for creating or inclusion in individual
57 reference services, unless it is PUBLIC RECORD INFORMATION or PUBLICLY AVAILABLE
58 INFORMATION; its use is specifically permitted by law; or it is collected with notice to
59 the individual that such information will be used for inclusion in individual reference
60 service products.

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62 III. *Accuracy*: Reasonable steps shall be taken to help assure the accuracy of the information in
63 individual reference services. The goal of individual reference service products is to furnish
64 customers with accurate reproductions of information.

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66 A. When contacted by an individual concerning an alleged inaccuracy about that
67 individual, the individual reference service, as APPROPRIATE, shall either correct any
68 inaccuracy or inform the individual of the source of the information and, if reasonably
69 available, where a request for correction may be directed.

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71 B. The individual reference service's commitment to furnish users with reasonably
72 accurate reproduction of information in PUBLIC RECORD INFORMATION systems does not
73 permit alteration of the substantive content of PUBLIC RECORD INFORMATION products or
74 services.

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76 IV. *Public Record and Publicly Available Information*: PUBLIC RECORD INFORMATION and
77 PUBLICLY AVAILABLE INFORMATION shall be usable without restriction unless legally prohibited.

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79 V. *Distribution of Non-Public Information*: Except as provided in section IX, NON-PUBLIC
80 INFORMATION will be distributed only according to the criteria set forth below. The nature of
81 NON-PUBLIC INFORMATION being requested and the intended uses of such information shall
82 determine the level of review of the subscriber. Companies who supply information covered by
83 this section to individual reference services shall provide such information only to individual
84 reference services that adopt or comply with these principles.

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A. *Selective and Limited Distribution of Non-Public Information:* Individual reference services may distribute NON-PUBLIC INFORMATION without restriction of its contents only to qualified subscribers.

1. Qualified subscribers for the selective and limited distribution of NON-PUBLIC INFORMATION must satisfy the following conditions:

- a. The subscribers must state their APPROPRIATE uses for such information.
- b. The subscribers must agree to limit their use and redissemination of such information to such APPROPRIATE uses.
- c. The subscribers shall be reasonably identified and meet qualification requirements that establish them as APPROPRIATE users of the information and agree to terms and conditions consistent with these principles prior to accessing the information.

2. Each individual reference service shall take reasonable steps to protect against misuse of NON-PUBLIC INFORMATION distributed pursuant to this subsection which will include:

- a. Each individual reference service shall make available upon request an explanation of what uses of its information are APPROPRIATE and to which types of qualified subscribers such information is available.
- b. Individual reference services shall conduct a reasonable review of the subscriber and its intended uses of the information prior to making NON-PUBLIC INFORMATION available to the subscriber.
- c. Individual reference services shall maintain a record of the identity of subscribers, the types of uses, and the terms and conditions agreed to by the subscriber for three years after termination of each subscriber's relationship with the individual reference service.
- d. Reasonable measures shall be employed to help assure that qualified subscribers use NON-PUBLIC INFORMATION APPROPRIATELY.
- e. Individual reference services shall implement reasonable mechanisms to remedy subscriber abuses of the information.

B. *Commercial and Professional Distribution of Non-Public Information:* Individual reference services, when they limit the NON-PUBLIC INFORMATION content of their

128 products or services as set forth below, may distribute such products or services only to
129 established professional and commercial users who use the information in the normal
130 course and scope of their business or profession and the use is APPROPRIATE for such
131 activities.

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- 133 1. NON-PUBLIC INFORMATION products or services distributed pursuant to this
134 subsection shall not include:
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- 136 a. Information that reflects credit history, financial history, medical
137 records, mother's maiden name identified as such, or similar
138 information;
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- 140 b. Certain information like social security number and birth information
141 unless truncated in an APPROPRIATE and industry consistent manner.
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- 143 2. Users shall agree to terms and conditions consistent with these principles prior
144 to accessing the NON-PUBLIC INFORMATION, shall agree to use such information
145 solely in the normal course and scope of their business or profession and that the
146 use is APPROPRIATE for such activities and that they shall limit their use and
147 redissemination of such information to such uses and in accordance with these
148 principles.
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- 150 3. Individual reference services shall take reasonable steps to protect against
151 misuse of the NON-PUBLIC INFORMATION distributed pursuant to this subsection
152 which will include:
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- 154 a. If not previously established, the individual reference service shall take
155 reasonable steps to identify the user and to establish the user as an
156 established professional or commercial entity.
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- 158 b. Reasonable measures shall be employed to help assure that commercial
159 and professional customers use NON-PUBLIC INFORMATION
160 APPROPRIATELY.
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- 162 c. Individual reference services shall implement reasonable mechanisms to
163 remedy subscriber abuses of the information.
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- 165 d. Individual reference services shall maintain a record of the identity of
166 subscribers and the terms and conditions agreed to by the subscriber for
167 three years after termination of each subscriber's relationship with the
168 individual reference service.
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170 C. *General Distribution of Non-Public Information*: Individual reference services, when
171 they limit the NON-PUBLIC INFORMATION content of their products or services as set
172 forth in this subparagraph, may distribute such products or services to any person.
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174 1. NON-PUBLIC INFORMATION distributed pursuant to this subparagraph shall not -
175 knowingly include information that reflects social security number, mother's
176 maiden name identified as such, non-published telephone number, or non-
177 published address information obtained from telephone companies, birth
178 information, credit history, financial history, medical records, or similar
179 information, nor will the service be retrievable by a social security number.
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181 2. *The* individual reference service shall take reasonable steps to protect against
182 the misuse of NON-PUBLIC INFORMATION.
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184 VI. *Security*: Individual reference services shall maintain facilities and systems to protect
185 information from unauthorized access and persons who may exceed their authorization. In
186 addition to physical and electronic security, individual reference services shall reasonably
187 implement:
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189 A. Employee and contractor supervision—Employees and contractors shall be required to
190 sign confidentiality agreements and be subject to supervision.
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192 B. Reviews—System reviews shall be made at APPROPRIATE intervals to assure that
193 employees are complying with policies.
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195 VII. *Openness*: Each individual reference service shall have an information practices policy
196 statement that describes what types of information it has, from what types of sources, how it is
197 collected, the type of entities to whom it may be disclosed and the type of uses to which it is put,
198 and shall make its policy statement available upon request. Consumers shall be notified about
199 these practices in various ways such as:
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201 1. Web sites;

202 2. Advertisements; or
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204 3. Company or industry-initiated educational efforts.
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207 VIII. *Choice*: Each individual reference service shall upon request inform individuals of the
208 choices, if any, available to limit access or use of information about them in its data base,
209 provided, however, that in the case of NON-PUBLIC INFORMATION distributed to the general
210 public (section V.C of these principles), an individual reference service shall provide an
211 opportunity for an individual to limit the general public's access or use of such NON-PUBLIC
212 INFORMATION.

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IX. Access: **Upon request and reasonable terms, an individual reference service shall:**

- A. Inform an individual about the nature of PUBLIC RECORD and PUBLICLY AVAILABLE INFORMATION that it makes available in its products and services and the sources of - such information;
- B. Provide individuals with NON-PUBLIC INFORMATION contained in products and services that specifically identifies them and that are distributed as part of an individual reference service to users under section V. of these Principles unless the information was obtained on a limited use basis from a governmental agency or if its disclosure is limited by law or legally recognized privilege; and
- c. Direct individuals to a consumer reporting agency regulated by the Fair Credit Reporting Act where such agency is the source of the information about the individual.

X. *Children:* Where an individual is identified in the product or service as being under the age of 18, no NON-PUBLIC INFORMATION about that individual shall be provided for other than selective and limited distribution purposes or for the purposes of locating missing children.

XI. *Assurance of Compliance:* The signers of these principles shall have completed within 15 months of the effective date of these principles. and on a periodic basis thereafter, at least once every year, an assurance review done by a reasonably qualified independent professional service. The independent professional service shall apply assurance criteria consistent with these principles and approved by the signers as a group. Individual referenceservices shall have a reasonable opportunity to respond to any concerns expressed in such assurance review. A summary reflecting both the [original] report and any subsequent actions taken or response made by the company shall be publicly available.

242 PLEDGE:

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244 The undersigned companies pledge to introduce and follow the above industry principles at the
245 earliest practicable opportunity or by December 31, 1998, whichever is sooner.

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Acxiom Corporation

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CDB Infotek, a ChoicePoint Company

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DCS Information Systems

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Database Technologies, Inc.

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Equifax Credit Information Services, Inc.

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Experian

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First Data Solutions Inc.

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Information America, Inc.

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IRSC, Inc.

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LEXIS-NEXIS

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Metromail Corporation

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National Fraud Center

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Online Professional Electronic Network

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Trans Union Corporation