ASPSECURE

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Communications Division
Office of the Comptroller of the Currency
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Washington, DC 20219
ATTENTION DOCKET #00-13

Ms. Jennifer J. Johnson
Secretary
Board of Governors of the Federal Reserve System
20th and C Streets, NW
Washington, DC 20551
ATTENTION DOCKET #R-1073

Mr. Robert E. Feldman
Executive Secretary
ATTENTION: Comments/OES
Federal Deposit Insurance Corporation
550 17th Street, NW
Washington, DC 20429

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

To Whom It May Concern:

The Office of the Controller of the Currency, Board of Governors of the Federal Reserve System, Federal Deposit Insurance Corporation and Office of Thrift Supervision have invited comment on the proposed Interagency Guidelines Establishing Standards for Safeguarding Customer Information and Rescission of Year 2000 Standards for Safety and Soundness, Proposed Rule as mandated in sections 501 and 505(b) of the Gramm-Leach-Bliley Act.

Agencies are required to establish standards for the financial institutions subject to their respective jurisdictions relating to the administrative, technical and physical safeguards for customer records and information. The intent of these safeguards is to:

> *" Insure the security and confidentiality of customer records and information; protect against any anticipated threats or hazards to the security or integrity of such records; and protect against unauthorized access to or use of such records or information that could result in substantial harm or inconvenience to any customer. "*

The proposed guideline will apply to a wide range of financial institutions in both purpose and size. The diverse nature of the population in terms of resources and capabilities are key issues to be considered in the implementation.

Security and Privacy

The guideline mentions security specifically in its intent. The issue of PRIVACY, a key concern to individual consumers and business customers, is not specifically addressed, being inferred by the requirement to "*Insure the ... confidentiality*." Security's implementation in business and technology has developed around protecting our assets from external forces. Security interprets information as that of the institution's. It focuses on limiting the risk of disclosure utilizing an individual's identity and role within the institution. Moreover, it seeks to implement fiat policy to limit unauthorized use.

Security technologies concentrate on creating a seemingly impenetrable buffer between our information and others. Like the walled cities of the Dark Ages, these Security measures are static and become fixed targets for the unscrupulous. Security measures such as Cryptography, Authentication, Access Control and others serve to restrict access to data and information. But when access to the information is obtained, all control (governance) of the information is compromised. Security solutions are incremental, expensive and often do not integrate seamlessly with existing systems. The ongoing response to the inevitable attack is to build the wall higher and thicker. Security technology represents a constant and increasingly expensive drain on the resources of financial institutions large and small.

The concept of privacy recognizes that the misuse of confidential, personal information may exist from inside a financial institution or its network as well as from external forces. Privacy recognizes personal information as belonging to the customer versus the institution. Privacy enforcement requires organizations to guard against the misuse of sensitive information, and to govern use of individual information as granted by the individual.

Security technology will not solve the Privacy Problem.

Recommendations

The Interagency Guidelines would better serve member institutions', their service providers and customers if they promoted Privacy methods that engender trust, provide governance and persistently control information.

We would suggest the following additions to the proposed guidelines:

- The use of consumer information should be persistently controlled, and completely accountable according to the agreements between financial institutions, their service providers and customers.

- Access to information reflecting terms, conditions, usage intent and customer authorizations must be strictly controlled at the transaction level, assuring that the customer's right to privacy is enforced.

- Each element of information must be governed by privacy-centered rules that limit how the information may be accessed and used.

- Governance must be enforceable at any time and location. Only those users that have met the criteria defined by the information provider should be authorized and granted access to the information.

- Persistent control must be maintained wherever privacy-sensitive information resides, governed by access and use privileges. Customers, service providers and financial institutions must be capable of employing methods to persistently govern privacy-sensitive information.

Proven technologies are available to provide for the persistent and secure control of privacy-sensitive financial information. Importantly, the technology can be integrated into existing systems and infrastructure.

Our company is a provider of such technology. ASPSecure offers custom designed Digital Rights Management (DRM) software products and services to enterprises and to ASPs, their content providers, suppliers, and customers. Based on InterTrust's (Nasdaq:ITRU) DRM technology, ASPSecure provides integration services and training as well as usage and financial clearing services to ASPs, their content providers, suppliers, and customers.

ASPSecure's focus is in ASP integration, e-business, and enterprise opportunities. The company's approach enables persistent protection of digital content online or offline, usage and time-based billing, improved customer transactions and data privacy, customer-to-customer superdistribution, and access to the global MetaTrust Utility financial and usage clearing network.

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Our experience with this technology and its diverse applications makes us confident that the guidelines can and should be amended to emphasize persistent privacy protection as well as data security.

Please feel free to contact me if I can provide any additional information.

Sincerely,

Larry McArthur
President and CEO