

October 21, 2000

2

Manager, Dissemination Branch
Information Management and Services Division
Office of Thrift Supervision
1700 G Street, NW
Washington, D.C. 20552

2000 OCT 26 P 3:51

DISSEMINATION BRANCH

Attention: Docket No. 2000-81

While I applaud the Board of Governors' action toward controlling the sharing of personal consumer information by financial institutions, I would like to insert my own commentary and additional proposals on how the proposed regulation might better protect consumers from abuse.

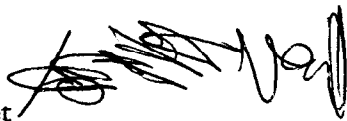
The proposed new regulations currently mandate that institutions provide "Opt-Out" clauses in which the Consumer is provided the opportunity, using clear and concise language, to deny communicating or sharing personal consumer information among affiliates.

However, in an age where technology allows electronic communication to provide the opportunity for huge amounts of information to be disseminated by financial institutions, and huge numbers of individual consumers have increasing access to providing that information, more attention should be given to the electronic communication medium and its ever-advancing technological changes. As a computer expert and former web master, I am proposing language insertions that go one step further to protect Internet-connected consumers.

In my opinion, these consumers would be better shielded from abuse if the ideology of the proposed amendment were changed to "Opt-IN". Without changing any of the proposed revision as it now exists, certain language could be inserted that makes this regulation even more protective of the individual consumer's right to privacy.

For example, institutions should be forced to make the assumption that the Internet-connected consumer does not wish to have personal information communicated or shared without specifically and consciously authorizing it. This means that in a web page, the institution automatically checks the "Opt Out" box and the consumer must then purposefully and willfully un-check the box. Other suggestions address definitions of secure web page and types of access.

Thomas O. Maxwell
Thomas@Maxwell.net



Enclosure: Attachment to Solicited Public Commentary:
Language Insertions Proposed by Thomas O. Maxwell

**Attachment to Solicited Public Commentary:
Language Insertions Proposed by Thomas O. Maxwell**

Title 12 of the Code of Federal Regulations

**Office of Thrift Supervision
12 CFR Chapter V
Part 571 - Fair Credit Reporting**

§ 571.3 Definitions (c) (2) (iii) Notice on a web page

Add **(iv) Secure web page** means a Universal Resource Locator (URL) or web page address that employs widely accepted data encryption technology in Secure Hypertext Transfer Protocol (https) format. Other Internet-related terms are:
(A) Readily accessed means Internet access that is 24 hours a day, 7 days a week, or at least 88 regularly scheduled hours per week, including normal business hours, determined by the institution.
(B) Limitation of access means providing willful or negligent barriers to web page access.
(C) Temporary Internet access failure means unscheduled technological difficulties resulting in a web page becoming unavailable. For purposes of this definition, power outages or other temporary web page failures do not constitute limitation of access.

§ 571.6 Reasonable opportunity to opt out

Add **(d)** Assumption of opting out electronically. When supplying an electronic form to provide consumers the option of opting out through an Internet web page, the Opt-Out check box must be automatically checked. The individual consumer must make a conscious decision not to opt out by UN-Checking the box.

**§ 571.7 Reasonable means of opting out (b) Reasonably convenient methods
(3) Providing an electronic means to opt out...**

Add **(i)** Except during temporary Internet access failures, when a consumer makes an election to opt out through an Internet web page, regardless of the election that is made, the institution must provide a secure web page to make the election and a secure web page that can be readily accessed, allowing the consumer to review the election that was made, and change the election if desired. The institution must use all reasonable and customary means to assure that no limitation of access exists.