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Corporate Legal Department
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Detroit, Michigan 48226

By E-mail to regs.comments@federalreserve.gov

May 25, 2007

Jennifer J. Johnson, Secretary
Board of Governors of the Federal Reserve System
20th Street and Constitution Avenue, N.W.
Washington, D.C. 20551

Re: Model Privacy Form (Docket No. R-1280)

Dear Ms. Johnson:

Comerica Bank is writing to comment on the federal agencies' interagency proposal for Model Privacy Form under the Gramm-Leach-Bliley Act (GLB). Comerica Bank is a full service bank with total assets of \$57.5 billion as of March 31, 2007; it provides banking services through branch offices in Michigan, California, Texas, Florida, and Arizona.

CONTENT OF MODEL FORM

The agencies asked whether financial institutions can accurately disclose their information sharing practices using the standardized provisions and vocabulary in the proposed model form. Page 1 of the proposed model form incorrectly leads the consumer to believe they can limit a financial institution's sharing of their transaction or experience information. Technically, the consumer can only limit the affiliate from marketing to the consumer based upon that information. We recommend changing the answer verbiage in the "Can you limit this sharing?" column for this question to "No, however you can limit marketing based upon this information." The same rationale should be used to more clearly define what the consumer is really opting out of on page 2 of the model form in the "Why can't I limit all sharing?" portion of the table. Federal law gives consumers the right to limit sharing of their credit information with affiliates and also gives them the right to limit the use of any shared information for affiliate marketing purposes. This is an important distinction that should be clear to the consumer.

The agencies also requested comment on the extent to which modifications to the opt-out form are necessary for a financial institution to describe its information sharing practices accurately. The proposed model form overly simplifies the third party opt-out provision. GLB states that you must give the consumer the opportunity to opt-out of the sharing of their information with third parties if the sharing is not covered by one of the exceptions. GLB does not prohibit the sharing of information for purposes other than marketing, it just states that a financial institution must provide an opt-out to the consumer if they share consumer information. The wording "nonaffiliates to market to you" on pages 1 and 2 and the corresponding opt-out on page 3 are not generic enough or there should be two opt-outs so that the consumer can clearly identify which financial institutions share for marketing purposes only and those which share for other purposes. There are also some financial institutions that only share with non-financial joint marketing partners and not for any other purpose. The table on page 1 should be able to accommodate that option.

Financial Institutions should be allowed to add additional clarification to the "Contact us" section on page 3, such as comments regarding what information the consumer should have available when calling a toll-free line or via the Web. For example an account number or social security number may be required.

The name, address and account number of an individual is within the definition of sensitive customer information as defined in the interagency guidance regarding security breach notification. Therefore, requesting an account number from an individual on a form to be sent via the U.S. mail should not be encouraged. Truncating of this information would be more appropriate.

Lastly under "Content of Model Form" the agencies asked the extent to which financial institutions intend to incorporate the FCRA section 624 disclosures. Comerica intends to continue to incorporate the FCRA section 624 disclosure and opt-out for affiliate marketing in the model form. Providing consumers all of their opportunities to opt-out in one place is most efficient for consumers and financial institutions.

FORMAT OF THE MODEL FORM

The agencies asked whether each page of the proposed model form should be required to be on a separate piece of paper and what size paper would be appropriate. The requirement for three separate sheets of 8 ½ by 11 inch pieces of paper is not practical for two reasons. First, it would not be possible to ensure that a consumer receives three separate sheets of paper. It is possible to draft a format that would allow the information to be presented side by side without mandating that each portion of the information be on a separate piece of paper. A brochure format that could be unfolded to produce the same effect should be an option. The tables as presented by the agencies would easily fit into a brochure that is 8 ½ inches in height with six, 3 ¼ inch panels that could be unfolded to view the three tables side by side. The separate sheets should not be dictated but left to the financial institution to determine the most practical way to present the three tables side by side while still maintaining the readability of those tables.

Second, if three separate pieces of paper are required for the notice the cost of the annual mailing will significantly increase. For Comerica it is estimated that our printing and packaging costs would more than double. We, along with many financial institutions, currently send our deposit customers their notices with their statements. With the additional pages to be inserted, this practice becomes more difficult and may significantly increase postage due to the increased weight. Thus, financial institutions will incur additional postage and rendering expense as well as the additional cost of printing the pages. For a financial institution the size of Comerica the increase in printing, packaging, and mailing costs is estimated at approximately \$100,000.

The agencies also asked whether financial institutions want to use color and/or logos. Comerica would prefer to have our logo on the privacy notice. It is important from a brand image standpoint to maintain a consistent look and feel for our customers. We would like the ability to have a brochure style notice that would allow us to customize the cover while not changing the integrity of the content of the model form. If a personalized cover is not allowed, the logo would go on the top portion of each page. The logo Color would not be necessary.

ADDITIONAL INFORMATION

The agencies requested comment on the extent to which financial institutions are likely to use the proposed model form. Using the proposed model form would be difficult for the following reasons.

As a financial institution with customers in states across the country, we must also comply with state privacy laws. The current format is not consistent with the opt-out form mandated by California law. This would require us to send California customers the model notice as well as the California opt-out form. The California opt-out form is required to be on 8 ½ by 11 inch paper. If the federal notice must also be on three separate 8 ½ by 11 inch pieces of paper, California residents will be confused as to why they are receiving two opt-out forms. Although California residents currently receive the privacy notice and the California form it is not quite as confusing because our current notice is in the form of a brochure and we have incorporated language in the notice specifically for California residents to understand why they are receiving two opt-out forms that both accomplish the same purpose.

Other states also have more restrictive information sharing laws and we address how we handle residents of those states in our current privacy notice. The proposed format does not allow for any additional information to be added to the notice. We do not currently produce a separate notice for residents of those states. If there is no way to accommodate a state with stricter information sharing laws, we would incur greater expense to print up privacy notices specifically for residents of certain states. This would be overly burdensome and difficult to effectively implement. Preemption of state law is necessary in order to

mandate a federal notice with such limited room for modification. Since state preemption is not currently an option, financial institutions need the ability to add state specific disclosures to the notice. The empty panels on the reverse side of the brochure could be utilized for this purpose. As the form currently stands we would not be able to use this form and still comply with state laws.

The agencies also asked whether they should develop a Web-based design and if they should have available on their Web sites a readily accessible and downloadable model form. It would be helpful to financial institutions for the Agencies to develop a Web-based design for the model form. It would also be beneficial for the Agencies to develop and make available on their Web sites a readily accessible and downloadable model form which financial institutions could use to create their own privacy notices.

Financial institutions should be able to request an account number or social security number when they have provided the customer with a secure method to opt-out such as a toll-free telephone number or a secure Web page. We should not require this information to be sent in the mail for the reasons previously stated in this letter. However, truncated account numbers and/or Social Security numbers should be acceptable as financial institutions that opt-out by account will need some way to identify the account to be opted-out.

In answer to the questions regarding SEC specific requirements, it is important that a financial institution which has affiliates regulated by the SEC and affiliates regulated by another agency be able to rely on the safe harbor of either agency when utilizing a joint privacy notice.

In conclusion, we strongly encourage the agencies to consider a brochure style notice that includes the tables that studies indicated the consumers prefer. In addition, we request the agencies consider utilizing the reverse side panels of the brochure for state disclosure requirements and other information that is helpful to the consumer such as:

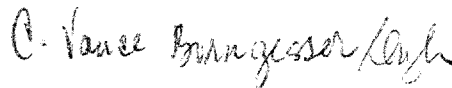
- How to report identity theft
- How to remove their name from direct marketing lists
- How to report credit report disputes

Comerica does appreciate the efforts of the Agencies to simplify the privacy notice for consumers. Thank you very much for this opportunity to express our views on this important issue.

Sincerely,



Martha K. DenBaas
Vice President and Privacy Manager
Comerica Incorporated



C. Vance Borngesser
Vice President and Senior Counsel
Comerica Incorporated