

ORIGINAL

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

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JAN 30 2006

LUTHER D. THORNTON, Clerk
By: *[Signature]*
Deputy Clerk

_____)
UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
v)
)
CHOICEPOINT INC., a corporation,)
)
Defendant.)
_____)

Civil Action No.

1 06 - CV - 0198

**COMPLAINT FOR CIVIL PENALTIES, PERMANENT INJUNCTION,
AND OTHER EQUITABLE RELIEF**

Plaintiff, the United States of America, acting upon notification and authorization to the Attorney General by the Federal Trade Commission ("FTC" or "Commission"), for its Complaint, alleges that.

1 Plaintiff brings this action under Sections 5(a), 13(b), and 16(a) of the Federal Trade Commission Act ("FTC Act"), 15 U.S.C. §§ 45(a), 53(b), and 56(a); and Section 621(a) of the Fair Credit Reporting Act ("FCRA"), 15 U.S.C. § 1681s(a), to secure permanent injunction, consumer redress, disgorgement, and other equitable relief from Defendant for engaging in acts or practices violating Section 5(a) of the FTC Act, 15 U.S.C. § 45(a) and the FCRA, 15 U.S.C. §§ 1681-1681x; and to recover monetary civil penalties pursuant to Section 621(a)(2)(A) of the FCRA, 15 U.S.C. § 1681s(a)(2)(A).

JURISDICTION AND VENUE

2. This Court has subject matter jurisdiction over this matter under 28 U.S.C. §§ 1331, 1337(a), 1345, and 1355, and under 15 U.S.C. §§ 45(m)(1)(A), 53(b), 56(a), and 1691c(c)

3. Venue in the United States District Court for the Northern District of Georgia is proper under 15 U.S.C. § 53(b) and under 28 U.S.C. §§ 1391(b)-(c) and 1395(a).

DEFENDANT

4 Defendant ChoicePoint Inc., including for all purposes in this Complaint its subsidiaries and operating companies, (“ChoicePoint” or “Defendant”), is a Georgia corporation with its principal place of business at 1000 Alderman Drive, Alpharetta, Georgia 30005. In connection with the matters alleged herein, ChoicePoint has transacted business in this District.

5 At all times material to this Complaint, certain subsidiaries of ChoicePoint have collected and maintained personal identifying information about individuals, and have furnished that information to others for a fee. Among other lines of business, ChoicePoint sells to its subscribers consumer reports obtained from consumer reporting agencies and public record information obtained from a variety of sources.

6. Certain subsidiaries of ChoicePoint are “consumer reporting agencies” as that term is defined in Section 603(f) of the FCRA, 15 U.S.C. § 1681a(f)

COMMERCE

7. Defendant maintains, and at all times mentioned herein has maintained, a course of trade in or affecting commerce, as “commerce” is defined in Section 4 of the FTC Act, 15 U.S.C. § 44.

DEFENDANT'S COURSE OF CONDUCT

8 ChoicePoint markets products and services to businesses, governments, and other entities that use the information contained in ChoicePoint's databases for, among other things, identification and credential verification purposes. ChoicePoint's products and services draw upon billions of records collected and maintained by ChoicePoint that contain the personal information of consumers, including names, Social Security numbers, dates of birth, bank and credit card account numbers, and credit histories, much of which is sensitive and not publicly available

9. ChoicePoint furnishes consumers' personal information, in various combinations and product lines, to businesses through a number of operating units. These operating units include, but are not limited to, ChoicePoint Public Records Group, WorkPlace Solutions, and Insurance Services. ChoicePoint Public Records Group provides public records data, such as bankruptcy and lien information, as well as identity verification products and services. These products contain the personal information of individual consumers, such as name, address, date of birth, and Social Security number. WorkPlace Solutions provides pre-employment and tenant screening products and services, including consumer reports. Insurance Services provides, among other things, products and services to the insurance industry for use in underwriting, including consumer reports.

10. ChoicePoint obtains consumer data from a broad assortment of sources, including, but not limited to, insurance claims data, public records (such as courthouses, recorders of deeds, and criminal dockets), motor vehicle records, and other consumer reporting agencies, including the three nationwide credit reporting agencies. ChoicePoint collects the information without making any contact with the consumers whose information it sells, and consumers cannot remove their information from ChoicePoint's databases.

11 A business obtains data from ChoicePoint by entering into an agreement and becoming a subscriber. In order to become a subscriber, an entity must submit an application that includes certain information and documentation to establish that the applicant is a legitimate business with a lawful purpose for purchasing consumer data. ChoicePoint then processes the application materials before approving or rejecting the account. ChoicePoint has over 50,000 subscribers, including insurance companies, landlords, banks, private investigators, debt collectors, and a variety of other businesses.

12. In February 2005, pursuant to a California state law requirement, ChoicePoint notified approximately 35,000 California consumers that it may have disclosed their personal information to persons who did not have a lawful purpose to obtain the information. Subsequently, ChoicePoint notified approximately 111,000 consumers outside of California that their information may have been compromised. More recently, it notified an additional 17,000 consumers, bringing the total to 163,000. In all cases, the information disclosed by ChoicePoint included unique identifying information that facilitates identity theft, such as dates of birth and Social Security numbers, as well as nearly 10,000 credit reports. At least 800 cases of identity theft arose out of these incidents.

13. The persons who obtained this consumer information submitted applications to ChoicePoint and were approved by the company to be subscribers authorized to purchase ChoicePoint products and services. The applications contained false credentials and other misrepresentations, which ChoicePoint failed to detect because it had not implemented reasonable procedures to verify or authenticate the identities and qualifications of prospective subscribers. Among other things, ChoicePoint failed to: utilize readily available business verification products, such as those that identify commercial mail drops; examine applications

and supporting documentation supplied by prospective new users, compare information supplied by prospective new users to information supplied by other applicants in order to identify suspect representations; conduct site visits; or utilize other reasonable methods to detect discrepancies, illogical information, suspicious patterns, factual anomalies, and other indicia of unreliability.

Examples of these failures include, but are not limited to, the following:

- a. ChoicePoint accepted as verification of certain application information (e.g., business address) documents that otherwise called into question the authenticity of the applicant's business or the reliability of information supplied by the applicant, such as a utility statement showing a delinquent account or a telephone statement showing billing at a residential, rather than a business, rate;
- b. ChoicePoint accepted for verification purposes documentation that included facially contradictory information, such as different business addresses on federal tax identification documents and utility statements, without conducting further inquiry to resolve the contradiction,
- c. ChoicePoint accepted other forms of facially contradictory or illogical application information, such as articles of incorporation that reflected that the business was suspended or inactive, and tax registration materials that showed that the business' registration was cancelled a few days prior to the date the application was submitted to ChoicePoint, without conducting further inquiry to resolve apparent anomalies;
- d. ChoicePoint accepted information inconsistent with the stated type of business of an applicant, such as an apartment number or commercial mail drop as the applicant's business address, or a cellular telephone number as the business' sole telephone number, without further inquiry to verify the authenticity of the applicant's business;

e. ChoicePoint approved, without further inquiry, the applications of subscribers notwithstanding the fact that the applicant left critical information, such as business license number, contact information, or applicant's last name, blank on the application;

f. ChoicePoint accepted applications transmitted by facsimile from public commercial locations, and accepted multiple applications for putatively separate businesses from the same facsimile numbers, without further inquiry to verify the authenticity of the applicant's business; and

g. ChoicePoint accepted and approved, without further inquiry, the applications of subscribers notwithstanding the fact that ChoicePoint's own internal reports on the applicant linked him or her to possible fraud associated with the Social Security number of another individual.

14. ChoicePoint also failed to monitor or otherwise identify unauthorized activity by subscribers, even after receiving subpoenas from law enforcement authorities between 2001 and 2005 alerting it to fraudulent accounts, and even when its own experiences with the subscriber should have raised doubts about the legitimacy of the subscriber's business. Examples of these failures include, but are not limited to, the following:

a. Furnishing to a purported apartment leasing subscriber a large number of consumer reports, over a relatively short period of time, that substantially exceeded the total number of rental units stated in the subscriber's application, without verifying that the applicant had a permissible purpose to obtain the reports;

b. Continuing to furnish consumer reports to a subscriber when the subscriber's telephone had been disconnected, the business address of the subscriber was found to be incorrect, the credit card number provided by the subscriber for payment to

ChoicePoint was in the name of an individual not associated with the subscriber's ChoicePoint account, the subscriber made multiple changes of address and/or telephone numbers over a short period of time, and the subscriber made payments to ChoicePoint solely by commercial money orders drawn on multiple issuers;

c. Continuing to furnish consumer reports to a subscriber when the subscriber's ChoicePoint account was repeatedly suspended for nonpayment; and

d. Continuing to furnish consumer reports to a subscriber when the documents submitted by that subscriber in the ChoicePoint application process were identified by ChoicePoint personnel as suspicious.

VIOLATIONS OF THE FCRA

COUNT I

15. Section 604 of the FCRA, 15 U.S.C. § 1681b, prohibits a consumer reporting agency from furnishing a consumer report except for specified "permissible purposes."

16. In numerous instances, ChoicePoint has furnished consumer reports to subscribers that did not have a permissible purpose to obtain a consumer report.

17. By and through the acts and practices described in Paragraph 16, ChoicePoint has violated Section 604(a) of the FCRA, 15 U.S.C. § 1681b(a)

COUNT II

18. Section 607(a) of the FCRA, 15 U.S.C. § 1681e(a), requires a consumer reporting agency to maintain reasonable procedures to limit the furnishing of consumer reports to the purposes listed under Section 604 of the FCRA, including making reasonable efforts to verify the identity of each new prospective user of consumer report information and the uses certified by each prospective user prior to furnishing such user a consumer report.

19. In numerous instances, ChoicePoint has failed to maintain reasonable procedures to limit the furnishing of consumer reports to the purposes listed under Section 604 of the FCRA, has failed to make reasonable efforts to verify the identity of prospective new users of consumer report information, and has failed to make reasonable efforts to verify the uses certified by each prospective user prior to furnishing such user a consumer report. For example, ChoicePoint has failed to examine or audit its subscribers to ensure that they were in fact using consumer report information for permissible purposes. In addition, ChoicePoint has failed to implement reasonable procedures, such as site visits, audits, or other verification, for users who typically have both permissible and impermissible purposes for using consumer reports (such as attorneys, insurance companies, private investigators, detective agencies, and protective service firms) to ensure that such users were using consumer report information for permissible purposes only.

20. Section 607(a) of the FCRA, 15 U.S.C. § 1681e(a), prohibits a consumer reporting agency from furnishing a consumer report to any person if it has reasonable grounds for believing that the consumer report will not be used for a permissible purpose.

21. In numerous instances, ChoicePoint has furnished consumer reports to subscribers under circumstances in which ChoicePoint had reasonable grounds for believing that the reports would not be used for a permissible purpose.

22. By and through the acts and practices described in Paragraphs 16, 19, and 21, ChoicePoint has violated Section 607(a) of the FCRA, 15 U.S.C. § 1681e(a).

23 Pursuant to Section 621(a)(1) of the FCRA, 15 U.S.C. § 1681s(a)(1), the alleged violations of the FCRA constitute unfair or deceptive acts or practices in violation of Section 5(a) of the FTC Act, 15 U.S.C. § 45(a).

24 The acts and practices described in Paragraphs 16, 19, and 21 constitute a pattern or practice of knowing violations, as set forth in Section 621(a)(2)(A) of the FCRA, 15 U.S.C § 1681s(a)(2)(A).

DEFENDANT'S VIOLATIONS OF SECTION 5 OF THE FTC ACT

COUNT III

25. As described in Paragraphs 12 through 14, ChoicePoint has not employed reasonable and appropriate measures to secure the personal information it collects for sale to its subscribers, including reasonable policies and procedures to (1) verify or authenticate the identities and qualifications of prospective subscribers; or (2) monitor or otherwise identify unauthorized subscriber activity

26 ChoicePoint's failure to employ reasonable and appropriate security measures to protect consumers' personal information has caused or is likely to cause substantial injury to consumers that is not offset by countervailing benefits to consumers or competition and is not reasonably avoidable by consumers. This practice was, and is, an unfair act or practice in or affecting commerce in violation of Section 5(a) of the Federal Trade Commission Act, 15 U.S.C. § 45(a).

COUNT IV

27. Since at least 1999, ChoicePoint has adopted various privacy principles, including but not limited to Exhibit A, which it has disseminated or caused to be disseminated on its websites at www.choicepoint.com and www.choicepoint.net, incorporated in its contracts with subscribers, and discussed in its Annual Reports filed with the Securities and Exchange Commission and distributed to shareholders and the public. These privacy principles contain the

following statement regarding the confidentiality and security of personal information collected, maintained, or furnished by ChoicePoint:

ChoicePoint uses administrative, technical, personnel, and physical safeguards to protect the confidentiality and security of personally identifiable consumer information in our possession. These safeguards are designed to ensure a level of security appropriate to the nature of the data being processed and the risks of confidentiality violations involved.

28. ChoicePoint maintains a website, www.choicetrust.com, which contains information directed at consumers. Through this website, ChoicePoint has disseminated or caused to be disseminated various notices about the FCRA, including but not necessarily limited to Exhibit B, containing the following statements:

Because ChoicePoint's ChoiceTrust understands its responsibility to treat consumers fairly and to protect their privacy, we have developed Fair Information Practices. These practices are derived from the Federal Fair Credit Reporting Act, but go beyond the requirements of that law . . . ChoicePoint operated under its own Fair Information Practices even before passage of this Act, and continues to offer greater protection to the consumer than is required by the FCRA.

ChoicePoint allows access to your consumer reports only by those authorized under the FCRA. In addition, each ChoicePoint customer must verify that he/she has a 'permissible purpose' before receiving a consumer report.

29. ChoicePoint has disseminated or has caused to be disseminated a letter and Frequently Asked Questions (FAQ) to consumers who request a copy of their ChoicePoint public records file, including but not limited to Exhibit C, containing the following statement:

Every ChoicePoint customer must successfully complete a rigorous credentialing process. ChoicePoint does not distribute information

to the general public and monitors the use of its public record information to ensure appropriate use.

30. Through the means described in Paragraphs 27 through 29, Defendant has represented, expressly or by implication, that ChoicePoint has implemented reasonable and appropriate measures under the circumstances to maintain and protect the confidentiality and security of consumers' personal information, including a rigorous credentialing process for subscribers to prevent persons without a lawful purpose from obtaining access to consumers' personal information; and procedures to monitor subscribers' use of its public record information to ensure appropriate use

31. In truth and in fact, ChoicePoint has not implemented reasonable and appropriate measures under the circumstances to maintain and protect the confidentiality and security of consumers' personal information, including a rigorous credentialing process for subscribers to prevent persons without a lawful purpose from obtaining access to consumers' personal information; or procedures to monitor subscribers' use of its public record information to ensure appropriate use. Therefore, the representations set forth in Paragraphs 27 through 29 were, and are, false or misleading in violation of Section 5(a) of the FTC Act, 15 U.S.C. § 45(a).

32. The acts and practices of ChoicePoint as alleged in Paragraphs 27 through 30 of this Complaint constitute deceptive acts or practices in or affecting commerce in violation of Section 5(a) of the Federal Trade Commission Act, 15 U.S.C. § 45(a).

THIS COURT'S POWER TO GRANT RELIEF

33. Each instance in which ChoicePoint has failed to comply with Sections 604 or 607 of the FCRA, 15 U.S.C. §§ 1681b, 1681e, constitutes a separate violation of the FCRA for the purpose of assessing monetary civil penalties

34. Plaintiff seeks monetary civil penalties for every separate violation of the FCRA, which occurred each time ChoicePoint (1) furnished a consumer report to a person who did not have a permissible purpose to obtain such a report; (2) furnished a consumer report under circumstances where ChoicePoint failed to make a reasonable effort to verify the identity of the prospective user and the uses certified by such prospective user prior to furnishing such user a consumer report, and (3) furnished a consumer report to any person when it had reasonable grounds for believing that the consumer report would not be used for a permissible purpose under the FCRA.

35. Section 621(a)(2)(A) of the FCRA, 15 U.S.C. § 1681s(a)(2)(A), authorizes the Court to award monetary civil penalties of not more than \$2,500 per violation.

36. Under Sections 5(m)(1)(A), and 13(b) of the FTC Act, 15 U.S.C. §§ 45(m)(1)(A), and 53(b), this Court is authorized to issue injunctive and such other and further equitable and ancillary relief as it may deem appropriate in the enforcement of the FCRA and the FTC Act, including consumer redress and disgorgement, to prevent and remedy any violations of any provision of law enforced by the Commission

PRAYER FOR INJUNCTIVE AND MONETARY RELIEF

WHEREFORE, Plaintiff requests that this Court, pursuant to 15 U.S.C. §§ 45(a)(1), 45(m)(1)(A), 53(b), 1681s, and 1691c, and pursuant to the Court's own equitable powers:

- (1) Enter judgment against Defendant and in favor of Plaintiff for each violation alleged in this Complaint;
- (2) Permanently enjoin Defendant from violating the FCRA and the FTC Act, as alleged herein;

- (3) Award Plaintiff monetary civil penalties from Defendant for each violation of the FCRA alleged in this Complaint;
- (4) Award all equitable relief that the Court finds necessary to redress injury to consumers resulting from Defendant's violations of the FCRA and the FTC Act, including, but not limited to, restitution, disgorgement, and other forms of redress;
- (5) Order Defendant to pay the costs of bringing this action; and
- (6) Award Plaintiff such additional equitable relief as the Court may deem just and proper

Dated Jan. 30, 2006

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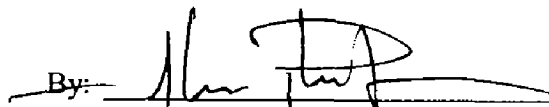
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Exhibit A

AGREEMENT FOR SERVICE - AGENTS/OTHERS

CHOICEPOINT PRIVACY PRINCIPLES

November 9, 1999

PREAMBLE

ChoicePoint is a leading provider of credentialing information about people and businesses that facilitates the establishment of business relationships for smarter decision-making. ChoicePoint is also a business leader in protecting and advocating consumer privacy.

ChoicePoint stands for responsible, effective and innovative use of personal information to help corporations, governments, and individuals make decisions that matter. This vision embraces using personal information to enhance security and will help people and businesses by bringing increased confidence to decision-makers. Just as importantly, this vision embraces developing consensual models to collaborate with consumers to deliver consumer services and to protect personal privacy. Increasingly, ChoicePoint will look to consumers as a source for the most accurate and timely information about the consumer and as partners in the appropriate use of consumer information to benefit both ChoicePoint's customers and the consumer.

Protecting privacy is always a ChoicePoint priority. Many of our products are already subject to important privacy protections provided by federal and state laws, such as the Fair Credit Reporting Act and its state law counterparts, or by self-regulatory principles, such as the Individual Reference Services Group ("IRSG") Principles. We are a founding member of the IRSG and we are a leader in the adoption and implementation of the IRSG Privacy Principles.

To underscore our fundamental commitment to privacy and our vision that good privacy is good business -- for ChoicePoint, for our customers and for consumers -- we have adopted the following Privacy Principles which are beyond those mandated by law or self-regulatory principles:

SCOPE

Our Privacy Principles apply to all personally identifiable information collected, maintained, or used in delivering information products and services by any ChoicePoint company or line of business as well as our agents and contractors. Of course, when information is subject to federal or state privacy law, we comply with that law and, in addition, adhere to our Privacy Principles so as to provide consumers with privacy privileges beyond those mandated by law.

1. RELEVANCE

ChoicePoint will collect, maintain, use, and disseminate personal information only to improve public safety, to reduce fraud, to improve risk management, to improve the quality of our customer services and products, or to help our customers drive down the cost of providing services and products.

ChoicePoint only collects, maintains, disseminates, and uses personally identifiable information for select products and services that serve socially useful purposes. Some ChoicePoint products, for example, help improve public safety by assisting law enforcement to track fugitives or by helping day care centers screen potential workers for criminal records. Other products we offer help insurance companies and other businesses to reduce fraud, allow patients to determine whether their doctors have had their licenses suspended or revoked, or assist employers in making employment decisions. Information products of this type provide critical benefits to consumers that justify the use of personally identifiable information provided that appropriate privacy standards are met. We understand the sensitive nature of the personally identifiable information contained in many of our information products and we rigorously protect this information and limit its use only to products that meet a stringent social utility test.

2. REPUTABLE SOURCES

We obtain personally identifiable information only from sources known to us to be reputable. These sources include courts, public record repositories, and consumer reporting agencies. In addition, we increasingly look for opportunities to obtain personally identifiable information on a cooperative, consensual basis from consumers and, further, look for opportunities to allow consumers to serve as a source of information about themselves through consumer review, correction, or amendment.

Reference number = <*REFNUM*>

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Agreement for Service - Agents/Others Form 145 (05/2001)

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AGREEMENT FOR SERVICE - AGENTS/OTHERS

ChoicePoint places priority on the reliability of its information sources. ChoicePoint carefully reviews its source's information practices prior to using a source and ChoicePoint ceases to use a source if the source ceases to provide accurate, complete and timely information.

Oftentimes, the consumer is one of the best sources of information about the consumer. Where appropriate and possible, ChoicePoint will seek to develop consensual models to obtain consumer input and participation.

3. NOTICE/OPT-OUT

We inform consumers either directly or through notices in our brochures, on our web site, or through other public information and education opportunities, of the types of information we obtain about consumers, how and when that information is used, when it might be disclosed, and the steps we take to protect it. In addition, where appropriate, we allow consumers to opt-out of the dissemination of the personally identifiable information from our databases.

Increasingly, ChoicePoint is building direct or indirect contacts with consumers and, therefore, ChoicePoint's ability to offer opt-outs (where appropriate), provide notice or, at a minimum, educate the public about ChoicePoint and our products and services, is growing. While we work to give consumers greater control over their personal information, we do not permit consumers to opt-out of certain databases. For instance, ChoicePoint does not permit consumers to opt-out of our databases that are designed to combat fraud, as permitting consumers to opt-out of such a database would defeat the purpose of the database.

4. INTERNAL USES

We recognize that the personally identifiable information contained in many of our information products is sensitive. Therefore, we strictly limit access to personal information to those employees who need access in order to carry out their job responsibilities. All employees are prohibited from "browsing" through our files and databases. We train our employees in the application of our need-to-know standard. We periodically audit for compliance with this standard and we impose penalties for any failure to comply with this standard.

ChoicePoint has adopted a need to know standard for employee access to personally identifiable information. We emphasize this standard with a flat out prohibition against our employees, under any circumstances, browsing through our databases to obtain information on celebrities, friends, neighbors or others who may be of interest. We also train our employees in the application of our information use policies, we audit for compliance with these policies, and we will sanction employees who violate these policies.

5. DISCLOSURE TO CUSTOMERS AND OTHERS

ChoicePoint discloses personally identifiable information to customers and others only pursuant to consumer notices, consumer consent or when in compliance with law or legal process.

We provide personally identifiable information to customers to bring increased confidence to decision-makers. We insist that our customers use our personally identifiable information products and services in a manner consistent with our Privacy Principles.

For the vast majority of our business transactions, we obtain consent from the consumer directly or through our customers before we disclose information to third parties. However, in cases where consent is not practical, we provide notice through Web sites and education materials of the uses to which our information is put. In addition, however, we may be required by court order or subpoena to provide personally identifiable information without the consent of the consumer to whom it pertains.

6. ACCURACY

ChoicePoint strives to maintain the highest practicable data accuracy.

When we obtain information from public record repositories or other "official" sources, we seek to accurately capture and reflect the information obtained from these sources.

Reference number = <*REFNUM*>

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AGREEMENT FOR SERVICE - AGENTS/OTHERS

Information is the core of our business and providing accurate information is vital to our success. If a consumer notifies us that personally identifiable information is incorrect, we will either correct the information or direct the consumer to the source of the information for correction.

If, upon review, we believe that the existing information is correct, we will inform the consumer. If the consumer still disputes the accuracy of the information, we will note, if appropriate, the consumer dispute in our records.

7. CONSUMER ACCESS

ChoicePoint provides consumers with access to and copies of virtually all personally identifiable information we maintain on that consumer.

We believe that consumers should be able to find out what personally identifiable information we maintain about them. We believe that consumer access promotes accuracy and helps consumers to better understand the types of products and services that we provide and the benefits of those products.

There are some exceptions to this rule, including when providing access may have an adverse impact on the health or safety of the consumer, when access would violate the privacy of another individual or reveal the identity of a confidential source, when the information is processed by ChoicePoint but controlled by an outside party; when access is prohibited by law, or when the information requested is related to litigation involving ChoicePoint or its affiliates.

8. SECURITY

ChoicePoint uses administrative, technical, personnel and physical safeguards to protect the confidentiality and security of personally identifiable consumer information in our possession.

These safeguards are designed to ensure a level of security appropriate to the nature of the data being processed and the risks of confidentiality violations involved.

9. COMPLIANCE PROGRAM

ChoicePoint has implemented a comprehensive compliance program.

Compliance actions include:

- Training all ChoicePoint employees with access to personally identifiable information in the purpose and application of our Privacy Principles,
- Requiring employees with access to personally identifiable information to sign confidentiality agreements,
- Conducting background checks of employees hired for positions with access to personally identifiable information; and
- Holding employees accountable for violations of our privacy policies, with sanctions, including the possibility of termination of employment.

10. PRIVACY RESPONSIBILITY

To ensure that our privacy program receives high-level attention our Board of Directors has created a special committee to oversee the implementation and future development of our Privacy Principles.

In addition, a senior ChoicePoint official is responsible for implementing and overseeing the administration of our Privacy Principles on a day to day basis.

This official is responsible for:

- Working with a special committee of the Board of Directors on privacy issues;
- Working with our Human Resources Department to oversee our employee training program;
- Overseeing our consumer point of contact's resolution of privacy inquiries and complaints;

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AGREEMENT FOR SERVICE - AGENTS/OTHERS

- Working with our legal department to ensure our ongoing compliance with applicable privacy laws as well as our Privacy Principles,
- Overseeing our consumer education and outreach efforts, and
- Otherwise administering the implementation and enforcement of our Privacy Principles and other privacy matters

11. COMPLIANCE ASSESSMENTS

ChoicePoint will conduct periodic compliance assessments of our internal practices to ensure that the Privacy Principles are being implemented effectively.

We take compliance with our policies seriously. We will assess our compliance with our Privacy Principles periodically to make sure that all of our business units are in compliance. Some assessments may also be conducted by outside parties.

12. INTERNET PRIVACY

ChoicePoint recognizes the importance of the privacy of information obtained over the Internet and applies its Privacy Principles to the online environment.

We have developed an online privacy policy reflecting our Privacy Principles and evolving standards for Internet privacy and we have placed these procedures, and our Privacy Principles, on our home page and the home pages of our business units. This privacy policy is easy to find, read, and understand. We give the consumer choice about the use of information collected about the consumer online. We also provide information about our data security measures, our data quality and access controls, and means to correct any inaccuracies in information collected about a consumer over the Internet.

We will maintain a "privacy seal" through a nationally recognized seal organization which applies the Online Privacy Alliance ("OPA") guidelines for Internet privacy and provides a dispute-resolution system for consumer complaints regarding online privacy.

13. GOOD STANDARDS/EDUCATION EFFORTS

ChoicePoint pledges that its business units will work actively to promote up-to-date and meaningful privacy standards for their industries.

We will participate actively in self-regulatory privacy initiatives as well as participating in the debate about developing privacy laws and regulations. We will also engage in consumer education efforts to promote privacy awareness.

14. CONSUMER POINT OF CONTACT AND DISPUTE RESOLUTION

ChoicePoint provides consumers with a point of contact to respond to consumer questions about our Privacy Principles and to assist consumers in exercising their options under our Privacy Principles.

With over 3,500 employees across the country, we know that finding the right employee to talk to is important for consumers.

Therefore, we provide consumers with a point of contact through a toll-free number and email. This point of contact will:

- Be available to answer consumer questions regarding our privacy policies and procedures,
- Direct the consumer to a point of contact in the relevant business unit;
- Address complaints from consumers regarding possible violations of our Privacy Principles; and
- Assist consumers in exercising their rights of opt-out, access, or correction under our Privacy Principles.

In the unlikely event that a disagreement with the consumer persists, we are committed to developing easy to use, consumer friendly procedures to resolve any dispute.

Reference number = <*REFNUM*>

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Exhibit B

Your FCRA Rights

Click on the following state if you reside in CA, CT, MA, MD, NH, NJ, TX, VT WA

Your FCRA Rights

Because ChoicePoint's ChoiceTrust understands its responsibility to treat consumers fairly and to protect their privacy, we have developed Fair Information Practices. These practices are derived from the Federal Fair Credit Reporting Act, but go beyond the requirements of that law. With your assistance, our Fair Information Practices can help you protect your privacy and achieve the fairest possible business dealings with insurance companies.

ChoicePoint operated under its own Fair Information Practices even before passage of this Act, and continues to offer greater protection to the consumer than is required by the FCRA.

What is the Fair Credit Reporting Act (FCRA)?

The Federal Fair Credit Reporting Act (FCRA) promotes accuracy, fairness and privacy of information in the files of every consumer-reporting agency (CRA). You can find the complete text of the FCRA 15 U.S.C. 1681 et seq., at www.ftc.gov.

Summary of Your Rights under the FCRA The Federal Fair Credit Reporting Act (FCRA) is designed to promote accuracy, fairness, and privacy of information in the files of every "consumer reporting agency" (CRA). Most CRAs are credit bureaus that gather and sell information about you -- such as if you pay your bills on time or have filed bankruptcy -- to creditors, employers, landlords, and other businesses. You can find the complete text of the FCRA, 15 U.S.C. 1681-1681u, at the Federal Trade Commission's web site (<http://www.ftc.gov>). The FCRA gives you specific rights, as outlined below. You may have additional rights under state law. You may contact a state or local consumer protection agency or a state attorney general to learn those rights.

- **You must be told if information in your file has been used against you.** Anyone who uses information from a CRA to take action against you -- such as denying an application for credit, insurance, or employment -- must tell you, and give you the name, address, and phone number of the CRA that provided the consumer report.
- **You can find out what is in your file.** At your request, a CRA must give you the information in your file, and a list of everyone who has requested it recently. There is no charge for the report if a person has taken action against you because of information supplied by the CRA, if you request the report within 60 days of receiving notice of the action. You also are entitled to one free report every twelve months upon request if you certify that (1) you are unemployed and plan to seek employment within 60 days, (2) you are on welfare, or (3) your report is inaccurate due to fraud. Otherwise, a CRA may charge you up to eight dollars.
- **You can dispute inaccurate information with the CRA.** If you tell a CRA that your consumer report contains inaccurate information, the CRA must investigate the items (usually within 30 days) by presenting to its information source all relevant evidence you submit, unless your dispute is frivolous. The source must review your evidence and report its findings to the CRA. (The source also must advise national CRAs -- to which it has provided the data -- of any error.) The CRA must give you a written report of the investigation, and a copy of your report if the investigation results in any change. If the CRA's investigation does not resolve the dispute, you may add a brief statement to your file. The CRA must normally include a summary of your statement in future reports. If an item is deleted or a dispute statement is filed, you may ask that anyone who has recently received your report be notified of the change.
- **Inaccurate information must be corrected or deleted.** A CRA must remove or correct inaccurate or unverified information from its files, usually within 30 days after you dispute it. However, the CRA is

not required to remove accurate data from your file unless it is outdated (as described below) or cannot be verified. If your dispute results in any change to your report, the CRA cannot reinsert into your file a disputed item unless the information source verifies its accuracy and completeness. In addition, the CRA must give you a written notice telling you it has reinserted the item. The notice must include the name, address and phone number of the information source.

- **You can dispute inaccurate items with the source of the information.** If you tell anyone — such as a creditor who reports to a CRA — that you dispute an item, they may not then report the information to a CRA without including a notice of your dispute. In addition, once you've notified the source of the error in writing, it may not continue to report the information if it is, in fact, an error.
- **Outdated information may not be reported.** In most cases, a CRA may not report negative information that is more than seven years old, ten years for bankruptcies.
- **Access to your file is limited.** A CRA may provide information about you only to people with a need recognized by the FCRA — usually to consider an application with a creditor, insurer, employer, landlord, or other business.
- **Your consent is required for reports that are provided to employers, or reports that contain medical information.** A CRA may not give out information about you to your employer, or prospective employer, without your written consent. A CRA may not report medical information about you to creditors, insurers, or employers without your permission.
- **You may choose to exclude your name from CRA lists for unsolicited credit and insurance offers.** Creditors and insurers may use file information as the basis for sending you unsolicited offers of credit or insurance. Such offers must include a toll-free phone number for you to call if you want your name and address removed from future lists. If you call, you must be kept off the lists for two years. If you request, complete, and return the CRA form provided for this purpose, you must be taken off the lists indefinitely.
- **You may seek damages from violators.** If a CRA, a user or (in some cases) a provider of CRA data, violates the FCRA, you may sue them in state or federal court.

The FCRA gives several different federal agencies authority to enforce the FCRA.	
FOR QUESTIONS OR CONCERNS REGARDING:	PLEASE CONTACT:
CRA's, creditors and others not listed below	Federal Trade Commission Consumer Response Center - FCRA Washington, DC 20560 202-326-3761
National banks, federal branches/agencies of foreign banks (word "National" or initials "N A " appear in or after bank's name)	Office of the Comptroller of the Currency Compliance Management, Mail Stop 6-6 Washington, DC 20219 800-613-6743
Federal Reserve System member banks (except national banks, and federal branches/agencies of foreign banks)	Federal Reserve Board Division of Consumer & Community Affairs Washington, DC 20551 202-452-3693
Savings associations and	Office of Thrift Supervision

federally chartered savings banks (word "Federal" or initials "F S B " appear in federal institution's name)	Consumer Programs Washington, DC 20552 800-842-6929
Federal credit unions (words "Federal Credit Union" appear in institution's name)	National Credit Union Administration 1775 Duke Street Alexandria, VA 22314 703-518-6360
State-chartered banks that are not members of the Federal Reserve System	Federal Deposit Insurance Corporation Division of Compliance & Consumer Affairs Washington, DC 20429 800-934-FDIC
Air, surface, or rail common carriers regulated by former Civil Aeronautics Board or Interstate Commerce Commission	Department of Transportation Office of Financial Management Washington, DC 20590 202-366-1306
Activities subject to the Packers and Stockyards Act, 1921	Department of Agriculture Office of Deputy Administrator - GIPSA Washington, DC 20250 202-720-7051

To whom does ChoicePoint provide my Consumer Report?

ChoicePoint allows access to your consumer reports only by those authorized under the FCRA. In addition, each ChoicePoint customer must verify that it has a "permissible purpose" before receiving a consumer report. When you sign an insurance application, you give the insurance company permissible purpose to order information reports related to your credit, driving history, and claims history.

Which products available through this site are Consumer Reports?

The claims, credit and driving record reports are considered consumer reports.

close window

Exhibit C



ChoicePoint
Office of Privacy Compliance
1000 Alderman Drive, MD 71-K
Alpharetta, GA 30005

Dear Customer:

Thank you for ordering Your Personal Public Records Search from ChoicePoint. ChoicePoint is committed to the responsible use of information to help create a safer, more secure society while ensuring the protection of personal privacy. We are pleased to provide you with this report to help you better understand the information available through companies like ours and the positive power this information can have.

The following describes what is included in your custom search:

- Your Personal Public Records Search Results are based on the search we conducted through federal, state and local government agencies upon your recent request.
- Your Personal Non-Financial Credit Bureau Data Results includes identity information obtained from the three national credit bureaus. This information is sometimes called credit header data and includes name, address and social security number. It does NOT include credit information or any financial data.
- Your Personal Publicly Available Records Search Results include information from published telephone directories. Please note that this information does not include unlisted numbers and addresses.

Please keep in mind the following important points when reviewing your results. Each record section has a detailed description about the source of the record. If you need more information, we have included a Q&A product sheet. Please review this information carefully. It's an easy way to get quick answers.

Results that you believe are inaccurate.

There are situations when a record may appear for someone else for a variety of reasons. Some records may appear because another person has lived at the same address and shares the same last name. There are also situations where the information has been recorded incorrectly by a reporting company or agency, or there may be fraudulent activity. If you believe that any information contained in this report is inaccurate, review the Q&A product sheet provided in this package for quick answers. If you still have concerns, you can request an inquiry package from us at:

ChoicePoint
Office of Privacy Compliance
1000 Alderman Drive, MD 71-K
Alpharetta, GA 30005

Or contact us by e-mail at: choicetrust_solutions@mailca.custhelp.com

Sensitive items in your report.

Some sensitive items in your report may be blocked with Xs. These Xs are used to protect your privacy and that of others that may be listed in the report.

- Social security numbers: (SSN) The last four digits of any SSNs of individuals who have been associated with you are substituted with Xs.
- Dates of birth: The specific date of birth is substituted with Xs.

This report provides you with valuable information about your public records. Thank you for your interest in ChoicePoint.

Thank you,

ChoicePoint Public Records Group
Consumer Disclosure Department



Questions & Answers Product Sheet

General Questions

1. Who is ChoicePoint® ?

ChoicePoint is one of the nation's leading providers of identification and credential verification services for making smarter decisions in a world challenged by increased risks.

ChoicePoint is also a trusted source of decision-making information that helps reduce fraud and mitigate risk.

Through the identification, retrieval, storage, analysis and delivery of data, ChoicePoint serves the informational needs of businesses of all sizes, as well as federal, state and local government agencies. ChoicePoint complies with federal, state, government agency laws and regulations regarding privacy.

2. What are Public Records?

Public records are records generated by various government entities including:

- Courts
- Licensing boards
- Secretaries of State
- Local government offices

Examples of public record information:

- County assessor records provide mailing and property addresses for real property owners across the United States.
- Secretary of State information locates corporations and limited partnerships, principal officers and registered agents throughout the United States.
- Professional licensing indexes identify addresses for individuals and businesses licensed in more than 40 professions.
- Bankruptcies, liens and judgments display addresses of individuals and businesses with derogatory financial histories.
- Uniform Commercial Code indexes provide identifying information on individuals and businesses with secured financing.

3. What are publicly available records?

Publicly available records are obtained from commonly used, non-governmental sources that are in the public domain. For example, this type of information is often gathered from published telephone directories. Please note, these records are based on historical data and do not include unlisted phone numbers and addresses.

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Questions & Answers Product Sheet

4. What are our information sources for Your Personal Public Records Search report?

Public records sources include:

- Property tax assessors offices – property ownership
- Deed recorders offices – deed transfers
- Federal Aviation Administration – aircraft and pilot licenses
- Secretaries of State – UCC filings, business affiliations, officer of a business, trademarks, service marks
- Federal bankruptcy courts - bankruptcies
- County civil courts – liens and judgments
- State licensing boards – professional licenses
- Federal Communications Commission – marine radio licenses
- Drug Enforcement Administration – DEA controlled substance licenses
- Bureau of Alcohol Tobacco and Firearms – federal firearms and explosives licenses
- Department of Defense – Active U.S. military personnel records
- Securities and Exchange Commission – significant shareholder records

Publicly available sources include:

- Telephone directory listings

Non-public information sources include:

- Social Security Administration
- Credit bureaus

5. Who uses ChoicePoint's public records data?

ChoicePoint only serves government agencies and legitimate businesses that have a permissible purpose to use public record data. Every ChoicePoint customer must successfully complete a rigorous credentialing process. ChoicePoint does not distribute information to the general public and monitors the use of its public record information to ensure appropriate use. ChoicePoint customers use public record information to combat fraud, find missing people, fight crime and minimize risk associated with business decisions.

6. Who has access to my information?

ChoicePoint's public records are restricted to professionals who must qualify for the service. Our subscribers include legal, professional and insurance industry investigators, and federal, state and local law enforcement agencies.



Questions & Answers Product Sheet

7. Do you have FBI files?

No. ChoicePoint does not have access to FBI files.

8. How do I contact the credit bureaus?

There are three major credit bureaus in the United States (Experian, Equifax and TransUnion). You may contact them directly to obtain a copy of your credit report or inquire about changes and/or errors in your reported information. Toll-free telephone numbers for the three credit bureaus are shown below:

Experian 888-397-3742
Equifax 800-685-1111
TransUnion 800-888-4213

9. What can I do if I believe I have been a victim of Identity Theft?

There are a number of resources available to help you if you are a victim of identity theft. If you believe you are a victim, contact the fraud departments of the three major credit bureaus to obtain a copy of your credit report and to place a fraud alert on your credit file. The fraud alert requests creditors to contact you before opening any new accounts or making any changes to your existing accounts. Contact numbers for Equifax, Experian and TransUnion are:

Equifax 800-685-1111
Experian 888-397-3742
TransUnion 800-888-4213

Please note, you do not have to be a victim of identity theft to place a fraud alert on your credit reports. This is a step many people take as a preventive measure to protect their identity. Remember, if you place a fraud alert on your credit file, it may delay any application for credit that you may submit in the future.

If you have confirmed that you have been a victim of identity fraud, here are some additional steps to take:

Contact your local and state authorities to determine whether they pursue identity theft cases. Even if your local police department will not pursue the case, file a police report. Get a copy of the report to submit to your creditors and others that may require proof of the crime.

Close the accounts that you believe have been tampered with or opened fraudulently. To dispute a new, unauthorized account, use the ID Theft Affidavit, available through the Federal Trade Commission. Go to www.ftc.gov or request one by calling 202-326-2222. You can also use the Broderbund Identity Theft Software, which includes all of the forms needed to address identity theft. (www.broderbund.com)



Questions & Answers Product Sheet

Some additional Web sites you may find useful are:

www.usdoj.gov/criminal/fraud/idtheft.html

www.consumer.gov/idtheft/

www.privacyrights.org/itrc-quiz1.htm



Questions & Answers Product Sheet

Specific Questions about Your Personal Public Records Search Report

1. Why are other names listed with my social security number? When should I be concerned?

Multiple names can appear with your social security number for a number of reasons including:

- When applying for credit in the past, you may have used other names such as a nickname or maiden name, or you might be known by your middle name instead of your first name.
- Jointly filed public records
- Joint credit accounts (current and historical)
- Individuals with the same name (Jr., Sr.)
- There also might have been misspellings of your name
- There may be fraudulent activities associated with your name and social security number (see below).

IMPORTANT: Please pay special attention to the sections related to other individuals associated with your social security number. These sections, which are sourced from the three national credit bureaus, may show instances where your social security number has become associated with another individual's name. This typically happens through an input error; however, it can be a tip that a fraudulent activity may have occurred. Therefore, if another individual is associated with your social security number and you do not understand the reason, we urge you to obtain a credit report from the three national credit bureaus: Equifax, Experian and TransUnion.

Toll-free telephone numbers for the three credit bureaus are shown below:

Equifax 800-685-1111
Experian 888-397-3742
TransUnion 800-888-4213

*If you believe you are a victim of identity theft, please see general question #9: "What can I do if I believe I have been a victim of Identity Theft?"

2. Why is my report showing information that is old?

ChoicePoint does not exclude information in the search just because it is historical. ChoicePoint has information that is both current and historical in order to provide the most thorough data available.

3. Why is my report showing addresses at which I never lived?

The addresses that appear on your report are provided by the three major credit bureaus. Addresses that do not belong to you may appear because family members or former family members may have co-applied for credit or may have shared an address with you.



Questions & Answers Product Sheet

4. The report says I have a corporation, but I don't. Why?

Corporation records are returned two different ways in your report:

- 1) Business affiliations derived from Secretary of State corporation records will be listed when the last name and an address in your address history match those on a corporate record.
- 2) Possible officer of a business search results may be returned based on a name-only match.

Because limited information is used to match these records, information that does not pertain to you may be listed in order to provide all possible records.

5. Why are there typographical errors and mistakes in my report?

ChoicePoint provides a service by gathering and consolidating records on behalf of federal, state and local government agencies across the nation. Since ChoicePoint does not create the public record information in its possession, ChoicePoint does not have the right or ability to change or correct it.

6. Why don't you have my current address?

ChoicePoint provides the most up-to-date information available. As information is received from the three major credit bureaus, your report will be updated. If you have not updated your address with companies that report information to the credit bureaus, it may not appear.

7. Why do I have other social security numbers listed for my name?

Other social security numbers, names, dates of birth or addresses may be found when a search is run using your supplied social security number. These records are obtained from credit bureaus. Frequently other individuals are linked with social security numbers for several reasons including: jointly filed public records, joint credit accounts (current and historical), typographical errors, individuals with the same name (Jr., Sr.) and fraud. If you believe you are a victim of identity fraud, please see general question #9: "What can I do if I believe I have been a victim of Identity Theft?"

8. Why is my father's (or son's) information on my report?

Our report matches the name you supplied to our public records data on file. We do not make any distinction between "Juniors" and "Seniors" when matching names and this may be why you see fathers and sons listed.



Questions & Answers Product Sheet

9. Why don't you show the home I purchased under your property records?

Our property records are matched based on a name and exact match on the address including ZIP code. The information is retrieved from the county tax assessor's office on an annual basis. It may be that we were unable to produce an exact match on the address supplied or we have not yet received the annual update to our information.

10. What is a UCC?

The Universal Commercial Code (UCC) regulates secured transactions in which an individual or a business has secured the loan with some sort of collateral. UCC filings are derived from the applicable Secretary of State. The UCC filing records in your report match your last name and an address listed in your address history.

11. Why don't you show the UCC paid off (terminated)?

UCC updates are obtained from the Secretary of State in all 50 states at various intervals throughout the year. If we do not yet show the UCC paid off, our information may not yet be updated for this particular state.

12. Why is my professional license not listed?

Professional licenses are obtained from various state licensing boards at various intervals throughout the year. If we do not show your professional license, our information may not yet be updated. Depending on the state, we may or may not have professional license information for your profession.

13. What do the dates mean next to my addresses reported?

When reporting address information from a credit bureau, we pass along to you all dates noted on the addresses reported from the credit bureaus. This date is an internal indicator to the credit bureau and not ChoicePoint.

14. Why do you report old information when it's been corrected at the credit bureaus?

ChoicePoint does not exclude information in the search just because it is historical information. ChoicePoint has information that is both current and historical in order to provide the most thorough data available.

ChoicePoint



Questions & Answers Product Sheet

15. Why is my property appraised amount incorrect?

Property information is obtained from the county tax assessor's office. Each county reports on an annual basis. If you have specific questions about your property in the report, you may want to contact the county tax assessor for that property.

16. Can you get my court records?

No. In your personalized public records report only immediate information is made available. Typically, researchers must physically visit a courthouse to retrieve court records.

17. Will the report include criminal records?

No. Please visit the Self-Check Criminal product on www.ChoiceTrust.com.