

ORIGINAL

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San Francisco, CA 94118  
January 25, 2001

Secretary  
Federal Trade Commission  
Room H-159  
600 Pennsylvania Ave.  
Washington, DC 20580


To the Secretary:

I am writing to comment on proposed interpretations of provisions of the Fair Credit Reporting Act (FCRA; 16 CFR Part 600, App. B). Specifically, I wish to comment on the choice of "opt out" rather than "opt in."

Insofar as it exists at all, notice to consumers of how information about them will be used and that they have the right to opt out, ranges from grossly inadequate (i.e., obscure to the point of invisibility) to nonexistent. It is of no benefit to consumers to be able to opt out of having information about themselves sold to anyone (the actual meaning of "affiliates" in your proposed legislation) if they can't easily find the notice that enables them to do this. Marketers and users of consumer data fear the loss of easy access to information that enables them to carpet bomb the public with fabulous offers of junk. They worry that consumers will not take advantage of the opportunity to opt in, just as they now—to the marketers' great benefit—fail to take advantage of their opportunity to opt out, if they are even aware that such an opportunity is available.

If companies are to be allowed to communicate information to their "affiliates" without becoming CRAs, the least they can do in return is to give consumers the option of affirmatively permitting the companies to use information about themselves. Consumers have too little protection or privacy concerning how information about them is used. It should be the goal of FTC policy to change that situation.

Yours truly,

  
Linda G. Ackerman