



January 31, 2001

Donald S. Clark-Secretary  
Federal Trade Commission  
Room H-159  
600 Pennsylvania Avenue, N.W.  
Washington, DC 20580

**Re: Comments on Proposed Interpretations of Fair Credit Reporting Act – 16 CFR Part 600**

The Alliance of American Insurers is a national trade association with 326 property/casualty insurance company members. We appreciate the opportunity to comment upon these proposed interpretations of the Fair Credit Reporting Act. We urge several clarifications.

The Fair Credit Reporting Act (FCRA) applies to only to "consumer reports", which contain customer information. If that information is not contained in a consumer report, then it is not subject to the FCRA, and should not be interpreted in this way. An example is information obtained only from the customer's own application. Thus, we recommend that the proposed interpretations be amended to clarify that not all customer information is affected.

We recommend three clarifying amendments:

- The lead sentence of Section 3(k), concerning the definition of "opt-out information", should be amended to read "Opt-out information means information *obtained from a consumer reporting agency* that:".
- Delete Section 5(d)(2)(i) which erroneously characterizes information obtained from an application as being "opt-out information."
- Delete the purported "information we obtain from your application" example from the sample notice form contained in Section 12.

We have made similar recommendations to the banking regulators concerning their jointly proposed FCRA regulations. Should you have any questions or concerns, please contact me or Ken Schloman in our Federal Affairs Office at 202.822.8811.

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