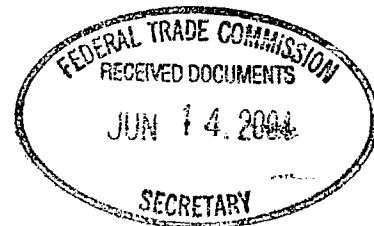

EQUAL EMPLOYMENT
ADVISORY COUNCIL

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June 14, 2004



VIA COURIER

Federal Trade Commission
Office of the Secretary
Room 159-H (Annex H)
600 Pennsylvania Avenue, NW
Washington, DC 20580

Re: The FACT Act Disposal Rule, R-411007
Disposal of Consumer Report Information and Records
Notice of Proposed Rulemaking; Request for Public Comment
69 Fed. Reg. 21388 (April 20, 2004)

To the Commission:

The Equal Employment Advisory Council (EEAC) respectfully submits the following comments on the Commission's Notice of Proposed Rulemaking. EEAC's comments support the proposal's flexible approach, examples of "reasonable means" of compliance, and exclusion of information that does not identify any particular consumers.

EEAC is a nationwide association of employers organized in 1976 to promote sound approaches to the elimination of employment discrimination. Its members include over 330 of the nation's largest private sector corporations. EEAC's directors and officers include many of industry's leading experts in the field of equal employment opportunity. Their combined experience gives EEAC a unique depth of understanding of the practical, as well as legal, considerations relevant to the proper interpretation and application of equal employment policies and requirements. EEAC's members are firmly committed to the principles of nondiscrimination and equal employment opportunity.

As employers, EEAC's members are subject to the relevant portions of the Fair Credit Reporting Act (FCRA), and Section 216 of the Fair and Accurate Credit Transactions (FACT) Act requiring the Commission to issue regulations governing the proper disposal of consumer information obtained under the FCRA, which may include some employee records. Accordingly, EEAC's members have a significant interest in the Commission's proposal.

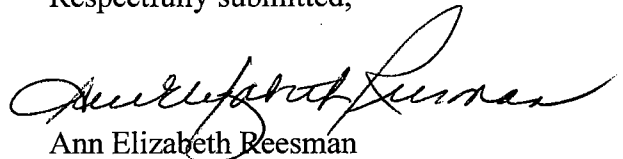
Many if not all of EEAC's member companies already have effective policies and practices in place for the proper disposal of sensitive information. For this reason, EEAC strongly supports the Commission's proposal to adopt a flexible standard. By allowing companies to utilize their existing practices with little or no change, the Commission will, as the proposal suggests, take advantage of procedures that already provide adequate protection, and as a result minimize disruption and cost.

EEAC further supports the examples of "reasonable measures" provided in the proposal. In our view, the Commission's examples reflect the types of measures that will provide adequate protection for covered information when such information is disposed of.

Moreover, EEAC supports the Commission's exclusion from the definition of "consumer reports" information that does not identify any particular consumers. Employers frequently use information in the aggregate for various purposes, including federal recordkeeping and reporting requirements. Covering such reports under these regulations would increase the compliance burden without adding any further protection.

Thank you for the opportunity to comment on the proposed regulations. If you need additional information, please feel free to contact me.

Respectfully submitted,



Ann Elizabeth Reesman
General Counsel