Comment #: 4

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

RE: FACTA Interim Final Rule Prohibiting Circumvention, Project No. P044804

Ladies and Gentlemen:

I am the Executive Vice President – Corporate General Counsel of TransUnion LLC. TransUnion LLC is a Delaware limited liability company with businesses that operate as a "consumer reporting agency" as that term is defined under the Fair Credit Reporting Act ("FCRA"). TransUnion has approximately 3,600 employees with operations on five continents and in 24 countries. In particular, TransUnion currently compiles and maintains files in the United States on consumers on a nationwide basis, including public record information and credit account information from persons who furnish that information regularly and in the ordinary course of business. As a result of such practices, TransUnion would be considered a consumer reporting agency that meets the definition of Section 603(p) of the FCRA.

In December 2003 the President signed into law the Fair and Accurate Credit Transactions Act of 2003 ("FACTA"). FACTA substantially expands the duties and roles of a consumer reporting agency that compiles and maintains files on consumers on a nationwide basis, or a "Section 603(p) Consumer Reporting Agency". FACTA also requires that the Federal Trade Commission ("Commission"), as well as other federal agencies, perform many functions in the very near term to implement its provisions. In particular, the Commission must promulgate and adopt rules dealing with effective dates, circumvention, centralized source and free credit reports, and risk based pricing notices, as well as implementing, or being a part of, studies on accuracy, dispute reinvestigations, credit scoring, and red-flag fraud guidelines. TransUnion recognizes the Commission's daunting task. We trust the Commission will appropriately consider the impact these rules and studies will have on the normal every day operations of consumer reporting agencies and will not create unduly burdensome or nebulous concepts that inhibit the ability of such entities to be innovative in the creation of cost effective products and services. That result, in the long run, will be more harmful to our economy and consumers than any benefit any rule or study could possibly provide.

We have grave concern with the referenced interim final rule prohibiting circumvention that has been proposed by the Commission. As noted in the Commission's press release for this rule, this

rule is "to ensure nationwide CRAs will not attempt to circumvent...FCRA requirements". As noted, we understand the challenges facing the Commission as well as the perceived goal of the relevant statutory provision. We are respectfully suggesting some practical considerations and proposed solutions to allow the proposed rule relating to circumvention to not only operate as intended, but to also operate in a manner that clearly permits consumer reporting agencies to make day-to-day business decisions without undue legal risk. Simply, unless there is sufficient detail within the rule and administrative control over the enforcement of the rule, the rule, as written, creates irreconcilable tension between accepted legitimate business decisions and the proposed goal of the rule. For this reason it is imperative that the Commission consider this rule's effect on legitimate business decisions, and provide sufficient guidance that will enable historically accepted legal concepts, as well as other existing statutes and rules, to coexist with this rule.

General

Currently in the United States there are few organizations that meet the definition of being a Section 603(p) Consumer Reporting Agency. The FCRA (as amended by FACTA) requires that a Section 603(p) Consumer Reporting Agency (a) participate in a joint opt-out notification system for prescreened credit or insurance offers (15 U.S.C. 1681b(e)(6)); (b) maintain a toll-free telephone number during normal business hours with personnel accessible to consumers who have received their file disclosures (15 U.S.C. 1681g(c)(1)(B)); (c) utilize an automated system through which furnishers of information may report reinvestigation results (15 U.S.C. 1681i(a)(5)(D)); (d) place fraud alerts in consumers files and communicate such alerts to other Section 603(p) Consumer Reporting Agencies (15 U.S.C. 1681j(a)); (e) provide free file disclosures once annually upon request through a centralized source (15 U.S.C. 1681j(a)); and (f) participate in a process of consumer complaint sharing and review (15 U.S.C. 1681i(e)). As a result of these additional obligations that are placed on a Section 603(p) Consumer Reporting Agency, it is doubtful that any consumer reporting agency or any organization desiring to enter into this field will ever aspire to become a Section 603(p) Consumer Reporting Agency. Also, with an unfettered circumvention rule, the Commission has arguably nationalized a Section 603(p) Consumer Reporting Agency without providing it with the benefits of government protection or any compensation. We believe such a position will clearly stifle innovation that would historically be expected from new entrants into this space as no one will want to risk being caught by this invisible force called "circumvention".

The Commission has adopted an interim final rule to implement section 211(b) of FACTA (15 U.S.C. 1681y). Section 211(b) directs the Commission to adopt regulations "to prevent a consumer reporting agency from circumventing or evading treatment as a [nationwide bureau]...." Although the terms "circumventing" and "evading" are not defined in FACTA, the legislative history to FACTA provides important guidance regarding how those terms are to be construed. In particular, the section-by-section analysis of FACTA included in the Congressional Record by Representatives Oxley and Bachus, the two primary proponents of the legislation in the House, includes the following explanation of Section 211(b):

> "The [Commission] is directed to prescribe regulations preventing consumer reporting agencies from avoiding being treated as [a nationwide bureau] *by manipulating their corporate structure or consumer records in a manner that*

allows them to operate with essentially identical activities but for a technical difference."

[149 Cong. Rec. E2514 (daily ed. Dec. 9, 2003.] (emphasis added.) This legislative history highlights at least two important points. First, it makes clear that Congress was concerned about a consumer reporting agency "manipulating" its corporate structure or records in order to avoid the definition set forth in Section 603(p) of the FCRA. By using the term "manipulating," this legislative history suggests that section 211(b) is intended to direct the Commission to prevent deliberate or intentional acts by consumer reporting agencies to avoid nationwide bureau status. Second, the legislative history makes it clear that, in order for a consumer reporting agency to be deemed to be circumventing or evading treatment as a nationwide bureau, it must be engaged in the activities that are "essentially identical" to those set forth in Section 603(p).

To craft a meaningful "circumvention" rule the Commission must focus on, and provide guidance with respect to, the plain meaning of the words utilized in that statute and the accompanying legislative history, as those words provide the exact goal and intent that such a rule must accomplish. As a result of the plain meaning of those words we believe it is clear that the final rule to implement section 211(b) must only relate to intentional efforts by a consumer reporting agency to structure transactions that have no valid and legitimate business purpose other than to evade the characterization of that organization as an entity meeting the definition of Section 603(p) of the FCRA. Therefore, we propose that to make this rule operate in a fair and equitable manner to all consumers and consumer reporting agencies the final rule adopted by the Commission must be clear and unambiguous as to:

(1) the intent of the statutory provision;

(2) what the rule is meant to do and not to do with respect to current applicable legal requirements and business transactions - for example, does the rule (a) override state law, such as the legal standard of the "business judgment rule" with respect to corporate transactions, (b) impact the ability of a business to avail itself of bankruptcy law protections (including the resulting dispositions of property or businesses by creditors or a bankruptcy trustee) or insulate that entity from antitrust concerns in connection with business combinations (can 603(p)'s only sell to 603(p)'s if no other consumer reporting agency wants to buy their assets or business because they do not want to become a 603(p)), (c) allow individuals through the use of state or federal courts to override Commission involvement or determinations with respect to transactions, and (d) force current consumer reporting agency's to become a 603(p) if they are offered businesses or assets that could make them such an entity (i.e., can a consumer reporting agency decide not to bid or buy a business or asset if their only reason not to bid or buy is that it would make them become a 603(p) and they wish to avoid, or evade, that result); and

(3) appropriate safe harbors, remedies and enforcement parameters to provide guidance to the judiciary and certainty to all constituencies' as to the scope and impact of this rule.

Discussion of Proposed Interim Final Rule

The Commission in the release of the proposed interim final rule has appropriately recognized that the "purpose of the circumvention provision of the FACT Act is to prevent evasion of the obligations of nationwide CRAs..." – so if there is no evasion there can be no liability. The Commission also correctly recognized that the "FACT Act does not prohibit circumvention directly, but rather only requires the promulgation of a rule. Without the rule, there is no prohibition on circumvention." Therefore, it is a logical determination that any liability, including remedies, for circumvention must also come from the rule, as it is the source.

The Commission correctly acknowledges in the release that Congress intended to provide it with broad authority to craft this rule. In particular, the Commission noted "that Congress has granted it broad authority to prevent all circumvention..." as the guiding rationale for it to craft a rule that goes beyond the specific examples set forth in the statutory language. Based on this clear determination of a broad rule making authority from the plain meaning of the statutory language and the fact that the rule will be the source for enforcement – not the statutory language - it is critical for the Commission to adopt a rule that provides guidance on all matters on which the issue of prevention of circumvention may touch, including applicability to other laws, elements of what is "circumvention", safe harbors, remedies and enforcement. Simply, these matters are components that must be understood by parties who are subject to the rule and who enforce the rule to appropriately determine how one is, or is not, complying with the rule. If a person does not know how to comply, the Commission cannot validly assert that they are preventing the act.

Although the Commission has broad authority to promulgate the rule, that authority is not unlimited – the plain language of the statute and its legislative history create important boundaries for the rule. The statutory language clearly states that the rule should "prevent a consumer reporting agency from circumventing or evading treatment as a consumer reporting agency described in section 603(p)...". The use of the word "prevent" cannot be overlooked. The plain meaning of the word "prevent" is "to keep someone from doing something". As noted above, the accompanying legislative history supports this view. Clearly, the use of this language evidences that Congress wanted something more from the Commission than just a statement that a consumer reporting agency just cannot circumvent (i.e., "do the act"). It goes without saying that one cannot prevent someone from doing something if one cannot define what the something is and what the something is not. Additionally, as noted above prevention cannot occur if one does not know how to comply to be sure one has not done the something that is to be prevented. Simply, the interim final rule proposed by the Commission does not provide these basic answers; therefore it does not meet the goal or purpose set by Congress as evidenced by the statutory language.

If the Commission does not utilize the broad authority it has recognized that it has under this circumstance, the Commission will have left the true creation of the rule up to the federal and state judiciary. Congress did not give these courts that right as specifically noted by the Commission with its words in the release, "(W)ithout the rule, there is no prohibition on

circumvention". Simply, there is no possible way that a federal or state court judge can know the intent and meaning of this interim final rule and its application to the various fact patterns that will arise over the years unless the Commission takes a leadership role and provides definitive guidance. Without such guidance, it is highly questionable that the interim final rule will be enforced by federal and/or state courts on a uniform basis. Such vagueness will cause more harm than good to all consumers and consumer reporting agencies.

Therefore, the Commission must provide more definition and more focus to this rule. The Commission must craft a rule that follows the "plain meaning" of the words used in the statute by Congress and the related legislative history. This rule, if it cannot describe the activity that is to be prevented must at least describe the elements necessary to determine the existence of that activity. So if the Commission believes it is appropriate to prohibit "all means of circumvention", elements of how one determines "circumvention" cannot be ignored. Secondly, the Commission should use additional examples to provide guidance as to the application of this rule. (We applaud the Commission for suggesting this approach.) Lastly, the Commission must reflect in the rule that responsibility for administering the rule will rest with the Commission. This would include adopting a procedure to accept requests for interpretative letters relating to the rule, including the pre-clearing of transactions, if requested by a consumer reporting agency. Such a mechanism will allow for the rational expansion of "safe harbors" as facts and circumstances dictate and will satisfy the Congressional mandate of preventing consumer reporting agencies from violating the rule. As the interim final rule now stands, no consumer reporting agency faced with an issue relating to its actual or prospective status as a Section 603(p) Consumer Reporting Agency can be certain that it is not violating the rule unless one of the examples included in the rule unambiguously addresses the agency's precise circumstances. Simply, rather than preventing a violation, this approach may actually run the risk of entrapping a consumer reporting agency into one.

Specific Suggestions with Respect to Interim Final Rule

With respect to the specific sections of the proposed rule, the following is suggested:

Section 603.2(a)

First - this section should be expanded to include specific elements that must be present to determine whether the rule has been violated to enable consistent judicial determinations. The plain meaning of the word circumvention means to "overcome by clever maneuvering". Clever means "mentally quick and original". Maneuvering means "to make a change or a series of changes in a position for a purpose". Therefore based on these plain meanings, there can be no circumvention if there is no mental decision (i.e., intent) that is being made for the sole reason to evade this rule and thus the statute (i.e., the purpose). The relevant legislative history supports this view.

From the plain meaning of the word circumvention and the language in the statute and legislative history, it is submitted that there must be at least five elements. These elements are: 1) the party involved must have been a consumer reporting agency; 2) there must have been an intentional act by that consumer reporting agency; 3) a transaction or series of transactions must have

occurred; 4) there was no valid business purpose for the transaction(s) other than to evade the rule; and 5) the consumer reporting agency must be engaged in all of the activities set forth in Section 603(p). To evidence or codify these elements to ensure that they are uniformly applied, it is believed that the following statement must be added to the final rule:

> "The purpose and intent of this rule is solely to prevent any consumer reporting agency from intentionally entering into any transaction, or series of transactions, that has no valid and legitimate business purpose other than the evasion by that consumer reporting agency from becoming, or continuing as, a consumer reporting agency that meets the definition of §603(p) of the FCRA. If evasion of being a §603(p) consumer reporting agency has not occurred, there is no violation of this rule. Also, there is no evasion if the agency is not engaged in all of the activities set forth in Section 603(p)."

Second – the section should be expanded to make it clear that the rule does not alter, impact or in any manner modify current legal standards, federal or state, that would be applicable to the determination of these elements, or create any new type of legal standard. In addition, it must be clear that enforcement of the rule will yield to the application of other federal and state laws. For example: (1) a bankruptcy trustee should be allowed to sell, or close down, certain operations of a Section 603(p) Consumer Reporting Agency even if it is only doing so to evade the status of that bankrupt entity being a Section 603(p) Consumer Reporting Agency if that trustee has determined that such a disposition will save money and preserve value for the affected creditors; and (2) the determination of a valid and legitimate business purpose must be tested in light of applicable laws and judicial decisions, including state laws (i.e., such as the business judgment rule), and should not be left to the courts to establish new legal standards that can vary from jurisdiction to jurisdiction for the same transaction by different entities, or even the same entity. Since in the release the Commission has made it clear that it did not believe this rule was in conflict with any other statutes and regulations, this position must be clearly evidenced within the rule. Therefore, it is believed the following must be added to the final rule:

> "The applicability and enforcement of this rule shall not modify or supercede any current legal standards or impact any other federal laws, rules or regulations."

Third – since it is clear that liability for circumvention can only come from the rule as without the rule there can be no violation of the statute, it must also be clear that the liability (or remedy) for violation of the rule can be specifically identified in the rule as long as it does not exceed the statutory limits.

Evasion of the duties of a Section 603(p) Consumer Reporting Agency could theoretically give rise to a claim by every person who has a file maintained by, or may be accessed from, that Section 603(p) Consumer Reporting Agency. Since it is also theoretical that such a claim would involve some type of intentional act by the consumer reporting agency each of these persons may have an unrestricted remedy of $100 to $1,000 (See 15 U.S.C. 1681n). Such a potential liability is so great (approximately 220 million credit files multiplied by $100 or $1,000 equals $22 billion and $220 billion, respectively) that it is effectively meaningless. Why? Simply the entire consumer reporting industry does not approach that economic value. This is evidenced by

the fact that the Commission has recognized that the entire credit reporting industry had approximately $1.2 billion in earnings (not "earnings after taxes", not "stockholders' equity") in 2002. (See "FACTA Free File Disclosures Proposed Rule, Matter No. R411005)" footnote 37 at page 45 thereof). Therefore no individual consumer reporting agency could possibly be able to meet such an obligation and the result of such an award would be to put the offending consumer reporting agency out-of-business, essentially forcing it to cease being a Section 603(p) Consumer Reporting Agency, the exact result which this rule was suppose to prevent.

The Commission, as the courts have done in the past, must recognize that it is not acceptable to allow such a result. The FCRA clearly provides that regulation and enforcement by the Commission of its provisions is permitted. (See 15 U.S.C. 1681s). Courts have recognized that such administrative action by the Commission is superior to any private remedy that seeks statutory damages on a class basis where large numbers of consumers would be affected. See *In re Trans Union Corp. Privacy Litigation*, N.D. Ill., No. 00 C 4729, 9/10/2002. See also, *Sampson v. Western Sierra Acceptance Corp.*, N.D. Ill., No. 03 C 1396, 2/25/2004.

The Commission correctly identified in the release that "evasion" is the key, and if there is no evasion there should be no liability. Therefore, the rule should be clear that in the event that an issue of circumvention has been raised, the Commission shall determine whether a consumer reporting agency has violated the rule, and the Commission shall take such action as it deems appropriate, including the issuance of a cease and desist order to that consumer reporting agency. (See 15 U.S.C. 45(b)). To address this process the following language must be included within the final rule:

> "The Commission shall solely determine whether there has been any violation of this rule, which determination shall be subject to review by the federal courts. In any action brought by any person to recover damages for any violation of this rule, in the determination of any liability or damages the court shall only consider whether there has been an intentional evasion of being a section 603(p) consumer reporting agency as evidenced by the issuance and violation of a cease and desist order by the Commission. Any financial damages awarded by the court to any individual must not exceed the actual costs such individual has incurred to obtain the benefits that would have been provided to such individual if the circumvention had not occurred, provided such amounts do not exceed the statutory maximum as set forth in section 616(a)(1)(A) of the Fair Credit Reporting Act (15 U.S.C. 1681n(a)(1)(A)), and provided further such amount does not frustrate the intent and purposes of this rule."

Fourth – the Commission cannot possibly believe that it is in the best interests of consumers, consumer reporting agencies and the judiciary to create and promote uncertainty as to the applicability and enforcement of this rule. To expect that every individual who would theoretically be impacted should have a right to seek redress creates an unworkable and untenable situation for all constituencies. Basically, state court judges will have the ability to impose a different decision on the affected parties based on the same fact patterns (i.e., judge in state X could determine circumvention has occurred for a resident of state X but the judge in state Y could reach an opposite result for the residents of state Y based on the exact same fact pattern). In addition, with such an approach how could a consumer reporting agency even obtain

a declaratory judgment action from a court on whether a transaction it is contemplating is circumvention? (Who would get notice of being the party that could dispute the assertion, everyone in the United States?)

The Commission must take an active role in the determination whether circumvention has occurred. Since the Commission already has the right to have access to any and all information that may be relevant with respect to an issue that relates to the rule (see 15 U.S.C. 1681s(a)(1)), it must accept the responsibility of being the gatekeeper to provide reasonable continuity and control. Simply, like pre-merger antitrust filings, the Commission must accept requests for interpretive guidance and provide pre-clearance of transactions that may be affected by this rule. If such a procedure is followed by the consumer reporting agency, the approval from the Commission to proceed with the transaction must act as a safe harbor for the transaction and the consumer reporting agency.

It is understood that the Commission may be reluctant to create such a new regulatory scheme. However, the Commission has recognized that the affected industry is very small. (See the Commission release " FACTA Free File Disclosures Proposed Rule, Matter No. R411005", footnote 13 on page 22 thereof). So it is highly unlikely that requests pursuant to this procedure will be numerous and significantly affect the efficient operation of the Commission. Without such a mechanism consumers and consumer reporting agencies will be essentially blind with respect to the application of the rule. Therefore, when one weighs the insignificant inconvenience to the Commission that may occur against the potential risk a consumer reporting agency has if it is incorrect in its assessment of the application of this rule, this type of procedural protection is practical and warranted. Without such an approach the Commission will have failed in its mandate to prevent circumvention. To accomplish this result, the following should be added:

> "The Federal Trade Commission shall, by December 31, 2004, develop and publish reasonable policies and procedures to allow consumer reporting agencies that may be affected by this rule to seek interpretive guidance or pre-clearance of any transaction from the Commission on a timely basis. Any transaction that is approved by the Commission pursuant to such polices and procedures shall be deemed to have not violated this rule or the enabling statute"

Section 603.2(b)

Again, we applaud the Commission for using examples as part of the rule to give guidance to all persons as to the intent and scope of the rule. We do believe though those examples must be expanded with the following principles in mind:

Information or Business Segregation

Principle: Consumer reporting agencies may invest in or control other businesses that may provide different consumer reports for different purposes. There is no obligation or duty on such

consumer reporting agency to change or restructure its business to have all of its businesses be considered a Section 603(p) Consumer Reporting Agency.

Example One – Consumer reporting agency DEF compiles and maintains files on consumers on a nationwide basis. Consumer reporting agency DEF sells those files for a permissible purpose as defined in the FCRA. Consumer reporting agency DEF does not directly own, or directly maintain, a database containing public records and does not sell public record information to such entities for such purposes. Consumer reporting agency DEF has an affiliated entity (as such affiliation is determined by control) that does have criminal and/or civil public records relating to consumers on a nationwide basis. This affiliated entity sells such records only to resellers, employers and landlords for employment or tenant screening purposes; it does not include these records with any product sold by the consumer reporting agency DEF to lenders and others for permissible purposes and such public records are not factored in to any credit score created by the consumer reporting agency DEF for such purposes. Is it circumvention if consumer reporting agency DEF does not combine these businesses to become a section 603(p) consumer reporting agency?

Answer – A principal purpose of the circumvention rule is to ensure that consumers will have access to all information in their file so they may determine that this information is accurate and does not adversely affect them when it is shared pursuant to a permissible purpose. If the consumer reporting agency does not have the information in the file it sells or maintains and is not obtaining the information from its affiliate to include in its products it provides to others for permissible purposes, the circumvention rule does not require the consumer reporting agency to change its practices. Section 603(w) specifically recognizes that the production of information for tenant screening and/or employment screening is to be treated differently. Section 603(w) organizations are deemed to be distinctive from a section 603(p) consumer reporting agency and have their own specific obligations pursuant to the Fair Credit Reporting Act. The circumvention rule does not change that distinction. Therefore, it will not be considered evasion of the duties of being a section 603(p) consumer reporting agency if a consumer reporting agency does not combine businesses that are targeted to different industry segments or created for a legitimate and valid different business purpose.

No Required Business Transaction

Principle: A consumer reporting agency is not required to enter into a transaction even if the reason for not entering into the transaction is that it does not wish to become an Section 603(p) Consumer Reporting Agency.

Example Two – Consumer reporting agency GHI is in discussions with consumer reporting agency JKL with respect to the purchase and sale of some or all the assets related to the business of consumer reporting agency JKL. If consumer reporting agency GHI purchases all of the assets of consumer reporting agency JKL, consumer reporting agency GHI shall become a section 603(p) consumer reporting agency. Consumer reporting agency GHI declines to bid for, or agrees to purchase only, selected assets or businesses of consumer reporting agency JKL as it does not wish to become a section 603(p) consumer reporting agency. Is such a decision circumvention as prohibited by the rule?

Answer – No. For circumvention to occur there has to have been a transaction or series of transaction to evade the obligations of being a section 603(p) consumer reporting agency. A transaction is the consummation of an affirmative act. A decision not to pursue a specific transaction is not an affirmative act, as nothing has been consummated. Therefore, in this instance the rule does not force a consumer reporting agency to buy assets or businesses to become a section 603(p) consumer reporting agency if it does not desire to do so.

Corporate Transactions

Principle: Transactions that are legitimate and valid business transactions that may have the affect of causing a consumer reporting agency from not being a section 603(p) consumer reporting agency are permitted.

Example Three - Consumer reporting agency MNO is a section 603(p) consumer reporting agency. Consumer reporting agency MNO decides to spin-off its public record business to a separate corporate entity called Newco that will have different management, different employees, different offices and different directors from those of consumer reporting agency MNO. Although the stockholders of both Newco and consumer reporting agency MNO will be the same immediately after the spin-off, neither entity will control the other. Is such transaction circumvention as prohibited by the rule?

Answer – No, provided there is a legitimate and valid business purpose for the transaction other than evasion of consumer reporting agency MNO's status as a section 603(p) consumer reporting agency and there is no arrangement or agreement between consumer reporting agency MNO and Newco that requires or allows either entity to have favorable (i.e., below market pricing) access to the products and services offered by the other for sale to third parties for permissible purposes.

Example Four – Consumer reporting agency PQR is a section 603(p) consumer reporting agency. Consumer reporting agency PQR has agreements with various consumer reporting agencies throughout the United States (i.e., associated companies) to purchase from them information (public record and/or credit information) on consumers who reside within the service area of that consumer reporting agency. Consumer reporting agency PQR and an associated company cannot agree to contractual terms to continue their relationship. Does this rule require that consumer reporting agency PQR renew these agreements?

Answer – The rule is not intended to, and does not, usurp the authority of the stockholders, directors and management of any organization from controlling the business or destiny of that organization. As long as there is a legitimate and valid business purpose for the decisions that are being made and the transactions that are being pursued, even if a result of those decisions or transactions is that an entity may cease from being a section 603(p) consumer reporting agency or not being able to meet the duties of a section 603(p) consumer reporting agency in all jurisdictions within the United States, those decisions and transactions are not prohibited.

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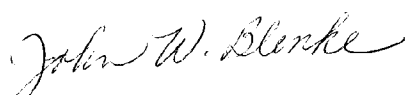
Thank you for providing this opportunity to discuss the purpose and effect of the proposed interim final rule relating to section 211(b) of FACTA. TransUnion is committed to full and unequivocal compliance with the provisions of FCRA, including FACTA. We look forward to

working with the Commission in crafting meaningful, reasonable and appropriate guidance to enable all constituencies to understand their rights, duties and obligations created by this new law.

Respectfully submitted,



John W. Blenke

cc: FTC Commissioners