



American Financial Services Association

October 30, 2006

Office of the Comptroller of the Currency
Public Information Room, Mail Stop 1-5
250 E Street, S.W.
Washington, DC 20219
Attn: 1557-NEW
regs.comments@occ.treas.gov

Information Collection Comments
Chief Counsel's Office
Office of Thrift Supervision
1700 G Street, NW
Washington, DC 20552
Attn: Survey of Information Sharing
Practices with Affiliates (1550-NEW)
infocollection.comments@ots.treas.gov

Mr. Robert E. Feldman
Executive Secretary
Federal Deposit Insurance Corporation
550 17th Street, NW
Washington, DC 20429
Attention: Comments
comments@fdic.gov

Ms. Jennifer J. Johnson
Secretary
Board of Governors of the Federal Reserve
System
20th Street and Constitution Avenue, NW
Washington, DC 20551
regs.comments@federalreserve.gov

Neil McNamara
Deputy Chief Information Officer
National Credit Union Administration
1775 Duke Street
Alexandria, Virginia 22314-3428
regcomments@ncua.gov

Office of the Secretary
Room H-135 (Annex J)
Federal Trade Commission
600 Pennsylvania Avenue, NW
Washington, D.C. 20580
Affiliate Sharing Study: FTC File No.
P064802
affiliatestudy@ftc.gov

Re: Agency Information Collection Activities Concerning “Survey of Information Sharing Practices with Affiliates”

Ladies and Gentlemen:

The American Financial Services Association (“AFSA”) is pleased to comment on the proposed Survey of Information Sharing Practices with Affiliates (“Survey”). We offer four comments that seek to enhance the quality, utility and clarity of information collected, while reducing some of the burdens associated with responding to the Survey.

First, we urge the Agencies to define key terms in the Survey. Assigning definitions to such terms, for example, as “consumer information,” “sharing,” “we” and “general publication” will enhance the integrity and therefore the utility of the information collected. Ambiguous terminology renders Survey questions susceptible to different interpretations. For example, answers related to Survey questions about “consumer information” will depend on whether “consumer information” is perceived to include non-customer information, and whether it is perceived to include anonymized information. Moreover, the Survey is not designed such that responses will necessarily reveal instances in which parties have attributed different meanings to an ambiguous term. This weakness in the Survey will call into question the accuracy of all the data collected and the utility of the resulting conclusions. Equally important, any additional clarity that can be written into the Survey will relieve at least some of the burdens associated with answering it.

Second, we applaud the Agencies’ willingness to evaluate requests for confidentiality on a case by case basis and the FTC’s offer to protect confidentiality in accordance with the FTC Act and the Commission’s Rules of Practice. However, we encourage all the Agencies to commit to keeping all the survey responses confidential from the public. Publicly attributing survey results to an identifiable financial institutions does not further the stated purpose of the survey, which, as set forth in Section 214(e) of the Fact Act, is to inform regulatory recommendations to Congress. To the contrary, denying such confidential treatment would likely contravene the stated purpose of the Survey by dissuading candid and voluntary responses. Indeed, some of the requested information is confidential and proprietary and may rise to the level of trade secret information. For example, details around the frequency of certain opt outs and use of affiliate information for underwriting is potentially sensitive information that would not otherwise be made public. Lastly, ensuring confidentiality and providing aggregated survey data to Congress will further the stated purpose of the Survey by encouraging candid and voluntary participation to the greatest extent possible.

Third, when the Agencies distribute the Survey, we urge them to identify with clarity which particular agency is making the request and to which particular financial institution or affiliate the request is directed. Absent this clarity, Surveys directed to companies whose affiliates are subject to different regulator’s jurisdictions may generate confusion. In such a circumstance, the financial institution may be uncertain whether to answer on behalf all affiliates or only those affiliates regulated by the agency that appears to have made the request.

Fourth, we commend the bank, thrift, and credit union regulatory agencies for assuring the financial institutions they regulate that participation in the survey will be voluntary. We urge the FTC to follow their example. Voluntary participation will encourage forthright and complete responses resulting in more accurate data collection.

We appreciate the opportunity to comment on the proposed Survey.

Respectfully submitted,

Robert McKew
Senior Vice President and General Counsel
American Financial Services Association