

5/17/06

Federal Trade Commission  
600 Pennsylvania Ave, NW  
Washington, DC 20580

I am writing today to file a complaint against two companies who are not currently following the FCRA, including verbiage amended/added by the FACT act. These two companies, Accurint, and Lexis Nexis, are currently providing reports on consumers to any party willing to pay for the information provided by these two companies using data mining techniques from a variety of sources. This information includes, but is not limited to: current and past address information, social security numbers and dates of birth, credit information, collection account information, public bankruptcy records, as well as names, addresses, phone numbers, social security numbers, and dates of birth of relatives, friends, neighbors, and many others. Private information is provided without due care and restraint to anyone willing to pay for it, including those involved in the growing threat of identity theft.

They both currently state they are not Consumer Reporting Agencies, however I would like to challenge this statement. This statement, given verbatim, is currently being sent to consumers requesting their report:

"Kindly be advised that Accurint is not a Consumer Reporting Agency, and as such, Accurint is not governed by the Fair Credit Reporting Act (15 U.S.C. & 1681 et seq.).....We do not examine or verify data, nor is it possible for our computers to correct or change data that is incorrect - Accurint can only provide the data that was provided to us."

However, the FCRA, as amended by the FACT act signed into law in 2004, provides these relevant definitions: 603f, 603p, and 603w.

603(f) The term "consumer reporting agency" means any person which, for monetary fees, dues, or on a cooperative nonprofit basis, regularly engages in whole or in part in the practice of assembling or evaluating consumer credit information or other information on consumers for the purpose of furnishing consumer reports to third parties, and which uses any means or facility of interstate commerce for the purpose of preparing or furnishing consumer reports.

603(p) Consumer reporting agency that compiles and maintains files on consumers on a nationwide basis. The term "consumer reporting agency that compiles and maintains files on consumers on a nationwide basis" means a consumer reporting agency that regularly engages in the practice of assembling or evaluating, and maintaining, for the purpose of furnishing consumer reports to third parties bearing on a consumer's credit worthiness, credit standing, or credit capacity, each of the following regarding consumers residing nationwide:

- (1) Public record information.

(2) Credit account information from persons who furnish that information regularly and in the ordinary course of business.

603(w) Nationwide Specialty Consumer Reporting Agency.--The term 'nationwide specialty consumer reporting agency' means a consumer reporting agency that compiles and maintains files on consumers on a nationwide basis relating to--

- (1) medical records or payments;
- (2) residential or tenant history;
- (3) check writing history;
- (4) employment history; or
- (5) insurance claims.

Lexis Nexis and Accurant both fall under these definitions, as they are both using technology to compile residential, bankruptcy, and credit information on consumers. Furthermore, they are using tools of interstate commerce, namely the internet, to disperse this information. This information is sometimes used to make credit decisions, GMAC is one example of a large corporate customer of these two companies, and regularly uses the information they provide in making credit decisions. Lastly, they are providing this information for a fee.

Lexis Nexis and Accurant are charging consumers to obtain a copy of their own report, but under the FACT act, one such disclosure must be provided to consumers during each 12 month period.

Both companies state they have no responsibility to investigate and correct any incorrect and inaccurate information on consumers, but under the FCRA they have just such a responsibility.

I would request that the FTC, as the appointed enforcer of the FCRA, investigate these companies and require them to abide by the laws that all other consumer reporting agencies are bound by.

Sincerely,

Josh Kretchman