



UNITED STATES OF AMERICA
FEDERAL TRADE COMMISSION
WASHINGTON, D.C. 20580

Office of the Secretary

March 5, 2013

Michael Weinacht
State of Oklahoma

Re: In the Matter of Equifax Information Services LLC, File No. 1023252

Dear Mr. Weinacht:

Thank you for your comment regarding the Federal Trade Commission's consent agreement in the above-entitled proceeding. The Commission has placed your comment on the public record pursuant to rule 4.9(b)(6)(ii) of the Commission's Rules of Practice, 16 C.F.R. § 4.9(b)(6)(ii), and has given it serious consideration.

In your comment you suggest that Commission actions should be published more broadly than in the Federal Register. The Commission publishes press releases for all public actions with links on our website www.ftc.gov. Further, the Commission uses social media, including Facebook and Twitter, to inform a broader audience of its actions.

Your comment further asserts that the relief, particularly the amount of monetary relief, obtained from Equifax Information Services LLC ("Equifax") is inadequate. In addition, you express concern that individuals' creditworthiness may be affected for seven years by the information sold by Equifax. The Commission is committed to protecting consumers in financial distress as well as safeguarding consumer privacy and believes that the proposed order with Equifax will further this objective.

The monetary remedy in the proposed consent order is disgorgement, which is limited to the amount of the entity's ill-gotten gains. The order requires Equifax to pay \$392,803 which represents its gross revenue from the sale of the lists at issue and does not include any deduction for overhead or other expenses. In deciding whether the amount and type of monetary remedy in this or any other consent order is appropriate in relation to the alleged violations, the Commission carefully considers a variety of factors, including the type of monetary relief authorized by law, the specific facts at issue, and the alleged violations of the law. The Commission considered these factors in this case and determined that disgorgement and injunctive provisions will provide the appropriate level of relief.

In addition to disgorgement, the proposed consent order includes a number of injunctive provisions designed to prevent future violations of the Fair Credit Reporting Act ("FCRA"). For example, the order prohibits Equifax from furnishing prescreened lists to anyone that it does not have reason to believe has a permissible purpose to receive them and from failing to maintain reasonable procedures to limit the furnishing of prescreened lists to anyone except those who

have a permissible purpose to receive them. Further, the order prohibits Equifax from selling prescreened lists in connection with offers for debt relief products or services and mortgage assistance relief products and services, when advance fees are charged, with limited exceptions. Should Equifax violate any term of the final order, it could be liable for civil monetary penalties of up to \$16,000 per violation per day (pursuant to Section 5(l) of the FTC Act).

With respect to your concern that consumers' creditworthiness will be affected for seven years by the information sold by Equifax, we note that while inquiries related to prescreening do appear on consumers' credit reports, these inquiries do not have a negative effect on consumers' credit scores.

Having considered all the facts of this case and all of the comments submitted in response to the proposed order, the Commission has determined that the public interest would best be served by issuing the Decision and Order in final form without any modifications. The final Decision and Order and other relevant materials are available from the Commission's website at <http://www.ftc.gov>. It helps the Commission's analysis to hear from a variety of sources in its work. The Commission thanks you again for your comment.

By direction of the Commission, Commissioners Leibowitz and Wright not participating.