



Office of the Secretary

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

October 3, 2012

Shannon Mixon
State of Georgia

*Re: In the Matter of Franklin's Budget Car Sales, Inc., also dba Franklin
Toyota/Scion, File No. 1023094, Docket No. C-4371*

Thank you for your comment on 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.

Your comment concerns remedial steps you believe that Franklin Auto Mall ("Franklin") should take in light of the conduct alleged in the Commission's complaint. You suggest that Franklin provide a periodic credit check for its customers, and express your disappointment that Franklin did not provide notice to affected consumers.

The Commission believes the proposed consent order will ensure that Franklin uses reasonable and appropriate procedures to protect the personal information of its customers going forward. The Commission's proposed order requires Franklin to establish a comprehensive information security program and conduct biennial independent assessments of its information security program for a period of twenty years. The proposed order also prohibits Franklin from misrepresenting the privacy, security, confidentiality, and integrity of any personal information collected from or about consumers. To the extent that Franklin, or any of its successors or assigns, violates the terms of the Commission's final order it would be liable for civil monetary penalties of up to \$16,000 per violation, pursuant to Section 5(l) of the FTC Act.

As to remedial steps Franklin could have taken with respect to its customers, we agree with you about the value of prompt breach notification and have long supported comprehensive federal legislation to ensure customers get notice of such breaches. The State of Georgia's law relating to breach notification may have provisions relating to the company's requirements with regard to breach notification. You also may find helpful information from the Office of the Georgia Attorney General at <http://law.ga.gov>. As to credit checks, under federal law, you are entitled to a free credit report from each of the three major credit bureaus once every twelve months. You may obtain your free credit reports at www.annualcreditreport.com. You need not order your annual credit report from all the Bureaus at the same time. That means if you stagger your requests to each of the companies, you can get a free copy of your credit report every four months. If you continue to be concerned that you are a victim of identity theft, please visit www.ftc.gov/idtheft where you can learn more information about what steps you can take to protect yourself.

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. Thank you again for your comment.

By direction of the Commission.

Donald S. Clark
Secretary