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

Re: Accuracy Pilot Study: Paperwork Comment (FTC File No. P044804)

To Whom It May Concern:

This comment letter is submitted to the Federal Trade Commission (“FTC”) on behalf of TransUnion LLC (“TransUnion”) in response to the Notice of Agency Information Collection Activities; Reinstatement of Existing Collection; Comment Request – Regarding a Pilot Study Pursuant to Section 319 of the Fair and Accurate Credit Transactions Act of 2003 (“FACTA”), published in the Federal Register on October 19, 2006 (“Notice”). TransUnion is a “nationwide” consumer reporting agency, as described in Section 603(p) of the Fair Credit Reporting Act (“FCRA”). It has, with its subsidiaries, approximately 4,000 employees supporting over 50,000 customers and 500 million consumers on six continents. TransUnion has access to consumer credit information that is voluntarily supplied by data furnishers on substantially all of the credit active consumers in the United States. TransUnion appreciates the opportunity to comment on the Notice. Since we are ‘late’ with our comments, we will be brief.

First, we endorse and support the comments filed separately by our trade association, the Consumer Data Industry Association (“CDIA”) by its letter dated December 18, 2006, in which TransUnion is a member.

Second, we express our disappointment that the FTC has elected to dismiss, without serious consideration, certain matters that are critical to any ‘study’ of the type being pursued. Namely, the definition of the phrase “accuracy and completeness” that is used in Section 319 of FACTA. We find it very interesting that the FTC is creating a plan to ‘study’ something when it cannot define what that something is. In fact, as the FTC states in the Notice – it expects that this ‘study’ will be useful “regardless of how accuracy and completeness may be defined ...”. We note that the FTC seems to be focusing on areas, such as file comparisons, that would lead, in our opinion, to a very incorrect view of how one should measure or define “accuracy and completeness”. The legislative history of the FCRA<sup>1</sup> made it clear that “accuracy” (as used in the FCRA) did not equate to “perfection” in all instances. Unfortunately, it appears that the FTC is seeking that type of result notwithstanding the fact that the FCRA requires that consumer

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<sup>1</sup> Congressional Record, U.S. Senate, January 31, 1969. Senator William Proxmire’s comment (who sponsored the FCRA) that “it is unrealistic to expect 100 percent accuracy”.

reports not be perfect by limiting the reporting of old derogatory information.<sup>2</sup> Due to the voluntary nature of the reporting of data to one or more consumer reporting agencies, we find it outside the scope of any study that ‘accuracy and completeness’ is somehow conditioned on the idea of who has what in who’s file, or the timing of reporting to a particular consumer reporting agency.

Third, we are very disappointed over the targeted scope of this proposed ‘study’ and the use of Fair Isaac Corporation as a contractor for the initial pilot study. Specifically, Section 319 of FACTA requires “an ongoing study of the accuracy and completeness of information contained in *consumer reports* prepared or maintained by *consumer reporting agencies* and methods for improving the accuracy and completeness of such information” (*emphasis supplied*). We wonder why the FTC seems to be only targeting three consumer reporting agencies and not all the others? In particular those that provide alternative data sources, insurance claim histories or medical claim histories?<sup>3</sup> Additionally, we hope that Fair Isaac Corporation will not be part of the contractor team for the new ‘study’. Fair Isaac Corporation is a competitor<sup>4</sup> of the targeted consumer reporting agencies and also is a consumer reporting agency. We question the validity of any ‘study’ that allows competitors to have input into the quality of the services that are being provided by their competition. We submit that impartiality be absolute with respect to the proposed ‘study’ and that all consumer reporting agencies be subject to the ‘study’ to meet the intended goals of Congress clearly identified in Section 319 of FACTA.

Finally, we believe that if any consumer has disputed any matter on a consumer report with any consumer reporting agency in the past they should be excluded from the ‘study’. There should be a mechanism designed to accomplish this that is more than just asking the consumer. Again, impartiality should be the goal. Individuals who have already expressed that they believe there is an error or an inaccuracy should not be allowed to use this ‘study’ as a means to recast their issues or complaints.

We appreciate the FTC’s continuing efforts to provide opportunities for public comment on this matter. We believe that an objective study should be the goal of the FTC and is warranted. At TransUnion we are willing to assist in any reasonable manner. We urge the FTC to fully address our concerns and those expressed by CDIA in order to make this exercise meaningful.

Sincerely,

John W. Blenke  
Executive Vice President

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<sup>2</sup> 15 U.S.C. §1681c (a).

<sup>3</sup> See: United States Government Accountability Office Report to the Committee on Banking, Housing and Urban Affairs, U.S. Senate: Personal Information – Key Federal Privacy Laws Do Not Require Information Resellers to Safeguard All Sensitive Data (June 2006), pp. 10-12.

<sup>4</sup> Fair Isaac Corporation has a subsidiary that acts as a consumer reporting agency (Fair Isaac Credit Services, Inc.). (See press release of Fair Isaac Corporation dated July 27, 2004.)