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IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION

FEB 15 2006

LUTHER D. THOMAS, Clerk  
*[Signature]*  
Deputy Clerk

LUTHER D. THOMAS, Clerk  
*[Signature]*  
Deputy Clerk

UNITED STATES OF AMERICA, )  
[Redacted]

FINDINGS

1. This Court has jurisdiction over the subject matter of this case and over Defendant ChoicePoint Inc.

2. Venue in this district is proper under 28 U.S.C. § 1391(b) and (c), and 15 U.S.C. § 53(b).

3. The acts and practices of Defendant are in or affecting commerce, as "commerce" is defined in Section 4 of the FTC Act, 15 U.S.C. § 44.

1. "Fair Credit Reporting Act" or "FCRA" refers to 15 U.S.C. §§ 1681-1681x, as amended.

2. The terms "person," "consumer," "consumer report," and "consumer reporting agency" mean as defined in Sections 603(b), (c), (d), and (f), respectively, of the FCRA, 15 U.S.C. §§ 1681a(b), 1681a(c), 1681a(d), and 1681a(f).

3. "Permissible purpose" means any of the purposes listed in Section 604 of the FCRA, 15 U.S.C. § 1681b, for which a consumer reporting agency may lawfully furnish a consumer report.

4. "Subscriber" means any person or entity, excluding consumers, that enters into an agreement with Defendant pursuant to which that person or entity may request or obtain a consumer report or other personal information from Defendant.

5. "Mixed-use subscriber" means a subscriber that in the ordinary course of business typically has both permissible and impermissible purposes for ordering consumer reports.

6. "Personal information" means individually identifiable information from or about an individual consumer including, but not limited to: (a) a first and last name or first initial and last name; (b) a home or other physical address, which includes at least street name and name of city or town; (c) an email address; (d) a telephone number; (e) a Social Security number; (f) credit and/or debit card information, including credit and/or debit card number with expiration date; (g) date of birth; (h) a driver's license number; or (i) any other information from or about an

"electronic signature" as that term is defined in the Electronic Signatures in Global and National

Commerce Act, 15 U.S.C. § 7006(5).

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scope of Fed. R. Civ. P. 65, whether acting directly or through any sole proprietorship, partnership, limited liability company, corporation, subsidiary, branch, division, or other entity, who receive actual notice of this Order by personal service or otherwise, are hereby permanently restrained and enjoined from:

A. Violating Section 604 of the FCRA, 15 U.S.C. § 1681b, by furnishing a consumer report to any person who does not have a permissible purpose to receive a consumer report.

B. Failing to maintain reasonable procedures designed to limit the furnishing of consumer reports to subscribers that have permissible purposes to receive them under Section 604 of the FCRA, 15 U.S.C. § 1681b, as required by Section 607(a) of the FCRA, 15 U.S.C. § 1681e(a). Such procedures shall include, but not necessarily be limited to:

1. With respect to prospective subscribers, before furnishing a consumer report to any such subscriber; with respect to current subscribers, within one hundred eighty (180) days after the date of service of this Order; and with respect to subscribers of companies acquired by Defendant after the date of service of this Order, within ninety (90) days after the closing of the acquisition transaction for acquired companies with five thousand (5000) or fewer subscribers and within one hundred eighty (180) days after the closing of the acquisition transaction for acquired companies with more than five thousand (5000) subscribers:

(a) Obtaining from each subscriber a written certification, either in paper or electronic form, stating the nature of the subscriber's business and all purposes for which the subscriber plans to obtain

consumer reports from Defendant. Each certification under this provision: (1) must be dated and signed; (2) must bear the printed or typed name of the person signing it; and (3) must state that the person signing it has direct knowledge of the facts certified, *provided, however, that for current subscribers, the certification may, in lieu of stating that the person signing it has direct knowledge of the facts certified, attest to the truth of the matters certified and the authority of the person to sign on behalf of the subscriber.*

- (b) Determining, based on the information in the subscriber's certification under subparagraph (a) above, and any other factors of

§ 110

subscriber or, in the case of a subscriber with multiple locations

first provided to Defendant by the subscriber, any of  
the following information about consumers:

untruncated Social Security numbers; untruncated

dates of birth; untruncated driver's license numbers;

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present with respect to that subscriber; or

(2) Defendant conducted a site visit within the one-year period immediately prior to the date of service of this Order that confirmed the legitimacy of the business, and the subscriber has not subsequently changed its address.

(iii) Defendant does not need to conduct a site visit for subscribers that are Federal or State agencies or departments that obtain consumer reports solely under Section 608 of the FCRA, 15 U.S.C. § 1681f, or that certify a permissible purpose solely under Sections 604(a)(3)(B),

604(a)(3)(B), 604(a)(3)(B), 604(a)(3)(B), 604(a)(3)(B), 604(a)(3)(B)

[REDACTED]

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- (c) Providing to each subscriber to whom Defendant furnishes consumer reports a written copy of the "Notice to Users of Consumer Reports: Obligations of Users Under the FCRA," 16 C.F.R. Pt. 601 Appendix C, as required by Section 607(d) of the FCRA, 15 U.S.C. § 1681c(d), *provided, however*, that Defendant may furnish an electronic copy of this notice if a subscriber obtains consumer reports from Defendant in electronic form.
2. Beginning within thirty (30) days of the date of service of this Order, with respect to both current and prospective subscribers, or, with respect to subscribers of companies acquired by Defendant after the date of service of this Order, within sixty (60) days after the closing of the acquisition transaction:
- (a) Each time any subscriber certifies a permissible purpose under Section 604(a)(3) of the FCRA, requiring the subscriber to identify and certify the specific subsection of Section 604(a)(3) (either by section or description, such as "insurance underwriting") that provides the permissible purpose to obtain the report.
  - (b) Requiring each mixed-use subscriber that certifies a permissible purpose under Section 604(a)(3)(A) of the FCRA to further identify and certify with specificity the intended use under that subsection each time it requests a consumer report (e.g., an attorney subscriber who certifies a permissible purpose under Section 604(a)(3)(A)

would also specify that it is "collecting a debt"); *provided* that such certification may be made at log-on, rather than on a per consumer request basis, in cases where the subscriber orders consumer reports

both – against anyone who knowingly and willfully obtains  
information on a consumer from a consumer reporting agency  
under false pretenses and other penalties for anyone who obtains

(3) in the case of a report for which the purpose certified was the collection of a judgment, a copy of the court judgment;

(4) in the case of a report for which the purpose certified was the evaluation of an employee for promotion, reassignment, or retention, a copy of an official business record (e.g., a W-2 Form) clearly identifying the subscriber or the subscriber's principal as the employer of the consumer on whom the report was furnished; or

(5) verification that the subscriber is a Federal or State agency or department that obtains consumer reports solely under Section 608 of the FCRA, 15 U.S.C. § 1681f, or that certifies a permissible purpose solely under Sections 604(a)(3)(B), 604(a)(3)(D), 604(a)(4), 604(a)(5), 626, or 627 of the FCRA, 15 U.S.C. §§ 1681b(a)(3)(B), (a)(3)(D), (a)(4), (a)(5); 1681u, and 1681v.

(f) Desisting from furnishing consumer reports to any subscriber as to which:

(1) Defendant learns, through the procedures described in subparagraph (e), or otherwise, has obtained, after the date of service of this Order, a consumer report for any purpose other than a permissible purpose, unless: (i) that subscriber obtained such report through inadvertent error, *i.e.*, a mechanical, electronic, or clerical error that the subscriber demonstrates was unintentional



information collected from or about consumers, including:

1. The designation of an employee or employees to coordinate and be accountable for the information security program.

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B. Misrepresenting in any manner, expressly or by implication, the manner or extent

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[REDACTED] (b) (5) - DPP, (b) (5) - ACP, for biennial reports, has no exception throughout the reporting

10.

Each Assessment shall be prepared and completed within sixty (60) days after the end of

continues for ten (10) days beyond the due date of payment, the amount due, together with interest, as computed pursuant to 28 U.S.C. § 1961 from the date of default to the date of

Commission Defendant shall submit additional written reports, answers to under results of

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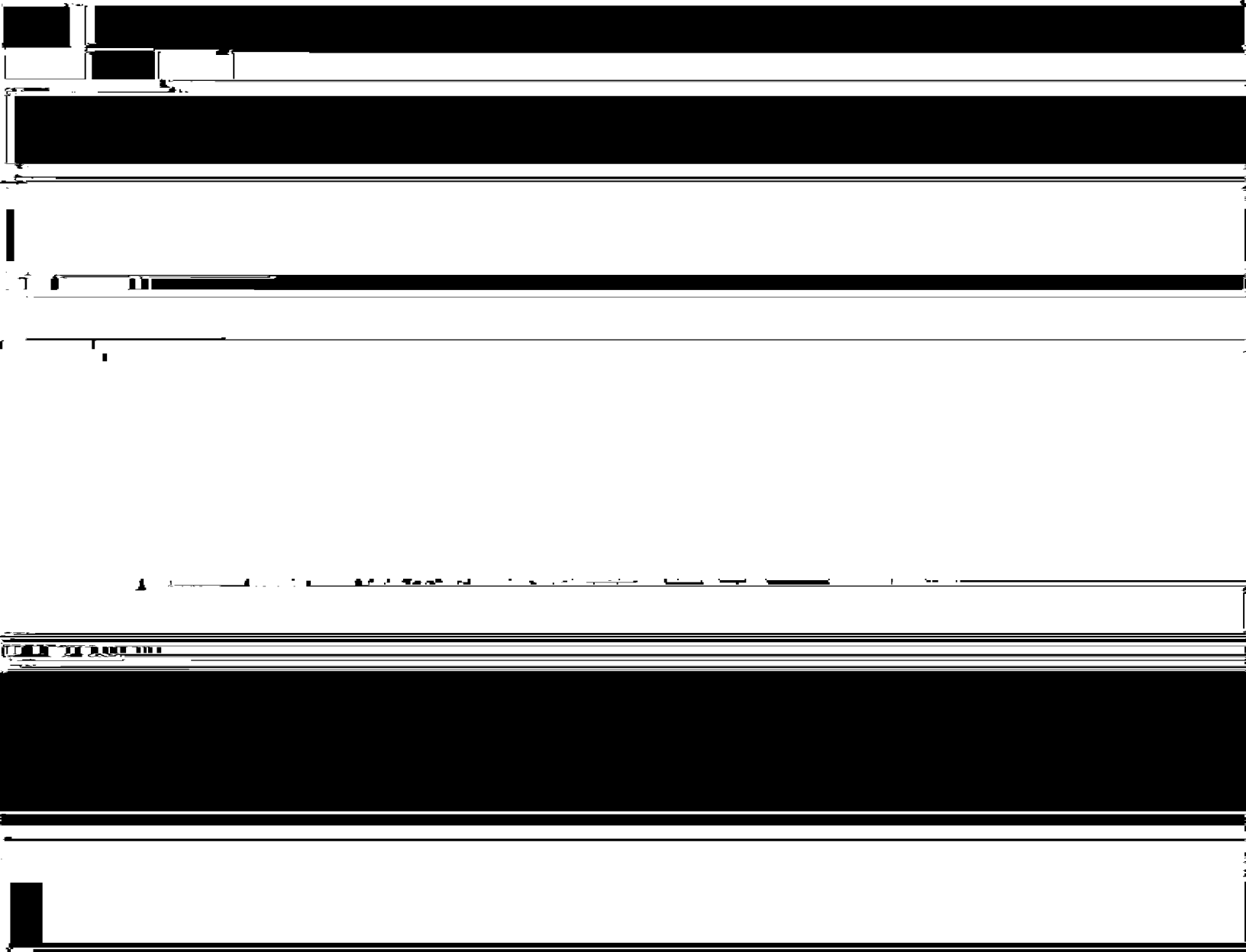
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**IT IS FURTHER ORDERED** that, in order that compliance with the provisions of this Order may be monitored:

A. For a period of twenty (20) years from the date of service of this Order, Defendant shall notify the Commission of any changes in corporate structure that may affect compliance obligations arising under this Order, including but not limited to a dissolution, assignment, sale, merger, or other action that would result in the emergence of a successor entity; the creation or dissolution of a subsidiary, parent, or affiliate that engages in any acts or practices that are subject to this Order; the filing of a bankruptcy petition; or a change in the corporate name or address, at least thirty (30) days prior to such change, provided that, with respect to any proposed change in



Federal Trade Commission  
Washington, D.C. 20580

D. For purposes of the compliance reporting and monitoring required by this Order,

~~the Commission is authorized to communicate directly with Defendant~~

compliance with the provisions of this Order.

3. Copies of all training materials that relate to Defendant's activities as alleged in the Complaint and Defendant's compliance with the provisions of this Order.
4. Copies of all subpoenas and other communications with law enforcement entities or personnel, whether in written or electronic form, if such documents bear in any respect on Defendant's collection, maintenance, or furnishing of consumer reports or other personal information of consumers.

§ 1 All records and documents necessary to demonstrate full compliance with



**XI. RETENTION OF JURISDICTION**

**IT IS FURTHER ORDERED** that this Court shall retain jurisdiction of this matter for purposes of construction, modification, and enforcement of this Order.

**XII. COSTS AND ATTORNEYS' FEES**

**IT IS FURTHER ORDERED** that each party shall bear its own costs and attorneys' fees incurred in connection with this action.

**XIII. NOTICE OF ENTRY OF ORDER**



The parties, by their respective counsel, hereby consent to the terms and conditions of the Stipulated Order as set forth above and consent to the entry thereof. Defendant waives any rights that may arise under the Equal Access to Justice Act, 28 U.S.C. § 2412, as amended by Pub. L. 104-121, 110 Stat., 847, 863-64 (1996).

FOR THE UNITED STATES OF AMERICA:

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U.S. Department of Justice

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United States Attorney  
Northern District of Georgia

Dated: 1/30/06


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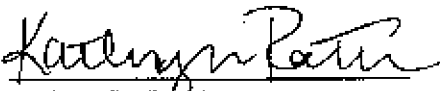
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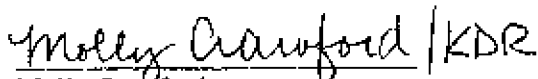
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FOR THE FEDERAL TRADE COMMISSION:

  
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Associate Director for Privacy and Identity Protection


  
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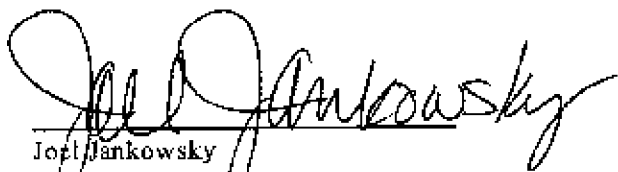
  
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FOR THE DEFENDANT, ChoicePoint Inc.:

  
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ATTACHMENT A

UNITED STATES DISTRICT COURT

[REDACTED]

[REDACTED]

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[REDACTED]

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[REDACTED]

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State of \_\_\_\_\_, City of \_\_\_\_\_

Subscribed and sworn to before me  
this \_\_\_\_\_ day of \_\_\_\_\_, 2006.

\_\_\_\_\_  
Notary Public

My Commission Expires:  
\_\_\_\_\_

