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UNITED STATES OF AMERICA

5. The medical profile generated by MedPoint is a consumer report as that term is defined in Section 603(d) of the Fair Credit Reporting Act, 15 U.S.C. § 1681a(d), because it bears on a consumer's credit worthiness, credit standing, credit capacity, character, general reputation, personal characteristics, or mode of living, which is used or expected to be used or collected in whole or in part for the purpose of serving as a factor in establishing a consumer's eligibility for credit or insurance.

6. In providing medical profiles generated by MedPoint to insurers, respondent is now and has been a consumer reporting agency, as that term is defined in Section 603(f) of the Fair Credit Reporting Act, 15 U.S.C. § 1681a(f), because it regularly engages in the practice of assembling or ev