



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

Office of the Secretary

March 5, 2013

Mr. Bill Sortino  
State of New Mexico

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

Dear Mr. Sortino:

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 express concern that the monetary relief obtained in the proposed consent order is too low. The Commission is committed to protecting consumers in financial distress as well as safeguarding consumer privacy and believes that the proposed order with Equifax Information Services LLC ("Equifax") will further this objective.

The monetary remedy obtained in this matter 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, the proposed consent order includes a number of injunctive provisions designed to prevent future violations of the Fair Credit Reporting Act. 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).

Your comment also expresses concern that no one has gone to jail for the alleged

violations in this case and that fines are not enough to not deter companies from wrongdoing. The Commission appreciates your concern that the consequences of violations of the law should adequately deter future misconduct. The Commission is a civil law enforcement agency, and thus does not have the authority to bring criminal charges or send individuals to jail. However, in appropriate cases, the Commission will refer any suspected criminal activity to the appropriate criminal law enforcement agencies.

Having considered all the facts of this case and all of the comments submitted, 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.