

comments before placing them on the Commission Web site.

Because your comment will be made public, you are solely responsible for making sure that your comment does not include any sensitive personal information, like anyone's Social Security number, date of birth, driver's license number or other state identification number or foreign country equivalent, passport number, financial account number, or credit or debit card number. You are also solely responsible for making sure that your comment does not include any sensitive health information, like medical records or other individually identifiable health information. In addition, do not include any "[t]rade secret or any commercial or financial information which is obtained from any person and which is privileged or confidential," as provided in Section 6(f) of the FTC Act, 15 U.S.C. 46(f), and FTC Rule 4.10(a)(2), 16 CFR 4.10(a)(2). In particular, do not include competitively sensitive information such as costs, sales statistics, inventories, formulas, patterns, devices, manufacturing processes, or customer names.

If you want the Commission to give

¹¹ In particular, the written request for confidential treatment that accompanies the comment must include the factual and legal basis for the request, and must identify the specific portions of the comment to be withheld from the public record. See FTC Rule 4.9(c), 16 CFR 4.9(c).

¹ Public Law 111–203, 124 Stat. 1376 (2010).

² 15 U.S.C. 1681 et seq.

³ Dodd-Frank Act, at section 1061. This date was the "designated transfer date" established by the Treasury Department under the Dodd-Frank Act. See Dep't of the Treasury, "Dodd-Frank Act: Transfer of Regulatory Authority," 75 FR 57252, 57253 (Sept. 20, 2010); see also Dodd-Frank Act, at section 1062.

⁴ The Dodd-Frank Act does not transfer to the CFPB rulemaking authority for FCRA sections 615(e) ("Red Flag Guidelines and Regulations Required") and 628 ("Disposal of Records"). See 15 U.S.C. 1681s(e); Public Law 111–203, section 1088(a)(10)(E). Accordingly, the Commission retains full rulemaking authority for its "Identity Theft Rules," 16 CFR part 681, and its rules governing "Disposal of Consumer Report Information and Records," 16 CFR part 682. See 15 U.S.C. 1681m, 1681w.

⁵ See Dodd-Frank Act, at section 1029 (a), (c).

⁶ 76 FR 79308. Subpart C of the interim final rule became effective on December 30, 2011. Subpart C is codified at 12 CFR 1022.20 et seq. Except for certain motor vehicle dealers (see note 5 and accompanying text), the disclosure and opt-out provisions described in the "Background" discussion below also pertain to Subpart C of Regulation V and the FTC's associated co-enforcement jurisdiction.

submitted to OMB, and received its

included within [the definition of collection of information]." 5 CFR 1320.3(c)(2).

⁹ Exceptions include, for example, having a preexisting business relationship with a consumer, using information in response to a communication initiated by the consumer, and solicitations authorized or requested by the consumer.

¹⁰ On December 21, 2010, OMB granted three-year clearance for the Rule through December 31, 2013 under Control No. 3084-0131. On February 3, 2012, OMB additionally approved under that control number FTC adjustments submitted on December 9, 2011 to reflect the effects of the Dodd-Frank Act, but the latter approval retained the previously accorded clearance expiration of December 31, 2013.

¹¹ No clerical time was included in staff's burden analysis for GLBA entities as the notice would likely be combined with existing GLBA notices.

⁷ 15 U.S.C. 6801(a)(2).

⁸ "The public disclosure of information originally supplied by the Federal government to the recipient for purpose of disclosure to the public is not

¹²This estimate is derived from an analysis of a database of U.S. businesses based on June 2013 SIC codes for businesses that market goods or services to consumers, which included the following industries: transportation services; communication; electric, gas, and sanitary services; retail trade; finance, insurance, and real estate; and services (excluding business services and engineering, management services). This estimate excludes businesses not subject to FTC jurisdiction and businesses that do not use data or information subject to the rule. To the resulting sub-total (7,111,026), staff applies a continuing assumed rate of affiliation of 16.75 percent, reduced by a continuing estimate of 100,000 entities subject to the Commission's GLBA privacy notice regulations, applied to the same assumed rate of affiliation. The net total is 1,174,347.

¹³The associated labor cost is based on the labor cost burden per notice by adding the hourly mean private sector wages for managerial, technical, and clerical work and multiplying that sum by the estimated number of hours. The classifications used are "Management Occupations" for managerial employees, "Computer and Mathematical Science Occupations" for technical staff, and "Office and Administrative Support" for clerical workers. See

²¹ (20 non-GLBA families \times \$525.20) \div 3 = \$3,501.

²² In the first year, GLBA families have \$550,573 costs: $1,838 \times [(\$52.20 \times 5 \text{ hours}) + (\$38.55 \times 1 \text{ hour})] = \$550,573$. In each of the second and third years, GLBA families have \$358,686 in costs: $1,838 \times [(\$52.20 \times 3 \text{ hours}) + (\$38.55 \times 1 \text{ hour})] = \$358,686$.

²³ The comment must be accompanied by an explicit request for confidential treatment.