

March 19, 2004

Federal Trade Commission
FACTA Free Reports
Post Office Box 1031
Merrifield, VA 22116-1031

Reference: FACTA Free File Disclosures Proposed Rule, Matter No. R411005

Dear Commissioners:

Thank you for this opportunity to comment on the FACTA requirement that nationwide consumer reporting agencies (CRAs) provide individual consumers, upon request, one free copy of their credit reports once every 12 months. **I am strongly opposed to any FTC rule that would delay implementation of this requirement.** Since FTC hearings are a matter of public record, I prefer that the facts in my case remain anonymous.

On two separate occasions in recent years, I received credit reports from Experian which contained the complete credit and personal information belonging to another person. Not only did Experian violate this other person's privacy, I spent many hours trying to get them to correct their mistakes. Even though my credit rating is excellent, I received no restitution from Experian for my time, and they charged me a fee for the initial false report. They also charged my spouse who requested a free report for verification. In my case, Experian did not apologize for their mistakes, and I doubt they apologized to the person whose privacy they violated.

I believe confusing different consumers' Social Security numbers and identities by CRAs is not that uncommon. I recently spoke with a credit officer at a major car company who had this happen to him. Unfortunately in his case, the person the CRA's had him confused with had declared bankruptcy. If any of you have ever had a similar experience with a CRA, I doubt you would be sympathetic to the pleas by CRAs to delay full implementation of FACTA. The "Free Annual Disclosure" clause in § 603 (p) and § 613 (a) clearly includes *all* nationwide CRAs. Therefore, the FTC should not implement any rule that would give certain CRAs special relief from this requirement.

— My spouse and I have received free annual reports recently from Equifax and Trans Union, who seem to be complying with the free disclosure requirement on a voluntary basis. If these two CRAs can issue free annual reports prior to the implementation of the FTC rule, certainly Experian can do the same.

I am requesting that, beginning on December 1, 2004 in the western region, the FTC require *all* CRA's, including Experian, to comply with the free annual disclosure requirement of FACTA. Because identity theft and false credit reporting are serious matters, there is no doubt that Congress intended to make free disclosure available to all consumers. Any FTC rule that delays the full implementation of FACTA would subvert both the spirit and the letter of the law and would be a disservice to the public.

Respectfully submitted by a victim
of false and inaccurate credit reporting.