

Murdo, Patricia

From: Jon.Burton@choicepoint.com
Sent: Friday, June 09, 2006 11:39 AM
To: Murdo, Patricia
Subject: Comment - unofficial draft

Pat - I have reviewed the unofficial draft you have distributed, and would like to provide brief follow-up comment on one issue.

The current text of the unofficial draft uses the broad, federal definition of "consumer report" for the definition of "credit report" - a definition which extends beyond an individual's credit report. As explained in our earlier comments submitted to the committee, a "credit report" is a "consumer report" as defined in the federal FCRA, but not all "consumer reports" are "credit reports."

Accordingly, I would like to renew our request that consideration be given for adding the following language as a new subparagraph (n) to Section 9. Exemptions:

(n) a consumer reporting agency's database or file which consists of information concerning, and used for, one or more of the following: criminal record information, tenant screening, employment screening, fraud prevention or detection, and personal loss history information.

Our background screening products for employment, residential and volunteer screening purposes are regulated as a 'consumer report' under the federal FCRA, and thus would be subject to a "freeze" as the bill is currently drafted.

In the absence of the "extension of credit" language, we have suggested this language in other states to close (unintended) loopholes that would allow a person to "freeze" criminal and other information used in background screening (imagine the sexual/violent offender trying to move into the apartment complex or coach the little league team, or the thief running the store cash register/company books).

Additionally, in Montana, over 50 nonprofits benefit from deeply discounted background screening from ChoicePoint through our VolunteerSelect program. The organizations we serve in Montana include the American Red Cross of Montana; over 20 Boys & Girls Clubs, Big Brother/Big Sisters, and related youth support organizations; over 15 churches and religious organizations; and eight state youth soccer associations.

The language I have offered for subsection (n) is what was utilized in the recent Florida law, and is in the current Rhode Island bill. Similar language is also in Kansas, Louisiana, and Nevada laws. We have not had to push it widespread because most every state has used the "extension of credit" language.

Pat, thank you for your continued assistance and consideration of this issue. I would be happy to personally speak or visit with anyone about this issue if there are questions or if additional information is requested.

Jon Burton
AVP, State Government Relations
ChoicePoint Inc.
1000 Alderman Drive
Alpharetta, GA 30005
Tel: 770-752-3383
Jon.Burton@ChoicePoint.com

The information contained in this e-mail message is intended only for the personal and confidential use of the recipient(s) named above. This message may be an attorney-client communication and/or

6/9/2006

work product and as such is privileged and confidential. If the reader of this message is not the intended recipient or an agent responsible for delivering it to the intended recipient, you are hereby notified that you have received this document in error and that any review, dissemination, distribution, or copying of this message is strictly prohibited. If you have received this communication in error, please notify us immediately by e-mail, and delete the original message.