

KEWANEE CREDIT BUREAU

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NEW INTERNET SERVICE!!

Last month we gave you our three goals. Our second goal is:
2. That you can obtain that information in the way most convenient to you.

Now you can get your Flood Zone Determinations and Life of Loans over the internet. Once you have your access code, all you need to do is go to our web page and click on the Life of loan line and log on. In most cases you should get the determination immediately. If you are on the internet, you will not need to fax us any more requests.

Now you can receive your consumer report, merged and RMCRs and flood determinations all from our web page. No additional software is need.

GRAMM-LEACH-BLILEY ACT QUESTIONS AND ANSWERS

Q. Are debt collectors also "financial institutions" under the GLB Act Title V, Subtitle(a)?

A. Yes. On page 78, footnote 7, the FTC GLB Rules state clearly that the term "financial institution" per previous opinions of the Federal Reserve Board may include the activities of a collection agency.

Q. Because a debt collector could be a financial institution, does this mean that it also has to administer a notice to all debtors of their right to opt-out of the disclosure of nonpublic personal information to nonaffiliated third parties?

A. Not necessarily. See FTC Rules Page 8, Footnote 11-While credit bureaus and collection agencies may be financial institutions, it is possible to construe the rules and the law itself to mean that neither of these types of financial institutions have "customer" or "consumer" relationships, and thus no notification duties for the disclosure of nonpublic personal information to nonaffiliated third parties. Said differently, a debtor who is contacted by a third-party debt collector for purposes of attempting to collect a debt on behalf of another party is not a "customer" or "consumer" and is not being offered a financial product or service. Thus, there is no need to offer debtors a notice of right to opt-out of disclosure of "nonpublic personal information" to nonaffiliated third parties.

Q. Do debt collectors have "customers" or Consumers" as those terms are defined under the GLB Act?

A. For the most part, the answer is no. On page 29, footnote 18, the FTC Rules state that debt collectors that are simply collection amounts owned to creditors don't have "customer relationships." Additionally, the definition of "consumer" in the

FTC's GLB rules cannot tie a traditional collection agency to any duties for disclosures.

Q. Does the GLB Act and the rules therein interfere with a debt collector's ability to collect on behalf of creditors that are "financial institutions," where the disclosure of the debt information is a disclosure of "nonpublic personal information" and where the debt collector is a nonaffiliated third party?"

A. No. According to the FTC Rules, page 29, footnote 20, while some concern was expressed that in combination, GLB and the Rules affected the traditional communication of information between the creditor and the collection agency, the FTC doesn't think so per this footnote.

Q. What if a debt collector actually buys the debt: Is it then a "financial institution" and then does it have "consumers"?

A. It is true that debt collectors who purchase debts are "financial institutions" and do have "customers" according to the FTC Rules (see page 29 of the Rule), and thus do have notification duties regardless of whether they do or do not intend to disclose "nonpublic personal information" to nonaffiliated third parties for purposes other than the exceptions prescribed under GLB Title V, Subtitle (a), Section 502(e)

Q. What is the relationship between GLB and the FDCPA with regard to disclosing debt information to third parties or nonaffiliated third parties?

A. Keep in mind that beyond GLB, even if a collection agency is a "financial institution," this doesn't mean that GLB and the Rules therein supersede limitation on third party disclosure of information (which might be defined as nonpublic personal information under GLB) that exists under the FDCPA. As such, a collection agency must first consider the more limited instances wherein it can disclose information regarding the debt of a third party under the FDCPA. Both GLB, Section 502(e)(6), and the FDCPA permit disclosure of a debt to a consumer reporting agency as that term is defined under the FCRA.

KEWANEE CREDIT BUREAU HOURS

Monday - Friday 9:00am to 4:30PM

Consumer credit reports are provided from Experian.

Business reports are provided from Experian.

Residential Mortgage Credit Reports may contain information from: the Kewanee Credit Bureau, Experian, TransUnion and/or Equifax.

The KEWANEE CREDIT BUREAU has served businesses since 1928 and serves the following counties for Experian: Henry, Stark, Bureau, Putnam, LaSalle, Marshall, Woodford, Peoria, Knox, Fulton, Mason, McDonough, Warren, Logan, Henderson, Hancock, Adams, Schuyler and Tazewell.