

ONE HUNDRED FIFTEENTH CONGRESS  
**Congress of the United States**  
**House of Representatives**

COMMITTEE ON ENERGY AND COMMERCE

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December 5, 2017

Ms. Anne P. Fortney, Esq.  
Partner Emeritus  
Hudson Cook, LLP  
1909 K Street, N.W., 4th Floor  
Washington, DC 20006

Dear Ms. Fortney:

Thank you for appearing before the Subcommittee on Digital Commerce and Consumer Protection on, Wednesday, November 1, 2017, to testify at the hearing entitled "Securing Consumers' Credit Data in the Age of Digital Commerce."

Pursuant to the Rules of the Committee on Energy and Commerce, the hearing record remains open for ten business days to permit Members to submit additional questions for the record, which are attached. The format of your responses to these questions should be as follows: (1) the name of the Member whose question you are addressing, (2) the complete text of the question you are addressing in bold, and (3) your answer to that question in plain text.

To facilitate the printing of the hearing record, please respond to these questions by the close of business on Tuesday, December 19, 2017. Your responses should be mailed to Ali Fulling, Legislative Clerk, Committee on Energy and Commerce, 2125 Rayburn House Office Building, Washington, DC 20515 and e-mailed in Word format to [ali.fulling@mail.house.gov](mailto:ali.fulling@mail.house.gov).

Thank you again for your time and effort preparing and delivering testimony before the Subcommittee.

Sincerely,



Robert E. Latta  
Chairman  
Subcommittee on Digital Commerce  
and Consumer Protection

cc: Jan Schakowsky, Ranking Member, Subcommittee on Digital Commerce and Consumer Protection

Attachment

## Additional Questions for the Record

### The Honorable Robert E. Latta

1. What regulations currently exist that require CRAs to put in place reasonable practices to protect against cyber-attacks?
  - a. Are there any specific gaps in regulation that led to the Equifax breach or was that the result of Equifax simply not doing what they were required to do?
2. Would extending the existing data security requirements for financial institutions to credit bureaus and other companies that sell credit reports have a meaningful mitigating effect on future data breaches?
3. What are the Gramm-Leach-Bliley Act consumer protection provisions in force today to ensure financial institutions, like the CRAs, protect consumer's financial information?
4. What are the Fair Credit Reporting Act consumer protection provisions in force today to ensure financial institutions, like the CRAs, protect consumer's financial information?
  - a. Under the Fair Credit Reporting Act, a consumer reporting agency may divulge a consumer report only under certain, enumerated conditions, "and no other." In your opinion, would it be a violation of this provision for a credit reporting agency to allow cyber-criminals to access a person's credit report?
5. Under the Dodd Frank Act, the Consumer Credit Protection Bureau was given authority to supervise the CRAs. Would that authority have allowed CFPB to direct the CRAs to take steps to ensure they did not allow unauthorized access to individual credit reports?
6. Is the regulatory framework for CRA sufficient to protect U.S. consumers from data security and privacy concerns?
7. Could Congress authorize Consumer Financial Protection Bureau to examine CRAs for adherence to the Safeguards Rule?
8. Could Congress provide the Federal Trade Commission with civil penalties against CRAs for failure to adhere to the Safeguards Rule?

### The Honorable David McKinley

1. What is the one most important thing companies like Equifax should do to enhance our confidence in their ability to keep sensitive data secure?
2. What is the one most important thing Congress should do?

3. I know there are 100s of credit bureaus, but do the three major bureaus maintain an effective monopoly on the supply of credit reports?
4. The CFPB has broad authority to bring enforcement case for unfair and deceptive business practices. Are you aware of any CFPB enforcement cases concerning information security using the unfair and deceptive standard?
  - a. Do you understand the Dodd-Frank Act to prevent information security enforcement, even under the broad unfairness and deception standards?