



U.S. Department of Justice

Office of Information and Privacy

Telephone: (202) 514-3642

Washington, D.C. 20530

JAN - 6 2005

Mr. Chris Hoofnagle
EPIC.org
1718 Connecticut Avenue, NW
Suite 200
Washington, DC 20009

Re: AG/04-R0628
OLA/04-R0629
MAP:TSW:APM

Dear Mr. Hoofnagle:

This is an interim response to your Freedom of Information Act (FOIA) request dated January 15, 2004, and received in this Office on March 25, 2004, for records pertaining to Acxiom and General Wesley Clark since September 12, 2001. This response is made on behalf of the Offices of the Attorney General and Legislative Affairs.

To date, records searches have been completed in the Office of Legislative Affairs and the Department Executive Secretariat, which is the official records repository for the Office of the Attorney General, and twenty pages were located that are responsive to your request. I have determined that nine pages are appropriate for release without excision and copies are enclosed. Two pages are being withheld in full on behalf of the Executive Office for United States Attorneys pursuant to Exemptions 2, 5, and 7(E) of the FOIA, 5 U.S.C. § 552(b)(2), (5), (7)(E). Exemption 2 pertains to purely internal agency practices. Exemption 5 pertains to certain inter- and intra-agency communications protected by the deliberative process privilege. Exemption 7(E) pertains to records or information compiled for law enforcement purposes, the release of which would disclose certain techniques or procedures for law enforcement investigations or prosecutions.

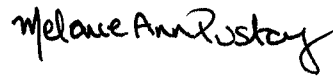
Please be advised that we have referred nine pages to the Criminal Division for processing and direct response to you.

We are currently conducting a records search in the Office of the Attorney General and will respond again once that search is completed and release determinations are made.

Inasmuch as this concludes our work on behalf of the Office of Legislative Affairs, that request number has been closed in this Office. If you are not satisfied with my action on this interim response you may administratively appeal from this partial denial by writing to the Co-Director, Office of

Information and Privacy, United States Department of Justice, Flag Building, Suite 570, Washington, D.C. 20530-0001, within sixty days from the date of this letter. Both the letter and the envelope should be clearly marked "Freedom of Information Act Appeal."

Sincerely,

A handwritten signature in black ink that reads "Melanie Ann Pustay". The signature is written in a cursive style with a large, stylized initial 'M'.

Melanie Ann Pustay
Deputy Director

Enclosures

Department Of Justice
Office Legislative Affairs
Control Sheet

Date Of Document: 10/11/01
Date Received: 11/14/01
Due Date: 11/29/01

Control No.: 011114-1865
ID No.: 406677

From: JERRY C. JONES ACXIOM, LITTLE ROCK, ARKANSAS
(S.1447) ((107TH CONGRESS))

To: AG

Subject:

LETTER REFERENCING A 09/27/01 CONVERSATION BETWEEN THE AG, CHARLES MORGAN AND HIMSELF, CONCERNING AMONG OTHER THINGS, THE ISSUE OF AMENDMENTS TO GRAMM-LEACH-BLILEY (GLB) AND THE DRIVERS PRIVACY PROTECTION ACT (DPPA). ADVISES THAT THEY ARE DEVELOPING A SYSTEM THAT WILL PROVIDE FOR IDENTITY AND INFORMATION VERIFICATION. ENCLOSURES COPIES OF THE PROPOSED AMENDMENTS AND REQUESTS AN OPPORTUNITY TO DISCUSS THESE MATTERS WITH A MEMBER OF THE AG'S STAFF.

Action/Information:

Signature Level: OLA

Referred To:

Assigned: Action:

OLA;OWEN

11/14/01 FOR APPROPRIATE ACTION. SEE CARL'S NOTE.

Remarks:

Comments:

File Comments: EXEC SEC NO: 1281008

Primary Contact: PETER OWEN, 514-4274

FILE COPY
LEGISLATIVE AFFAIRS

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Primary Contact: PETER OWEN, 514-4274

Department of Justice
EXECUTIVE SECRETARIAT
CONTROL SHEET

1. FOLDER No: 1281008
2. TRACKING ID No: X01-113450
3. RESERVED
4. DATE OF DOCUMENT: 10/11/2001
5. DATE RECEIVED: 10/11/2001
6. DUE DATE: 11/29/2001

7. FROM: Jerry C. Jones
ACXIOM
Little Rock, AR 72203

8. TO: AG

9. CATEGORY: GENERAL

10. SUBJECT:

1447
(Fax) Referencing a 9/27/01 conversation between the AG, Charles Morgan and himself, concerning among other things, the issue of amendments to Gramm Leach Bliley (GLB) and the Drivers Privacy Protection Act (DPPA). Advising that they are developing a system that will provide for identity and information verification. Enclosing copies of the proposed amendments and requesting an opportunity to discuss these matters with a member of the AG's staff. (clc)

11. ACTION/INFORMATION:

Referred To:	Date Assigned:	Action:
OLA	11/13/2001	For component response. Per OAG (Ayres) reassign to OLA. Return control sheet with signed and dated copy of response to ES.
CRM	10/16/2001	For component response. Return control sheet with signed and dated copy of response to ES. Per OAG (Ayres) reassign to OLA.
Referred To:	Date Assigned:	Information:
FBI	10/16/2001	For information.
OAG	10/16/2001	For information.
ODAG	10/16/2001	For information.
OLA	10/16/2001	For information.

12. RESERVED FOR EXECUTIVE SECRETARIAT USE
911 identity system

13. EXECUTIVE SECRETARIAT CONTACT: Catherine Connolly, (202) 616-2334

Department of Justice
EXECUTIVE SECRETARIAT
CONTROL SHEET

1. FOLDER No: 1281008
2. TRACKING ID No: X01-113450
3. RESERVED
4. DATE OF DOCUMENT: 10/11/2001
5. DATE RECEIVED: 10/11/2001
6. DUE DATE: 10/30/2001

7. FROM: Jerry C. Jones
ACXIOM
Little Rock, AR 72203

8. TO: AG

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(Fax) Referencing a 9/27/01 conversation between the AG, Charles Morgan and himself, concerning among other things, the issue of amendments to Gramm Leach Bliley (GLB) and the Drivers Privacy Protection Act (DPPA). Advising that they are developing a system that will provide for identity and information verification. Enclosing copies of the proposed amendments and requesting an opportunity to discuss these matters with a member of the AG's staff. (clc)

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Department of Justice
EXECUTIVE SECRETARIAT
CONTROL SHEET

DATE OF DOCUMENT: 10/11/2001
DATE RECEIVED: 10/11/2001

WORKFLOW ID: 25796
DUE DATE:

FROM: Jerry C. Jones
#1 Information Way
Little Rock, AR 72203

TO: AG

MAIL TYPE:

SUBJECT: 911 identity system(Fax) Referencing a 9/27/01 conversation between the AG, Charles Morgan and himself, concerning among other things, the issue of amendments to Gramm Leach Bliley (GLB) and the Drivers Privacy Protection Act (DPPA). Advising that they are developing a system that will provide for identity and information verification. Enclosing copies of the proposed amendments and requesting an opportunity to discuss these matters with a member of the AG's staff. (clc)CIMS Folder ID: 1281008

DATE ASSIGNED
11/13/2001

ACTION COMPONENT & ACTION REQUESTED
Criminal Division
DAG
ExecSec Controlled Mail
Federal Bureau of Investigation
For component response.
For information.
Office of Legislative Affairs
Office of the Attorney General

INFO COMPONENT:

COMMENTS: 12/13/02: Per OLA (Callier) OBE, close wf. CIMS Folder ID: 1281008

FILE CODE:

EXECSEC POC: Cathy Connolly: 202-616-2334



#1 Information Way
P.O. Box 8180
Little Rock, AR 72203-8180
www.axiom.com

October 11, 2001

Attorney General John Ashcroft
Department of Justice
950 Pennsylvania Ave., NW
Washington, DC 20530

Dear Attorney General Ashcroft:

On the afternoon of September 27, you spoke with Charles Morgan and myself. It is also my understanding that you have spoken with Senator Tim Hutchinson and Senator Blanche Lincoln.

In those conversations, among other things, the issue of amendments to Gramm Leach Bliley ("GLB") and the Drivers Privacy Protection Act (DPPA) was raised. The purpose of the proposed amendments is to allow commercial entities access to credit header and drivers license information in order to verify the identity of individuals and information. As you are aware these types of information have historically been available.

We are developing a system that will provide for identity and information verification that can be used by organizations such as airlines, airports, cruise ships, and large buildings and other applications to better determine whether a person is actually who they say they are. While we, and others, can currently create such a system, it can be much more reliable if the referenced types of data are available.

I have attached copies of the proposed amendments and would very much appreciate the opportunity to discuss these matters with someone on your staff. We understand that these proposed amendments might not be attached to the Anti-Terrorism Bill but would sincerely appreciate your support for amendments to Senator Hollings and Senator McCain's Airport Security Bill.

Thank you for your consideration.

Cordially yours,


Jerry C. Yeates
JC/srn

Cc: Senator Blanche Lincoln
Senator Tim Hutchinson
Charles Morgan

Specific Amendments-DPPA

§ 1 Purpose

(a) It is the intent of this Article that restrictions on the disclosure and use of personal information contained in the motor vehicle record, as set forth in 18 U.S.C. §2721, be superceded by the provisions hereof.

§ 2 Title 18 U.S.C. §2721

Title 18 U.S.C. §2721 (b)(1) is amended by adding thereto the following:

[1] For use by any government agency, including any court or law enforcement agency, in carrying out its functions, or any private person or entity acting on behalf of a Federal, State, or local agency in carrying out its functions, or any entity for the purpose of using the individual information, as defined in 18 U.S.C. §2725(3) and (4), either directly or for the purpose of identity or information authentication, as defined in 18 U.S.C. §2725(7), to be disclosed to any government agency or commercial entities, as defined in 18 U.S.C. §2725(8), in order to authenticate the identity or information relating to an individual.

18 U.S.C. §2721 (c) is amended by adding thereto the following:

(c) Resale or redisclosure. An authorized recipient of personal information (except a recipient under subsection (b)(11) or (12)) may resell or redisclose the information only for a use permitted under subsection (b) (but not for uses under subsection (b) (11) or (12)). An authorized recipient under subsection (b)(11) may resell or redisclose personal information for any purpose. An authorized recipient under subsection (b)(12) may resell or redisclose personal information pursuant to subsection (b)(12). Any authorized recipient (except a recipient under subsection (b)(1) and (b)(11)) that resells or rediscloses personal information covered by this chapter (18 U.S.C. §§2701 et seq.) must keep for a period of 5 years records identifying each person or entity that receives information and the permitted purpose for which the information will be used and must make such records available to the motor vehicle department upon request.

§ 3 Title 18 U.S.C. §2725

Title 18 U.S.C. 2725(3) is amended by adding thereto the following:

(3) "personal information" means information that identifies an individual, including an individual's photograph, social security number, driver identification number, name, date-of-birth, address (to include the zip code), telephone number, and medical or disability

information, but does not include information on vehicular accidents, driving violations, and driver's status.

Title 18 U.S.C. 2725 is amended by adding thereto the following subsections

(6) "authentication" means the use of identity or information authentication to verify information provided by the individual, or to establish the identity of the individual, for law enforcement, fraud or crime prevention, or legitimate commercial purposes related to identity verification.

(7) "identity or information authentication" means any process, technology and/or method that uses information maintained by a government agency or commercial entity pertaining to the individual that can be used to identify the individual or authenticate information relating to an individual, including individual's photograph, social security number, driver identification number, name, date-of-birth, address (to include the zip code), telephone number, information on vehicular accidents, driving violations, and driver's status.

(8) "commercial entity" means a business, whether or not incorporated, and whether or not for profit, that is engaged in commercial activities.

Specific Amendments-GLB

§ 1 Purpose

(a) It is the intent of this Article that certain exceptions to restrictions on the use of information in current law be clarified by the provisions hereof.

§ 2 Public Law 106-102

Sec. 502 (c)(3)(B) is hereby amended and replaced with the following new language:

(3)(B) to protect against or prevent acts of terrorism, actual or potential fraud, unauthorized transactions, claims, or other liability including the authentication of information provided by or concerning a consumer or customer or the authentication of the identity of a consumer or customer. Any information provided pursuant to this subsection shall not be deemed a consumer report under the Fair Credit Reporting Act .

Sec. 509. DEFINITIONS is hereby amended to add the following:

"(12) AUTHENTICATION – The term "Authentication" means the use of an identity authenticator to verify information provided by or concerning a consumer or customer, or to establish the identity of or locate the individual, for law enforcement, fraud or crime prevention, or legitimate commercial purposes related to identity verification.

(13) IDENTITY AUTHENTICATOR – The term "Identity Authenticator" means information maintained by a financial institution pertaining to a consumer or customer that can be used to identify the consumer or customer, limited to the consumer's or customer's social security number, name, date-of-birth, address (to include the zip code) and telephone number.

§ 3 Preemption

No requirement or prohibition may be imposed under the laws of any state that conflicts with the provisions of Section 502(e)3(B) as amended.