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Congress of the United States
House of Representatives

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The Honorable James Gilleran
Director
Office of Thrift Supervision
Attention: Regulation Comments, Chief Counsel's Office
1700 G Street NW
Washington, D.C. 20552-0004

Dear Director Gilleran:

I am writing in strong support of your proposed regulations to require that financial institutions promptly notify customers when sensitive personal information held by such firms has been compromised. This proposal mirrors the intent of legislation I have introduced in the 107th and 108th sessions of Congress, the Identity Theft Consumer Notification Act. I believe that this requirement is essential to aiding consumers who become vulnerable to identity theft.

In May 2002, I was made aware of a situation in which an employee of a bank in my home state of Wisconsin stole the personal information of hundreds of customers and sold this data to a ring of identity thieves. However, as there was no legislative or regulatory requirement that these customers be promptly notified of this breach of privacy, affected individuals were not told that their information had been compromised until eight months after the bank employee stole their personal information. By that time, many had become victims of identity theft, an outcome that easily could have been avoided had their bank quickly notified them that a crime had taken place and what steps could be taken to mitigate any damage.

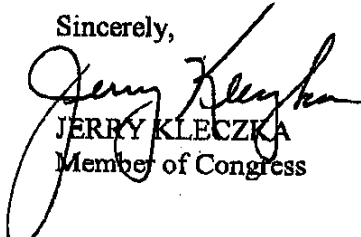
In response, I introduced the Identity Theft Consumer Notification Act, a bill whose main provision would require prompt notification of financial institution customers if their information was compromised due to the actions of an employee or computer hacking attack. In addition, my legislation would require financial institutions to provide assistance to remedy the situation and reimburse the victim for any losses that were incurred.

The proposed Guidance published in the August 12, 2003, Federal Register is a step in the right direction. The incidence of identity theft continues to increase, and annually causes billions in damages to individuals and businesses. Timely notification of the breach of sensitive information will enable affected individuals to take action to prevent identity thieves from misusing the victim's personal information. As a result, it could save untold numbers of Americans from the expensive and arduous task of repairing damage done to their credit and financial record.

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While I continue to believe that the response program in this proposed Guidance should be codified by an act of Congress, I am pleased that the Office of the Comptroller of the Currency, the Board of Governors of the Federal Reserve System, the Federal Deposit Insurance Corporation, and Office of Thrift Supervision have taken action to better safeguard Americans from the crime of identity theft. It is my hope that the concerned regulatory agencies will quickly implement this proposal in final regulations.

Sincerely,


JERRY KLECZKA
Member of Congress

GDK/ns