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Federal Trade Commission
CANSPAM Act
Post Office Box 1030
Merrifield, VA 22116-1030.

Sent via email

CAN-SPAM Act Rulemaking, Project No. R411008

I appreciate this opportunity to comment on the advanced notice of proposed rulemaking for the CAN-SPAM Act Rulemaking project. I am an attorney that represents a company which is a provider of fraud prevention technologies for financial services, wireless and other industries. The company uses software tools and consumer information to help organizations in these industries predict the likelihood of applications being fraudulent. In developing the tools, the company has developed and maintains a database of consumer information.

In its business, this company, and presumably other companies in similar lines of business, will send electronic messages to financial institutions and other organizations advising them of its products and services. For the most part, the issues raised in the rulemaking present no particular concern. However, I would like to comment on the third issue raised in the proposal, namely, the requirement of § 5(a)(5)(A)(iii) of the Act that initiators of commercial electronic mail include in their messages, inter alia, “a valid physical postal address of the sender.”

My client maintains a database of information related to fraudulent or suspected fraudulent transactions. In addition to protecting this database through the use of technical security systems and encryption technology, and stringent physical security measures and procedures that are in place at the facility, the client has also made an effort

to maintain a degree of confidentiality regarding the physical address of its headquarters and the location of the sensitive database. This is seen as an added measure of security. We believe that taking all the steps possible will enhance the protection of the sensitive information entrusted to the client and help achieve the purpose of preventing fraud.

The company currently provides outside parties with a post office box at which all mail can be received. Of course, the physical mail address is provided to all invited visitors to the facility. However, we believe that limiting the publication of the physical address is an added security measure that serves the purposes of the business and its customers, as well as consumers, as they fight fraud.

I believe there may be other entities and organizations in a similar situation to that of my client. Therefore, I suggest that the final rule define “address” as including a valid post office box at which mail can be received, rather than mandating a physical location. That should serve the purpose of the law in allowing all consumers to contact the entity, while protecting the confidentiality of the information maintained by an organization whose physical location may contain sensitive information or other material that may be a target of unscrupulous individuals.

I appreciate this opportunity to provide comments and am available for additional questions should the Commission desire to pursue this matter further.

Sincerely,

Oscar Marquis