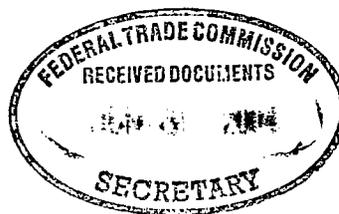


Glenn P. Gercken

ORIGINAL

IL



June 4, 2004

Federal Trade Commission
Office of the Secretary, Room 159-H (Annex H)
Donald S. Clark
600 Pennsylvania Ave., N.W.
Washington D.C. 20580

Dear Mr. Clark:

After reviewing the new Fact Act, this is an important piece of legislation as a Records Manager for a corporation would like to make some comments regarding "the FACTA Act Disposal Rule, R-41107" as follows:

Under examples section (b) of Proper disposal of consumer information (682.3) item (1) is indicated that there is implementation and monitoring compliance. There should be a section for documenting that the policies and procedures that require the burning, pulverizing or shredding of papers. In addition, in this section we should consider the enforcement or penalties involved in not following these guidelines. The penalties should be as severe as in the current (HIPPA) legislation say up to 10 years in prison and a fine to the organization or individual of up to \$ 100,000 for each deviation of policy.

Under item (2) section (b) Proper disposal of Consumer information (682.3) Implementing and monitoring. We should consider also adding documentation the policy & procedures that require the destruction (to include physical destruction of equipment if obsolete).

Under this Proper disposal of Consumer Information (682.3) we should consider adding a part five (5) The disposal of consumer information will be halted when required by pending litigation, subpoena, or knowledge of pending litigation, if information is not maintained the person or organization will face fine of up to \$ 250,000 and ten years in prison for each deviation of policy.

June 4, 2004

Under section (682.3) item, (4) part (a) for disposal companies explicitly hired to disposal of consumer information: implementing, monitoring and documenting disposal compliance should be added. Part (b) is recommended to be eliminated or modified. Legal precedent allows any information in the garbage or trash to become public property. If disposal companies follow and document proper policies and procedures that indicate that consumer information was burned, shredded or pulverized.

As a member of ARMA (Association of Records Manager and Administrations) and a concerned private citizen I hope that you consider these recommendations. If you need further information, please contact me

Sincerely,

A handwritten signature in black ink, appearing to read "Glenn P. Gercken", with a long horizontal flourish extending to the right.

Glenn P. Gercken

II.