

FTC and CFPB Focus on Business Credit Reporting

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In 1970, Congress was concerned that largely unknown consumer reporting agencies ("CRAs") were creating and sharing dossiers of personal information on individuals. At the same time, Congress recognized the importance of the industry—it is how most Americans can own a home or car—and sought to strike a balance that preserved both "the needs of commerce"¹ and consumers' privacy. The result was the Fair Credit Reporting Act ("FCRA"),² and for over five decades it has required CRAs to adopt procedures to ensure the accuracy and integrity of information in its files, share consumer reports only in limited circumstances, and provide consumers with access to their files and the ability to dispute incorrect information. The FCRA only covers consumer reports on individuals for credit to be used primarily for personal, family, or household purposes and is enforced by the Federal Trade Commission ("FTC" or "Commission") and the Consumer Financial Protection Bureau ("CFPB").

The FCRA is often considered to be the original privacy statute, and its coverage is understandably...

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1 Id. at § 1681(b).

2 15 USC §§ 1681-1681x.

About the Author



Former Federal Trade Commission (FTC) attorney Katherine White has deep experience in consumer protection law, with a particular focus on privacy, information security, and financial services regulations. She brings unique insights from her time in the government to help clients navigate a rapidly-evolving regulatory environment and evaluate the most strategic path forward when faced with regulatory scrutiny. Kate spent more than 14 years at the FTC. Prior to joining the FTC, she spent four years as a privacy and information law attorney at the Transportation Security Administration where she spent time covering a wide range of privacy matters, including considerations regarding biometric data.