

**IN THE MATTER OF
THE *FAIR TRADING ACT*, R.S.A.
2000, c. F.2 (the "Act")**

THIS UNDERTAKING is made pursuant to Section 152 of the Act.

BY:

EQUIFAX CANADA INC.
110 Sheppard Avenue East
in the City of Toronto, in the Province of Ontario,
(hereinafter called the "**Supplier**")

TO:

The **DIRECTOR OF FAIR TRADING**,
(hereinafter called the "**Director**")

WHEREAS:

- A. The Supplier is a credit reporting agency that furnishes reports for gain or profit as defined by Section 43(e) of the Act.
- B. The Supplier acknowledges dealing with investigators with Alberta Government Services after September 1, 1999 on several issues, including accuracy of information on reports, duplicate reporting of debts by members, the merging of credit/personal files for two people, multiple credit/personal files for one person, the apparent lack of records to support reported data and its investigations into disputed data.
- C. The Supplier acknowledges that certain communications with Alberta Government Services' staff were not entirely to the staff's satisfaction and, in some cases, responses were incomplete.
- D. The Director asserts that he has reason to believe the Supplier has breached the Act.

NOW THEREFORE THIS UNDERTAKING WITNESSES THAT:

- 1. The Supplier undertakes to the Director that it will not knowingly nor intentionally, at any time hereafter the date of execution of the present Undertaking, fail to comply with the provisions of Part 5 of the Act.
- 2. The Supplier understands that this Undertaking becomes part of the public record, pursuant to Section 152(3) of the Act, with such record being on display and located at all offices of Alberta Government Services, Consumer Services Division.
- 3. The Director acknowledges that the Supplier has admitted that it failed to meet the requirements of Section 48(2) of the Act by failing to confirm, correct, supplement or

delete the information in the file of 1
after a statement of protest was filed.

within ninety (90) days

4. It is understood that the Supplier will, in compliance with the Act:
 - (a) adopt all reasonable procedures to ensure accuracy and fairness in the contents of its reports;
 - (b) when a consumer files a written statement of protest disputing the accuracy or completeness of any information referring to the individual in the individual's credit file maintained by the Supplier, use its best efforts to check the accuracy or complete the information and, within 90 days after receiving such written statement, either confirm, correct, supplement or delete the information in the individual's file in accordance with good practice;
 - (c) when the Supplier corrects, supplements or deletes information as contemplated in subclause 4(b) above, give notification of the correction, supplement or deletion to the individual;
 - (d) where appropriate, inform members of reporting issues or requirements to enable members to comply with their Membership Agreement and the Act;
 - (e) produce in a timely manner to Alberta Government Services staff any books, records, documents or other things that are relevant to determine if there is compliance with the Act and regulations, when requested by Alberta Government Services staff during the course of an inspection or investigation pursuant to Sections 145 and 147 of the Act; and
 - (f) as mutually agreed, participate in meetings with Alberta Government Services' officials to foster better communications relating to complaints and emerging trends within the credit reporting industry.

5. This Undertaking will be binding upon the Supplier unless:
 - (a) Cancelled by the Director or varied with the consent of the Supplier in accordance with Section 153 of the Act;
 - (b) Varied by an Order of the Court of Queen's Bench pursuant to Section 154 of the Act where the Court is satisfied that the circumstances warrant varying the provisions of the Undertaking;
 - (c) Cancelled by an Order of the Court of Queen's Bench pursuant to Section 154 of the Act; or
 - (d) The Provincial Court of Alberta fails to implement the joint submissions and sentencing recommendations of the Crown, as agreed to by Equifax, for any charges under the Act (the "Charges").

However, in any such case, the cancellation or variance does not invalidate anything done under or in reliance upon this Undertaking prior to the cancellation or variance, in accordance with Section 155 of the Act.

6. The Supplier will pay to the Alberta Minister of Finance the sum of \$20,000.00; an amount that represents a portion of the costs associated with investigating this matter. Such payment is to be made within ten (10) days from either:
- (a) the date of this Undertaking; or
 - (b) the date that the Provincial Court of Alberta resolves and disposes of the Charges in accordance with the joint submissions and sentencing recommendations of the Crown, as agreed to by Equifax;

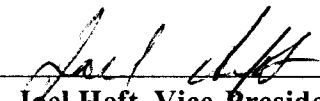
whichever is later, subject always to the conditions contained in Clause 5 of this Undertaking.

7. The Supplier acknowledges that the Director may, upon breach by the Supplier of any term of the Undertaking, institute such proceedings and take such action under the Act, as he may consider necessary.
8. The Director acknowledges that he will not issue or cause to be issued any press release in relation to the above matters or otherwise publicize the Undertaking or the action being taken, other than the Undertaking being placed on the public record as contemplated by Clause 2 herein.
9. The Supplier acknowledges that it was advised by Alberta Government Services, and is aware, that it is entitled to seek independent professional advice regarding the signing of this Undertaking, and the Supplier acknowledges that it is entering into this Undertaking voluntarily.

IN WITNESS WHEREOF the Supplier, has on the _____ day of September, 2004 caused its common seal to be hereunto affixed and attested by the signatures of its proper officers duly authorized in that behalf.

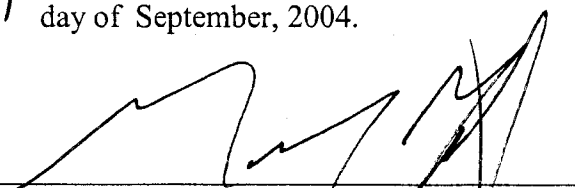
Equifax Canada Inc.

Per:



**Joel Heft, Vice-President,
Legal Counsel and Chief Privacy
Officer**

ACCEPTED by the Director of Fair Trading this 17th day of September, 2004.



DIRECTOR OF FAIR TRADING