Capital One Financial Corporation
1680 Capital One Drive
McLean, VA 22102

May 29, 2007

Office of the Comptroller of the Currency
250 E Street, SW
Mail Stop 1-5
Washington, DC 20219
Attention: Docket No. OCC-2007-0003
www.regulations.gov

Ms. Mary Rupp
Secretary of the Board
National Credit Union Administration
1775 Duke Street
Alexandria, VA 22314-3428
RIN 3133-AC84
regcomments@ncua.gov

Ms. Jennifer J. Johnson
Secretary
Board of Governors of the Federal Reserve System
20th Street and Constitution Avenue, NW
Washington, DC 20551
Attention: Docket No. R-1280
regs.comments@federalreserve.gov

Federal Trade Commission
Office of the Secretary
Room 135 (Annex C)
600 Pennsylvania Avenue, NW
Washington, DC 20580
Attention: File No. P034815
secure.commentworks.com/ftc-modelform

Mr. Robert E. Feldman
Executive Secretary
Attention: Comments
Federal Deposit Insurance Corporation
550 17th Street, NW
Washington, DC 20429
RIN 3064-AD16
comments@fdic.gov

Ms. Eileen Donovan
Acting Secretary of the Commission
Commodities Futures Trading Commission
Three Lafayette Centre
1155 21st Street, NW
Washington, DC 20581
RIN 3038-AC04
secretary@cftc.gov

Regulation Comments
Chief Counsel's Office
Office of Thrift Supervision
1700 G Street, NW
Washington, DC 20552
Attention: Docket No. OTS-2007-0005
www.regulations.gov

Ms. Nancy M. Morris
Secretary
Securities and Exchange Commission
100 F Street, NE
Washington, DC 20549-1090
Attention: File No. S7-09-07
rule-comments@sec.gov

Re: Interagency Proposal for Model Privacy Form Under the Gramm-Leach-Bliley Act

Ladies and Gentlemen:

Capital One Financial Corporation ("Capital One") is pleased to submit comments on the federal financial regulatory agencies' ("the Agencies") Interagency Proposal for Model Privacy Form Under the Gramm-Leach-Bliley Act.[1] Capital One commends the Agencies for their work on this important project.

Capital One Financial Corporation is a financial holding company whose principal subsidiaries, Capital One Bank, Capital One, F.S.B., Capital One Auto Finance, Inc., Capital One, N.A., and North Fork Bank, offer a broad spectrum of financial products and services to consumers, small business, and commercial clients. As of March 31, 2007, Capital One's subsidiaries collectively had $87.7 billion in deposits and $142 billion in managed loans outstanding, and operated more than 720 retail bank branches. Capital One is a Fortune 500 company and is included in the S&P 100 Index.

Capital One supports the Agencies' objective of creating a standard privacy form that can be widely used and hence is more accessible to consumers than the current variety of forms used by thousands of financial institutions, including Capital One, no two of which may be the same. One of the great strengths of the "Schumer box" disclosures for credit card solicitations is that the disclosures are arranged in a standardized form that consumers can easily refer to for account terms that are important to them, such as the annual percentage rate. Creating a privacy form of comparable accessibility and uniformity would be a major achievement.

The principal obstacle to achieving that objective in the form proposed by the Agencies (the "Model Form") is the requirement for many financial institutions, including Capital One, that the form occupy three sheets of paper rather than a single sheet as currently used by Capital One and many other financial institutions. The production and mailing costs of implementing the three-sheet requirement in our credit card and auto finance businesses alone would likely exceed $5 million a year. Reducing the Form from three sheets to two – which could be done by permitting double-sided printing, or, within the framework of the current proposal, by not engaging in any information-sharing that triggers an opt-out right – might cut those costs in half.

We believe that the greater bulk of the Model Form may be an impediment to consumers as well. While printing the Form on one side of three sheets would undoubtedly facilitate a consumer in laying the sheets side-by-side to study their contents together, we think few consumers would actually do that, because they would be unlikely to study the Form at all. In our experience, a document with greater bulk is less likely, not more likely, to be read and absorbed. We submit that consumer testing of this specific point – impact on consumers of a bigger document rather than a smaller one – will be necessary in order to assess the effectiveness of the Model Form or alternatives to it.

[1] 72 Fed. Reg. 14940 (March 29, 2007).

Operational costs of the magnitude described above are a substantial obstacle to adoption of the Form, even when weighed against the safe harbor that the Agencies offer. The result will likely be substantially less adoption of the Model Form. We think it likely that a minority, and possibly a small minority, of the privacy forms actually sent would be in the form that the Agencies propose.[2]

In our view, that result would substantially defeat the purpose of using the Form. The Form is most valuable if most of the notices that consumers receive are in the same form, so that they know where to look for information they care about and can absorb it easily. If the Model Form is simply one among many forms that consumers receive – and a much bulkier form at that – we think it likely that the Form will be ignored to the same extent that the others are. We therefore see great value in revisiting the Model so that it can be produced on a single sheet of paper, even if that means compromising on some of the perceived virtues of the currently proposed model.

We appreciate that accommodating the concerns above would require substantial reassessment and redesign of the Model Form, but we believe that such reassessment and redesign are necessary to create a form that will actually be used by both financial institutions and consumers – and we also believe that the goals sought to be achieved by the Model Form are sufficiently important that the effort would be worth it. As an intermediate goal, the Agencies could improve the Sample Clauses that were found wanting in the most recent testing.

* * *

Capital One appreciates the opportunity to comment on the proposed Model Form. If you have questions about this matter and our comments, please call me at 703-720-2255.

Sincerely,

/s/

Christopher T. Curtis
Associate General Counsel
Policy Affairs

[2] "The Agencies expect … that small financial institutions … would be relatively more likely to rely on the model privacy form than larger institutions." 72 Fed. Reg. at 14957. We believe that the majority of accounts are held by larger institutions, and hence that those institutions send the majority of privacy notices. If the Agencies' expectation is that larger institutions will generally not use the Model Form, then this reinforces our expectation that most privacy notices will not be in that form.