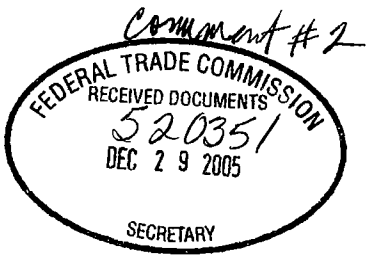
Bank of America



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December 29, 2005

Federal Trade Commission
Office of the Secretary
Room H-135
600 Pennsylvania Avenue, NW
Washington, DC 20580

Re: In the Matter of DSW Inc.
File No. 052-3096

Dear Sir or Madam:

Bank of America Corporation ("Bank of America") welcomes the opportunity to comment on the Consent Agreement ("Consent Agreement") entered into by the Federal Trade Commission ("Commission") with DSW Inc. ("DSW") in the above styled matter. Bank of America is one of the world's largest financial institutions, serving individual consumers, small businesses and large corporations with a full range of banking, investing, asset management and other financial and risk-management products and services. The company provides unmatched convenience in the United States, serving 38 million consumer and small business relationships with 5,800 retail banking offices, more than 16,700 ATMs and award-winning online banking with more than 14 million active users.

The Consent Agreement requires DSW to establish, implement and maintain "a comprehensive information security program that is reasonably designed to protect the security, confidentiality and integrity of personal information collected from or about consumers." This requirement is similar to the requirement contained in the Commission's rules (the "Safeguarding Rule") implementing Section 501 of the Gramm-Leach-Bliley Act ("GLBA") applicable to financial institutions under the Commission's jurisdiction. Bank of America and other banks and traditional financial institutions operate under similar rules issued by the federal banking agencies (the "Banking Agencies") also implementing GLBA.

While we do not object to application of requirements for maintaining security over consumer information to a broader group of entities, and in fact encourage it, we do

believe that the standards should be similar where that is appropriate. In the Consent Agreement, the Commission has imposed upon DSW the obligation to maintain the information security program with respect to "personal information" collected from or about consumers. The definition for "personal information" within the Consent Agreement, however, goes beyond that covered under GLBA. It covers any individually identifiable information listed, including name, address and telephone numbers, even though such data is frequently publicly available information. Under GLBA and both the Commission's and banking agencies' safeguarding rules, the requirement to maintain an information security program relates to "customer information" which excludes information that is publicly available (so long as not also combined with information not otherwise publicly available). We believe that including this broad definition (without some type of exemption for publicly available information) in the Consent Agreement may serve to establish a standard that imposes a security requirement with respect to information that is generally publicly available. This could result in entities being held responsible for disclosures of information that was already publicly available. Such a standard could result in unreasonable lawsuits and/or the need to adopt risk mitigation programs that are not in the best interests of consumers or businesses. In addition, it is inconsistent with the scope of GLBA.

As stated above, Bank of America generally supports the concept that all types of entities that collect or obtain and maintain personally identifiable information about consumers that could be misused to the disadvantage of those consumers (or even the card issuers relative to credit card information) should maintain appropriate information security over such information. However, Bank of America believes the requirement should be consistently applied and should not impose undue burdens with little appreciable value to consumers or businesses. If you have any questions regarding our comments, please contact Kathryn D. Kohler, Assistant General Counsel, at (704) 386-9644.

Very truly yours,

Kathryn D. Kohler

Kathryn D. Kohler
Assistant General Counsel