



National Public Record Research Association

110 Horizon Drive, Suite 210
Raleigh, North Carolina 27615

Via Electronic Submission - <http://www.regulations.gov>

Financial Crimes Enforcement Network
PO Box 39
Vienna, Virginia 22183

**RE: Commentary to Docket Number FINCEN-2023-0001, OMB Control
Number 1506-0076, Application for Individual FinCEN Identifiers**

Dear Sir/Madam:

This commentary is submitted by the National Public Record Research Association ("NPRRA"), the premier industry association for businesses engaged in the public record and corporate services industry, comprised of 135 member companies, including several commercial registered agent service companies and other companies engaged in public record filing and retrieval services (collectively, "Commercial Corporate Service Providers", or "CCSP"). Together, NPRRA's members provide millions of business entities with registered agent services and/or assistance with submitting business entity filings to the offices of the secretaries of state and other similar offices in the 50 states and the District of Columbia ("state offices").

CCSPs offer a limited yet highly valuable service to business entities when acting as registered agent for service of process, and/or when facilitating state level business entity filings, such as formations, with state offices at the direction of customers who are solely responsible for the content and authorization of such filings. CCSPs have decades of expertise in state-level public record filing requirements

for business entities throughout the country. Their customers include corporations, limited liability companies, limited partnerships, law firms, and corporate legal departments.

Thousands of CCSP employees, in the course of their employment, assist business entities in filing formation documents. Since it appears at this time that FinCEN believes that such employees fall under the definition of “company applicant”, requiring them to disclose their personal identifying information (PII) to FinCEN, NPRRA appreciates the protocols detailed in the Access Notice of Proposed Rulemaking (Access NPRM) to prevent unauthorized disclosure of company applicant PII. However, the Access NPRM only appears to protect company applicant PII *after* it has been reported to FinCEN. NPRRA is concerned about protecting company applicant PII through the entire chain of custody.

As company applicants, CCSP employees will need to provide their PII to every reporting company that they form. And, although they will not be required to update FinCEN or the reporting companies on changes to their PII, the act of providing their PII to thousands of reporting companies will leave them highly vulnerable to identity theft. Alternatively, CCSP employees could elect to obtain FinCEN identifiers by sending their PII directly to FinCEN, and providing their unique FinCEN identifier number to reporting companies, rather than disclosing their PII to them. This likely would lower their risk of identity theft somewhat, but not eliminate it. Moreover, those CCSP employees who obtain FinCEN identifiers are obligated to update FinCEN of any changes to their PII - likely for the rest of their lives, risking civil and criminal penalties for failure to do so; and, despite that they would not be required to if they submit their PII directly to reporting companies. Consequently, there is no good choice here – On the one hand, the option of obtaining a FinCEN identifier mitigates the risk of identity theft arising from company applicants being compelled by law to share their sensitive PII with thousands of reporting companies. On the other hand, a company applicant who obtains a FinCEN identifier then becomes forever obligated to update its PII with FinCEN whenever he or she has a name or address change. This is a lot to ask of CCSP employees who,

acting in the course of their employment, are simply submitting formation documents to state agencies for filing.

FinCEN's final rule on beneficial ownership information reporting recognizes that the usefulness of company applicant information diminishes over time. Thus, we sincerely hope that FinCEN can find a way to minimize the burden on company applicants to update their FinCEN identifiers. At the very least, NPRRA urges FinCEN to provide a process for company applicant employees who, in the course of their employment, submit formations and registrations for filing, to retire or otherwise make their FinCEN identifiers inactive if they leave the CCSP industry, or otherwise are no longer submitting formations and registrations for filing.

In addition to these considerations, NPRRA has the following suggestions for the FinCEN Identifier Application Summary of Data Fields:

Question 8: Address

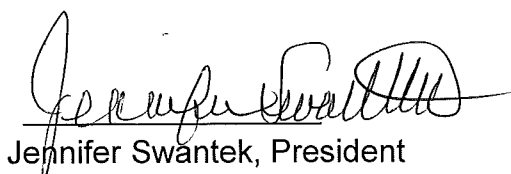
We ask that an instruction be added to 8 indicating that a business address is to be provided in the case of a company applicant who forms or registers an entity in the course of their employment. Otherwise, it is not clear whether the reporting company is to provide the company applicant's business or residence address.

Question 17: Identifying document image

NPRRA requests that company applicants be able to redact all information on their ID document other than the information that is required to be reported. The additional PII that may be included on a driver's license or other ID document is not information that the CTA requires, and should not be included in the beneficial ownership database. In addition, when the identifying document is for a company applicant who forms or registers entities, in the course of his or her employment, the company applicant should be able to redact his or her residential address on his or her ID document. Company applicants who form entities in the course of their employment are only required to provide a business address.

Thank you for your time and consideration.

Sincerely,



Jennifer Swantek, President