

Analysis of Proposed Consent Orders to Aid Public Comment
In the Matter of The Receivable Management Services Corporations 69neses /tfin1 .Td (11e)87TA.008
part of the public record. After thirty
agreement and the comments received
agreement and take appropriate action

This matter concerns alleged
consumers concerning its participation
agreed upon by the U.S. and the Euro
It is among several actions the Comm
make when they certify that they part
framework allows U.S. companies to t
To join the Safe Harborframework, a
Commerce (“Commerce”) that it com
have been deemed by the European C
These principles include notice, choic
enforcement. Commerce maintains a

_____, where it posts the names of companies that have self-certified to the Safe Harbor framework. The listing of companies indicates whether their self-certification is “current” or “not current.” Companies are required to re-certify every year in order to retain their status as “current” members of the Safe Harbor framework.

In 2008, Commerce developed the U.S.-EU Safe Harbor Framework Certification Mark (“the mark”) to allow companies to highlight for consumers their compliance with the Safe Harbor Framework. Upon request, Commerce provides the mark to those organizations that maintain a “current” self-certification to the U.S.-EU Safe Harbor Framework. Commerce has established certain rules for using the mark, such as requirements related to the mark’s placement on a website and the inclusion of a link to www.export.gov/safeharbor.

RMS is a collection agency. According to the Commission’s complaint, from at least February 2009 until November 2013, RMS set forth on its website, www.rmsna.com, privacy policies and statements about its practices, including statements related to its participation in the U.S-EU Safe Harbor Framework. In addition, from at least February 2009 until November 2013, RMS displayed the mark on its website.

The Commission’s complaint alleges that RMS, through its statements and use of the mark, falsely represented that it was a “current” participant in the Safe Harbor when, in fact, from February 2010 until November 2013, RMS was not a “current” participant in the Safe Harbor. The Commission’s complaint alleges that in February 2009, RMS submitted a Safe

Harbor self-certification. RMS