## UNITED STATES OF AMERICA FEDERAL TRADE COMMISSION

COMMISSIONERS:	Edith Ramirez, Chairwoman

Julie Brill

Maureen K. Ohlhausen Joshua D. Wright

In the Matter of	)	
•	)	
The Receivable Management Services	Corporation, )	
a corporation.	)	
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	)	

## **COMPLAINT**

The Federal Trade Commission, having reason to believe that The Receivable Management Services Corporation, a corporation, has violated the Federal Trade Commission Act ("FTC Act"), and it appearing to the Commission that this proceeding is in the public interest, alleges:

- 1. Respondent The Receivable Management Services Corporation is a Delaware corporation with its principal office or place of business at 240 Emery Street, Bethlehem, PA 18015.
- 2. Respondent is a collection agency.
- 3. The acts and practices of respondent as alleged in this complaint have been in or affecting commerce, as "commerce" is defined in Section 4 of the FTC Act.
- 4. Respondent has set forth on its website, <a href="www.rmsna.com">www.rmsna.com</a>, privacy policies and statements about its practices, including statements related to its participation in the Safe Harbor privacy framework agreed upon by the U.S. and the European Union ("U.S.-EU Safe Harbor Framework").

## The Framework

5. The U.S.-EU Safe Harbor Framework provides a method for U.S. companies to transfer personal data outside of Europe that is consistent with the requirements of the European Union Directive on Data Protection ("Directive"). Enacted in 1995, the Directive sets forth

European Union ("EU") requirements for privacy and the protection of personal data. Among other things, it requires EU Member States to implement legislation that prohibits the

## **Violations of Section 5 of the FTC Act**

- 10. In February 2009, respondent submitted to Commerce a self-certification of compliance with the Safe Harbor.
- 11. In February 2010, respondent did not renew its self-certification to the Safe Harbor, and Commerce subsequently updated respondent's status to "not current" on its public website.
- 12. From at least February 2009 until November 2013, respondent disseminated or caused to be disseminated privacy policies and statements on the <a href="https://www.rmsna.com">www.rmsna.com</a> website, including, but not limited to, the following statements:

RMS is registered with the U.S. Department of Commerce's Safe Harbor program, and adheres to the U.S. Safe Harbor principles of Notice, Choice, Onward Transfer, Security, Data Integrity, Access, and Enforcement as defined by the agency...

- 13. From at least February 2009 until November 2013, respondent displayed the mark on the www.rmsna.com website.
- 14. Through the means described in Paragraphs 12 and 13, respondent represented, expressly or by implication, that it was a "current" participant in the U.S.-EU Safe Harbor Framework.
- 15. In truth and in fact, from February 2010 until November 2013, respondent was not a "current" participant in the U.S.-EU Safe Harbor Framework. Therefore, the representations set forth in Paragraph 14 are false and misleading.
- 16. The acts and practices of respondent as alleged in this complaint constitute deceptive acts or practices, in or affecting commerce, in violation of Section 5(a) of the Federal Trade Commission Act.

<b>THEREFORE</b> , the Federal Trade Commiss complaint against respondent.	sion this day of 2014, has issued this
By the Commission.	
	Donald S. Clark Secretary
SEAL ISSUED:	