

4. When a consumer seeks to make a purchase from a merchant Web site that uses Respondent's software, the software generates shopping cart and check out pages, which collect information provided by the consumer. Such information includes the consumer's name, billing and shipping addresses, phone number, email address, credit card information, and the item and quantity of merchandise selected by the consumer. The software then transmits the customer information to Respondent and notifies the merchant so that the merchant can fulfill the customer's order.
5. Some of the merchants using Respondent's shopping cart software have disseminated or caused to be disseminated various privacy policies on their Web sites. These privacy policies contain statements regarding the use and disclosure of personal information collected through their Web sites. A few examples of these statements are as follows:
 - A. "[] is committed to protecting customer privacy. We use the information we collect from you to process orders and to provide an enhanced shopping experience. [] does not sell, trade or rent personal information or shopping habits to third parties. Customer account and transaction information, as well as correspondence, is handled with the utmost discretion."
 - B. "PRIVACY POLICY: It's simple. We don't sell, trade, or lend any information on our customers or visitors to anyone."
 - C. "[] Pledges and solidly guarantees that all personal information, from any source, that is submitted, gathered, tracked or otherwise obtained or retained in the normal course of online business activity associated with the company's Web site/s, is secure and held confidential at all times from sale, disclosure, rental, and tampering by any known third party. . . ."
 - D. "[] is committed to protecting your privacy. . . . We never sell any information to outside parties. We protect your information from unauthorized access. Information you give us is used only to the extent needed to conduct our business and to meet the highest quality service standards for processing, verifying and filling your orders."

7. Although the shopping cart and check out pages generated by Respondent's software