

**UNITED STATES OF AMERICA
FEDERAL TRADE COMMISSION**

_____)	
)	AGREEMENT CONTAINING
)	CONSENT ORDER
<i>In the Matter of</i>)	
)	FILE NO. 062 3190
INGENIX, INC.)	
_____)	

The Federal Trade Commission has conducted an investigation of certain acts and practices of Ingenix, Inc., (“proposed respondent”). Proposed respondent, having been represented by counsel, is willing to enter in

5. This agreement is for settlement purposes only and does not constitute an admission by proposed respondent that the law has been violated as alleged in the draft complaint, or that the facts as alleged in the draft complaint, other than the jurisdictional facts, are true.

6. This agreement contemplates that, if it is accepted by the Commission, and if such acceptance is not subsequently withdrawn by the Commission pursuant to the provisions of Section 2.34 of the Commission's Rules, the Commission may, without further notice to proposed respondent, (1) issue its complaint corresponding in form and substance with the attached draft complaint and its decision containing the following order in disposition of the proceeding, and (2) make information about it public. When so entered, the order shall have the same force and effect and may be altered, modified, or set aside in the same manner and within the same time provided by statute for other orders. The order shall become final upon service. Delivery of the complaint and the decision and order to proposed respondent's address as stated in this agreement by any means specified in Section 4.4(a) of the Commission's Rules shall constitute service. Proposed respondent waives any right it may have to any other manner of service. The complaint may be used in construing the terms of the order. No agreement, understanding, representation, or interpretation not contained in the order or in the agreement may be used to vary or contradict the terms of the order.

7. Proposed respondent has read the draft complaint and consent order. It understands that it may be liable for civil penalties in the amount provided by law and other appropriate relief for each violation of the order after it becomes final.

DEFINITIONS

For purposes of this order, the following definitions apply:

"*Respondent*" means Ingenix, Inc., a corporation, its successors and assigns, and its officers, agents, representatives and employees acting in such capacity on its behalf, directly or through any corporation, subsidiary, division or other device.

"*MedPoint*" means respondent's data aggregation service that provides individual medical profiles, including prescription drug purchase histories, to health and life insurance companies.

"*FCRA*" means the Fair Credit Reporting Act, 15 U.S.C. § 1681 *et seq.*, as the same from time to time may be amended or modified by statute or by regulations having the effect of statutory provisions.

The terms "*consumer*," "*consumer report*," and "*consumer reporting agency*," shall be defined as provided in Section 603(c), 603(d) and 603(f), respectively of the FCRA, 15 U.S.C. §§ 1681a(c), 1681a(d) and 1681a(f).

“*Notice To Users*” is the notice referred to in Section 607(d) of the Fair Credit Reporting Act, 15 U.S.C. §1681e(d), 16 CFR 698, Appendix H.

I.

IT IS ORDERED that respondent, directly or through any corporation, subsidiary, division, or other device, in connection with the dissemination of any medical profile generated by MedPoint that constitutes a consumer report, or any other consumer report to any user or prospective user of such consumer report, shall as provided by Section 607(d) of the Fair Credit Reporting Act, 15 U.S.C. § 1681e(d), provide to such users or prospective users a Notice to Users.

II.

IT IS FURTHER ORDERED that respondent, in connection with the compilation, creation, sale, or dissemination of any medical profile generated by MedPoint that constitutes a consumer report, or any other consumer report, shall:

A. Maintain or continue to maintain reasonable procedures to limit the furnishing of such consumer report to those only with a permissible purpose, as required by Section 607(a) of the Fair Cred

- A. Any Part in this order that terminates in less than twenty (20) years;
- B. This order's application to any respondent that is not named as a defendant in such complaint; and
- C. This order if such complaint is filed after the order has terminated pursuant to this Part.

Provided, further, that if such complaint is dismissed or a federal court rules that the respondent did not violate any provision of the order, and the dismissal or ruling is either not appealed or upheld on appeal, then the order will terminate according to this Part as though the complaint had never been filed, except that the order will not terminate between the date such complaint is filed and the later of the deadline for appealing such dismissal or ruling and the date such dismissal or ruling is upheld on appeal.

Signed this _____ day of _____ 2007.

Ingenix, Inc..

Federal Trade Commission

Counsel for the Federal Trade Commission

Approved:

Joel Winston
Associate Director,
Division of Privacy and Identity Protection

Lydia B. Parnes
Director, Bureau of Consumer Protection