
In the Matter of)
)

DIRECTORS DESK LLC,)
a limited liability company.)
)
)
)
_____)

DOCKET NO. C-

COMPLAINT

The Federal Trade Commission, having reason to believe that Directors Desk LLC (“respondent”) has violated the provisions of the Federal Trade Commission Act, and it appearing to the Commission that this proceeding is in the public interest, alleges:

1. Respondent Directors Desk LLC (“Directors Desk”) is a Delaware limited liability company with its principal office or place of business at 1 Liberty Plaza, New York, New York 10006.
2. Respondent is in the business of providing a secure online application that allows members of corporate boards of directors to access board meeting materials, board minutes, and other related documents through a website (www.directorsdesk.com).
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 Federal Trade Commission Act.
4. Respondent has set forth on its website, www.directorsdesk.com, 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” or “Safe Harbor”).

U.S.-EU SAFE HARBOR 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

10. In February 2008, respondent did not renew its self-certification to the Safe Harbor, and Commerce updated respondent's status to "not current" on its public website. Until August 2009, respondent did not renew its self-certification to the Safe Harbor and was in "not current" status on Commerce's website. (Exhibit B, Declaration of Damon C. Greer).
11. Respondent has disseminated or caused to be disseminated privacy policies and statements on the www.directorsdesk.com website, including, but not limited to, the following statements:

Directors Desk is a participant in the Safe Harbor program developed by the U.S. Department of Commerce and the European Union. We have certified that we adhere to the Safe Harbor Privacy Principles agreed upon by the U.S. and the E.U. For more information about the Safe Harbor and to view our certification, visit the U.S. Department of Commerce's Safe Harbor web site.

Exhibit C, December 2008 Privacy Policy.

12. Through the means described in Paragraph 11, respondent represented, expressly or by implication, that it is a current participant in the Safe Harbor.
13. In truth and in fact, from February 2008 to August 2009, respondent was not a current participant in the Safe Harbor. Therefore, the representations set forth in Paragraph 11 were, and are, false or misleading.
14. The acts and practices of respondents as alleged in this complaint constitute unfair or deceptive acts or practices in or affecting commerce in violation of Section 5(a) of the Federal Trade Commission Act.

THEREFORE, the Federal Trade Commission this ___ day of ____, 2009, has issued this complaint against respondent.

By the Commission.

Donald S. Clark
Secretary