

Analysis of Proposed Consent Orders to Aid Public Comment
In the Matter of ExpatEdge Partners LLC, File No. 092-3138

The Federal Trade Commission (“FTC” or “Commission”) has accepted, subject to final approval, a consent agreement from ExpatEdge Partners LC (“ExpatEdge”).

The proposed consent order has been placed on the public record for thirty (30) days for receipt of comments by interested persons. Comments received during this period will become part of the public record. After thirty (30) days, the Commission will again review the agreement and the comments received, and will decide whether it should withdraw from the agreement and take appropriate action or make final the agreement’s proposed order.

This matter concerns alleged false or misleading representations that ExpatEdge made to consumers concerning its participation in the Safe Harbor privacy framework (“Safe Harbor”) agreed upon by the U.S. and the European Union (“EU”). It is among the Commission’s first cases to challenge deceptive claims about the Safe Harbor. The Safe Harbor provides a mechanism for U.S. companies to transfer data outside the U.S. consistent with European law. To join the Safe Harbor, a company must self-certify to the U.S. Department of Commerce (“Commerce”) that it complies with seven principles and related requirements. Commerce maintains a public website, www.export.gov/safeharbor, where it posts the names of companies that have self-certified to the Safe Harbor. 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.

ExpatEdge provides software and consulting services to businesses that offer expatriated programs to manage tax and payroll issues for employees that are U.S. citizens or residents. 00 T48400 T443.7 q1r100 T48

Part I of the proposed order prohibits ExpatEdge from making misrepresentations about its membership in any privacy, security, or any other compliance program sponsored by the government or any other third party.

Parts I through VI of the proposed order are reporting and compliance provisions. Part II requires ExpatEdge to retain documents relating to its compliance with the order for a five- 1.00000 0.00000 0