

UNITED STATES OF AMERICA
FEDERAL TRADE COMMISSION

COMMISSIONERS: Jon Leibowitz, Chairman
Pamela Jones Harbour
William E. Kovacic
J. Thomas Rosb

_____)
In the Matter of)
)
EXPATEDGE PARTNERS, LLC) DOCKET NO. C-
a limited liability corporation.)
_____))

COMPLAINT

appearing before this Commission is proceeding in public interest, illegal:

1. Respondent Expatedge Partners, LLC "Expatedge" is a limited liability corporation with its principal office and place of business at 750 Boone Avenue North, Suite 102, Minneapolis, Minnesota 55427.
2. Respondent is in the business of providing software and consulting services to businesses that offer "expatriate" programs to manage tax and payroll issues for employees that work outside their country of residence, including through a website (www.expatedge.com)
3. The acts and practices of respondent as alleged in this complaint have been or are likely to be in or affect commerce, as "commerce" is defined in Section 4 of the Federal Trade Commission Act.
4. Since at least December 2002, respondent has set forth on its website, www.expatedge.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 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 transfer of personal data outside the EU, with exceptions, unless the European Commission ("EC") has made a determination that the rec

respondent has not renewed its self-certification to the Safe Harbor and remains in "not current" status on Commerce's website. Exhibit A, Declaration of Danon C. Greer

11. From at least December 2002 until July 2009, respondent has disseminated or caused to be disseminated privacy policies and statements on the www.expated.com website, including, but not limited to, the following statements

ExpateEdge self-certifies the Policy to the U.S. Department of Commerce's Safe Harbor Privacy Program.

Exhibit B, December 2002 Privacy Policy; Exhibit C, Aug. 2004 Privacy Policy; Exhibit D, Dec. 2007 Privacy Policy; Exhibit E, Apr. 2009 Privacy Policy.

12. Through the means described in Paragraph 11, respondent presented, expressly or by implication, that it is a current participant in the Safe Harbor.
13. In truth and in fact, since November 2006, respondent has not been 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