



UNITED STATES OF AMERICA  
FEDERAL TRADE COMMISSION  
WASHINGTON, D.C. 20580

Office of the Secretary

March 14, 2011

Ms. Beth Givens  
Director  
Privacy Rights Clearinghouse  
3100 Fifth Avenue, Suite B  
San Diego, CA 91203

*Re: In the Matter of US Search, Inc., File No. 102 3131*

Dear Ms. Givens:

Thank you for your letter commenting on the Federal Trade Commission's proposed consent agreement in the above-referenced proceeding. The Commission has placed your

However, you have urged the Commission to allege that US Search's practice of charging consumers a fee to opt out is unfair, that is, causes or is likely to cause injury that is (1) substantial; (2) not outweighed by countervailing benefits to consumers or to competition; and (3) not reasonably avoidable by consumers themselves.<sup>3</sup> Based on the evidence before it and the circumstances of this case, the Commission has not concluded that an unfairness allegation is warranted. We note that US Search has stopped charging for its opt-out service, and that the order requires US Search to refund all opt-out fees previously charged to consumers.

The practices of the data broker industry are of continuing interest to the Commission. In its recent report on consumer privacy, Commission staff raised a number of concerns about the practices of data brokers and asked for public comment on these issues.<sup>4</sup> We are in the process of reviewing comments on the report, which we hope will shed further light on the issues raised in your letter.

In light of these considerations, the Commission has determined that the public interest would best be served by issuing the Decision and Order in final form without the modifications you suggest. The final Decision and Order and other relevant materials are available from the Commission's website at <http://www.ftc.gov>. It helps the Commission's analysis to hear from a variety of sources in its work, and we thank you again for your letter.

By direction of the Commission.

Donald S. Clark  
Secretary

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<sup>3</sup> 15 U.S.C. 45(n).

<sup>4</sup> See Preliminary Staff Report on Privacy, Appx. A at A-4.