

In the Matter of US Search, Inc., and US Search, LLC
FTC File No. 102 3131, Docket No. C-4317
Concurring Statement of Commissioner Brill
March 25, 2011

The respondents in this matter, US Search, Inc., and US Search, LLC, (collectively, US Search) are online commercial information brokers that gather and sell information about individuals obtained from public records. The Commission's action announced today alleges that US Search deceived consumers when it failed to honor its promise to remove profiles of consumers who paid \$10 to opt out of US Search's databases. The resolution of this matter requires US Search to provide full refunds to every consumer who paid to opt out of the databases. I support the resolution of this case based on its particular facts.

This case raises a number of troubling issues. As noted in our recent draft report, "Protecting Privacy in an Era of Rapid Change

encouraging to see the current legislative efforts to address some of these same online tracking issues.³

Unlike the recent self-regulatory efforts with respect to online tracking, there has been little effort by industry, since release of the draft staff report, to address the issues surrounding more traditional information brokers. I urge industry to work with technologists, consumer advocates, legislators and other policy makers to address the important issues relating to the collection, processing, and use of information by data brokers.

Among the issues that industry should consider are providing consumers with (1) meaningful notice, as described in the draft staff report, about information brokers' practices, and (2) a reasonable means to access and correct consumers' information held by information brokers. In addition, industry should consider whether, and under what circumstances, consumers should be given a