

Analysis of Proposed Consent Order to Aid Public Comment
In the Matter of Epic Marketplace, Inc., and Epic Media Group, LLC, File No. 112 3182

The Federal Trade Commission has accepted, subject to final approval, a consent agreement to the proposed consent order.

of data from or about a particular consumer, computer device, including but not limited to the extent to which that data is collected, used, disclosed, or stored; or (B) the extent to which software code on a webpage determines whether a user has previously visited a webpage.

Part II of the proposed order prohibits respondents from collecting any data through history sniffing – running software code on a webpage to determine whether a user has previously visited a webpage by checking how a user's browser styles the display of a hyperlink or by accessing a user's browser cache – or using any data obtained by history sniffing.

Part III of the proposed order prohibits respondents from using, disclosing, selling, renting, leasing, or transferring any information that was collected using history sniffing. In addition, within five (5) days after the date of service of the order, respondents must permanently delete or destroy all information collected using history sniffing.

Parts V through VIII of the proposed order are reporting and compliance provisions. Part IV requires that respondents retain, for a period of three (3) years, documents relating to its compliance with the order. Part V requires dissemination of the order to all current and future principals, officers, directors, and managers; and all current and future managers, employees, agents, and representatives who have responsibilities on behalf of respondents with respect to the subject matter of this order. Part VI ensures notification to the FTC of changes in corporate status. Part VII mandates that respondents submit an initial compliance report to the FTC and make available to the FTC subsequent reports. Part VIII is a provision "sunsetting" the order after twenty (20) years, with certain exceptions.

The purpose of the analysis is to aid public comment on the proposed order. It is not intended to constitute an official interpretation of the proposed complaint or order or to modify the order's terms in any way.