

addresses of about 100,000 subscribers of XY Magazine; photographs and articles submitted by about 3,000 former XY Magazine readers; names, street addresses, email addresses, personal photos, and online personal profiles of between 500,000 and 1,000,000 former subscribers of XY.Com; and bank card account information for XY subscribers.³

It is our understanding that since its inception the XY.Com's "Signup Confirmation Page" told potential members/subscribers: "Please note our amazing privacy policy. We never give your info to anybody."⁴ Similarly, the XY Magazine subscription form stated: "Amazing Privacy Policy: XY never sells its list to anybody!"⁵ Another similar statement, which appeared on the website and was directed to magazine subscribers, stated: "[O]ur privacy policy is simple: we never share your information with anybody." Those submitting online profile information

clearly contradict the XY privacy policy and therefore possibly violate the FTC Act.

Conclusion

As described above, based on the information currently available to us, we believe that any sale, transfer, or use of the XY PI raises serious privacy issues and could violate the FTC Act. Further, to avoid the possibility that this highly sensitive data could fall into the wrong hands, we ask that it be destroyed (along with any credit card data still being retained) as soon as

