

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

Division of Privacy and Identity Protection  
Bureau of Consumer Protection

[Date]

BY CERTIFIED MAIL

[Company]

RE: Claims Regarding Safe Harbor Participation

Dear []:

We are writing because the website [company name] <sup>3</sup> W K H & R, Inc. did not follow the privacy policy, indicate that the company is a participant in the U.S.-EU Safe Harbor framework and/or the U.S.-Swiss Safe Harbor framework. We are asking the Company to take those claims down.

From 2000 to 2017 the U.S.-EU Safe Harbor Framework provided a method for U.S. companies to transfer personal data outside of Europe consistent with the requirements of the European Union Directive on Data Protection. The U.S. Department of Commerce administered the U.S.-EU Safe Harbor Framework. To join, a company had to certify to the Department of Commerce that it complied with seven principles and related requirements.

The U.S.-Swiss Safe Harbor Framework was identical to the U.S.-EU Safe Harbor Framework and provided a method for U.S. companies to transfer personal data outside of Switzerland consistent with the requirements of the Swiss Federal Act on Data Protection.

The European Court of Justice declared the U.S.-EU Safe Harbor Framework invalid in 2015. As of October 2016, the Department of Commerce stopped accepting U.S. Safe Harbor self-certifications. The last valid self-certifications would have expired no later than October 2017. Similarly, U.S.-Swiss Safe Harbor self-certifications would have expired no later than April 2018. The Safe Harbor frameworks have now been replaced by the EU and Swiss Privacy Shield frameworks.

The FTC has brought an international privacy program, including the Safe Harbor frameworks. These cases allege that such false claims deceive consumers in violation of Section 5 of the Federal Trade Commission Act. In an enforcement action brought under the FTC Act, the FTC may also name as

