

**UNITED STATES OF AMERICA  
FEDERAL TRADE COMMISSION**

**COMMISSIONERS:**      **Edith Ramirez, Chairwoman**  
                                 **Julie Brill**  
                                 **Maureen K. Ohlhausen**  
                                 **Joshua D. Wright**  
                                 **Terrell McSweeney**

---

)

("EC") has made a determination that the recipient jurisdiction's laws ensure the protection of such personal data. This determination is

## Violations of Section 5 of the FTC Act

11. In July 2010, respondent submitted to Commerce a self-certification of compliance with the Safe Harbor Frameworks.
12. In July 2012, respondent did not renew its self-certification to the Safe Harbor Frameworks, and Commerce subsequently updated respondent's status to "not current" on its public website. In November 2013, respondent renewed its self-certification to the Safe Harbor Frameworks, and respondent's status was changed to "current" on Commerce's website.
13. Since at least July 2010, respondent has disseminated or caused to be disseminated privacy policies and statements on the [www.apperian.com](http://www.apperian.com) website, including, but not limited to, the following statements:

Apperian, Inc. complies with the U.S.-EU Safe Harbor Framework and the U.S.-Swiss Safe Harbor Framework as set forth by the U.S. Department of Commerce regarding the collection, use, and retention of personal information from European Union member countries and Switzerland. Apperian, Inc. has certified that it adheres to the Safe Harbor Privacy Principles of notice, choice, onward transfer, security, data integrity, access, and enforcement. To learn more about the Safe Harbor program, and to view Apperian's certification, please visit <http://www.export.gov/safeharbor/>.
14. From at least July 2010, respondent has displayed the mark on the [www.apperian.com](http://www.apperian.com) website.
15. Through the means described in Paragraphs 13 and 14, respondent represents, expressly or by implication, that it is a "current" participant in the U.S.-EU Safe Harbor and U.S.-Swiss Safe Harbor Frameworks.
16. In truth and in fact, from July 2012 until November 2013, respondent was not a "current" participant in the U.S.-EU Safe Harbor and U.S.-Swiss Safe Harbor Frameworks. Therefore, the representation set forth in Paragraph 15 was false and misleading.
17. The acts and practices of respondent as alleged in this complaint constitute deceptive acts or practices, in or affecting commerce, in violation of Section 5(a) of the Federal Trade Commission Act.

**THEREFORE**, the Federal Trade Commission this nineteenth day of June, 2014, has issued this complaint against respondent.

By the Commission, Commissioner McSweeney not participating.

Donald S. Clark  
Secretary

SEAL: