

**UNITED STATES OF AMERICA
FEDERAL TRADE COMMISSION**

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

In the Matter of)
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)
Charles River Laboratories International, Inc.,)
a corporation.)

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DOCKET NO. C-4465

COMPLAINT

The Federal Trade Commission, having reason to believe that Charles River Laboratories International, Inc., a corporation, has violated the Federal Trade Commission Act (“FTC Act”), and it appearing to the Commission that this proceeding is in the public interest, alleges:

1. Respondent Charles River Laboratories International, Inc. (“Charles River Labs”) is a Delaware corporation, with its principal office or place of business at 251 Ballardvale Street, Wilmington, Massachusetts 01887.
2. Respondent provides solutions that accelerate the early-stage drug discovery and development process and models required in research and development of new drugs, devices and therapies.
3. The acts and practices of respondent as alleged in this complaint have been in or affecting commerce, as “commerce” is defined in Section 4 of the FTC Act.
4. Respondent has set forth on its website, www.criver.com, privacy policies and statements about its practices, including statements related to its participation in the Safe Harbor privacy framework agreed upon by the U.S. and the European Union (“U.S.-EU Safe Harbor Framework”).

The Framework

5. The U.S.-EU Safe Harbor Framework provides a method for U.S. companies to transfer personal data outside of Europe that is consistent with the requirements of the European Union Directive on Data Protection (“Directive”). Enacted in 1995, the Directive sets forth European Union (“EU”) requirements for privacy and the protection of personal data. Among other things, it requires EU Member States to implement legislation that prohibits the transfer of personal data outside the EU, with exceptions, unless the European Commission (“EC”) has made a determination that the recipient jurisdiction’s laws ensure the protection of such personal data. This determination is referred to commonly as meeting the EU’s “adequacy” standard.
6. To satisfy the EU adequacy standard for certain commercial transfers, the U.S. Department of Commerce (“Commerce”) and the EC negotiated the U.S.-EU Safe Harbor Framework, which went into effect in 2000. The U.S.-EU Safe Harbor Framework allows U.S. companies to transfer personal data lawfully from the EU. To join the U.S.-EU Safe Harbor Framework, a company must self-certify to Commerce that it complies with seven principles and related requirements that have been deemed to meet the EU’s adequacy standard.
7. Companies under the jurisdiction of the U.S. Federal Trade Commission (“FTC”), as well as the U.S. Department of Transportation, are eligible to join the U.S.-EU Safe Harbor Framework. A company under the FTC’s jurisdiction that claims it has self-certified to the Safe Harbor principles, but failed to self-certify to Commerce, may be subject to an enforcement action based on the FTC’s deception authority under Section 5 of the FTC Act.
8. Commerce maintains a public website, www.export.gov/safeharbor, where it posts the names of companies that have self-certified to the U.S.-EU Safe Harbor Framework. The listing of companies indicates whether their self-certification is “current” or “not current” and a date when recertification is due. Companies are required to re-certify every year in order to retain their status as “current” members of the U.S.-EU Safe Harbor Framework.

Violations of Section 5 of the FTC Act

9. In May 2006, respondent submitted to Commerce a self-certification of compliance to the U.S.-EU Safe Harbor Framework.
10. In May 2011, respondent did not renew its self-certification to the U.S.-EU Safe Harbor Framework, and Commerce subsequently updated respondent’s status to “not current” on its public website. In December 2013, respondent renewed its self-certification to the U.S.-EU Safe Harbor Framework, and respondent’s status was changed to “current” on Commerce’s website.

11. Since at least May 2006, respondent has disseminated or caused to be disseminated privacy policies and statements on the www.criver.com website, including, but not limited to, the following statements:

It is our policy to respect the privacy of our employees, customers, business partners, and others. Personal Data is used, collected, and retained in a manner consistent with the laws of the countries in which we do business. In furtherance of this commitment, we comply with the U.S.-EU Safe Harbor Framework as set forth by the U.S. Department of Commerce regarding the collection, use, and retention of personal data from European Union countries ("EU"). We self-certify our adherence to the Safe Harbor Privacy Principles ("Safe Harbor Principles") of notice, choice, onward transfer, security, data integrity, access and enforcement. To learn more about the Safe Harbor Principles, and to view our certification, please visit <http://www.export.gov/safeharbor/>.

12. Through the means described in Paragraph 11, respondent represents, expressly or by implication, that it is a "current" particip