

**UNITED STATES OF AMERICA  
FEDERAL TRADE COMMISSION**

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

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*In the Matter of* )  
                                 )  
**DataMotion, Inc.,** )      **DOCKET NO. C-4466**  
**a corporation.** )  
                                 )  
\_\_\_\_\_ )

**COMPLAINT**

The Federal Trade Commission, having reason to believe that DataMotion, 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 DataMotion, Inc., (“DataMotion”) is a Delaware corporation with its principal office or place of business at 35 Airport Road, Suite 120, Morristown, New Jersey 07960.
2. Respondent provides businesses with systems for sending encrypted email and other secure file transport.
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.datamotion.com](http://www.datamotion.com), privacy policies and statements about its practices, including statements related to its participation in the Safe Harbor privacy frameworks agreed upon by the U.S. and the European Union (“U.S.-EU Safe Harbor Framework”)iss9ang ts re-19Ssysñding eramHarbor privacy frameworks agreed upon by thework



### **Violations of Section 5 of the FTC Act**

11. In April 2012, respondent submitted to Commerce a self-certification of compliance with the Safe Harbor Frameworks.
12. In April 2013, 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. From at least April 2012, respondent has disseminated or caused to be disseminated privacy policies and statements on the [www.datamotion.com](http://www.datamotion.com) website, including, but not limited to,

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: