

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)
)
Level 3 Communications, LLC,) DOCKET NO. C-4470
a limited liability company.)
)
)
_____)

COMPLAINT

The Federal Trade Commission, having reason to believe that Level 3 Communications, LLC, a limited liability company, 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 Level 3 Communications, LLC (“Level 3”) is a Delaware limited liability company with its principal office or place of business at 1025 Eldorado Boulevard, Broomfield, Colorado 80021.
2. Respondent is an international communications provider and one of the largest internet service providers in the world.
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.

The Frameworks

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

12. From at least June 2001 until November 2013, respondent disseminated or caused to be disseminated privacy policies and statements on the www.level3.com website, including but not limited to, the following statements:

Transfers of personally identifiable information made by Level 3 are made in compliance with the Safe Harbor principles to which Level 3 has self-certified its adherence to as can be viewed on the [Safe Harbor](http://export.gov/safeharbor/) web site at <http://export.gov/safeharbor/>

13. Through the means described in Paragraph 12, respondent represented, expressly or by implication, that it was a "current" participant in the U.S.-EU Safe Harbor and U.S.-Swiss Safe Harbor Frameworks.

14. In truth and in fact, from June 2012 until November 2013, respondent was not a current participant in the U.S.-EU Safe Harbor Framework or the U.S.-Swiss Safe Harbor Framework. Therefore, the representation set forth in Paragraph 13 is false and misleading.

15. 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: