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UNITED STATES OF AMERICA
FEDERAL TRADE COMMISSION

COMMISSIONERS:

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 EU-U.S. Safe Harbor Framework, which went into effect in 2000. The EU-U.S. Safe Harbor Framework allows U.S. companies to transfer personal data lawfully from the EU. To join the EU-U.S. 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 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 EU-U.S. 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. The U.S.-Swiss Safe Harbor Framework is identical to the EU-U.S. Safe Harbor Framework and is consistent with the requirements of the Swiss Federal Act on Data Protection.
9. Commerce maintains a public website, www.export.gov/safeharbor, where it posts the names of companies that have self-certified to the EU-U.S. Safe Harbor Framework and the U.S.-Swiss 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 recertify every year in order to retain their status as “current” members of the Safe Harbor Framework.

Violations of Section 5 of the FTC Act

10. Since at least January 2015, respondent has disseminated or caused to be disseminated privacy policies and statements on the <http://www.justbagels.com/privacypolicy>

Security - Reasonable efforts must be made to prevent loss of collected information;

Data Integrity - Data must be relevant and reliable for the purpose for which it was collected;

Access- Individuals must be able to access information held about them, and correct or delete it if it is ~~not~~ ~~not~~;

Enforcement- There must be effective means of enforcing these rules.

Further information regarding the Safe Harbor principles and certification process can be found at www.export.gov/safeharbor. In addition, the U.S. Department of Commerce maintains a list of