

**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)
)
Pinger, Inc.,) **DOCKET NO.**
a corporation.)
)
_____)

COMPLAINT

The Federal Trade Commission, having reason to believe that Pinger, 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 Pinger, Inc. is a Delaware corporation with its principal office or place of business at 97 S. 2nd Street, Suite 210, San Jose, CA 95113.
2. Respondent develops apps for mobile phones and tablets.
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, http://www.pinger.com/content/company/privacy_policy.html, 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”) and the U.S. and Switzerland (“U.S.-Swiss Safe Harbor Framework”).

The Frameworks

- 5.

transfer of personal data outside the EU, with exceptions, unless the European Commission

Department of Commerce regarding the collection, use, and retention of personal information from European Union member countries and Switzerland (the "Safe Harbor Frameworks"). Pinger 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 Pinger's certification, please visit <http://www.export.gov/safeharbor/>

13. Through the means described in Paragraph 12, 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.
14. In truth and in fact, from March 2014 through April 2015, 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 13 was 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 ___ day of ____ 2015, has issued this complaint against respondent.

By the Commission.

Donald S. Clark
Secretary

SEAL
ISSUED: