

**UNITED STATES OF AMERICA  
BEFORE THE FEDERAL TRADE COMMISSION**

**COMMISSIONERS:**                    **Joseph J. Simons, Chairman**  
   **Noah Joshua Phillips**  
   **Rohit Chopra**  
   **Rebecca Kelly Slaughter**  
   **Christine S. Wilson**

**In the Matter of**

**INFOTRAX SYSTEMS, L.C., a limited**

**DECISION AND ORDER**

**DOCKET NO.8 (ri)-3 (Osn0003 Twn03 Twn0-0.003 02aD 4**  
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2. Measures to assess the cybersecurity risk posed by Corporate Respondent's code to Personal Information stored on Corporate Respondent's network, including, at least once every twelve (12) months and promptly after a Covered Incident: (a) software code review; and (b) penetration testing of Corporate Respondent's software;
3. Technical measures to detect unknown file uploads, such as input validation;
- 4.



- E. Each Assessment must be completed within sixty (60) days after the end of the reporting period to which the Assessment applies. Unless otherwise directed by a Commission representative in writing, Respondents must submit the initial Assessment to the Commission within ten (10) days after the Assessment has been completed via email to DEbrief@ftc.gov or by overnight courier (not the U.S. Postal Service) to Associate Director for Enforcement, Bureau of Consumer Protection, Federal Trade Commission, 600 Pennsylvania Avenue NW, Washington, DC 20580. The subject line must begin, “In re InfoTrax Systems, L.C. and Mark Rawlins, FTC File No. 1623130.” All subsequent biennial Assessments shall be retained by Respondents until the order is terminated and provided to the Associate Director for Enforcement within ten (10) days of request.

### **III. Cooperation with Third Party Information Security Assessor**

**IT IS FURTHER ORDERED** that Respondents, whether acting directly or indirectly, in connection with any Assessment required by Provision II of this Order titled Information Security Assessments by a Third Party, must:

- A. Disclose all material facts to the Assessor, and not misrepresent in any manner, expressly or by implication, any fact material to the Assessor’s: (1) determination of whether Respondents have implemented and maintained the Information Security Program required by Provision I of this Order, titled Mandated Information Security Program; (2) assessment of the effectiveness of the implementation and maintenance of sub-Provisions I.A-I; or (3) identification of any gaps or weaknesses in the Information Security Program; and
- B. Provide or otherwise make available to the Assessor all information and material in their possession, custody, or control that is relevant to the Assessment for which there is no reasonable claim of privilege.

### **IV. Annual Certification**

**IT IS FURTHER ORDERED** that, in connection with compliance with Provision I of this Order titled Mandated Information Security Program, Respondents shall:

- A. One year after the issuance date of this Order, and each year thereafter, provide the Commission with a certification from a senior corporate manager, or, if no such senior corporate manager exists, a senior officer of each Covered Business responsible for each Covered Business’s Information Security Program that: (1) each Covered Business has established, implemented, and maintained the requirements of this Order; (2) each Covered Business is not aware of any material noncompliance that has not been (a) corrected or (b) disclosed to the Commission; and (3) includes a brief description of any Covered Incident. The certification must be based on the personal knowledge of the senior corporate manager, senior officer, or subject matter experts upon whom the senior corporate manager or senior officer reasonably relies in making the certification.

- B. Unless otherwise directed by a Commission representative in writing, submit all annual certifications to the Commission pursuant to this Order via email to DEbrief@ftc.gov or by overnight courier (not the U.S. Postal Service) to Associate Director for Enforcement, Bureau of Consumer Protection, Federal Trade Commission, 600 Pennsylvania Avenue NW, Washington, DC 20580. The subject line must begin, “In re InfoTrax Systems, L.C. and Mark Rawlins, FTC File No. 1623130.”

## **V. Covered Incident Reports**

**IT IS FURTHER ORDERED** that Respondents, for any Covered Business, within a reasonable time after the date of discovery of a Covered Incident, but in any event no later than ten (10) days after the date the Covered Business, or any of the Covered Business’s clients, first notifies any U.S. federal, state, or local government entity of the Covered Incident, must submit a report to the Commission. The report must include, to the extent possible:

- A. The date, estimated date, or estimated date range when the Covered Incident occurred;
- B. A description of the facts relating to the Covered Incident, including the causes of the Covered Incident, if known;
- C. A description of each type of information that triggered the notification obligation to the U.S. federal, state, or local government entity;
- D.

- A. Each Respondent, within ten (10) days after the effective date of this Order, must submit to the Commission an acknowledgment of receipt of this Order sworn under penalty of perjury.
- B. For twenty (20) years after the issuance date of this Order, Individual Respondent, for any Covered Business that Individual Respondent, individually or collectively with any other Respondents, is the majority owner or controls directly or indirectly, and Corporate Respondent must deliver a copy of this Order to: (1) all principals, officers, directors, and LLC managers and members; (2) all employees having managerial responsibilities for conduct related to the subject matter of the Order and all agents and representatives who participate in conduct related to the subject matter of the Order; and (3) any business entity resulting from any change in structure as set forth in the Provision VII of this Order titled Compliance Report and Notices. Delivery must occur within ten (10) days after the effective date of this Order for current personnel. For all others, delivery must occur before they assume their responsibilities.
- C. From each individual or entity to which a Respondent delivered a copy of this Order, that Respondent must obtain, within thirty (30) days, a signed and dated acknowledgment of receipt of this Order.

## **VII. Compliance Report and Notices**

**IT IS FURTHER ORDERED** that Respondents make timely submissions to the Commission:

- A. One year after the issuance date of this Order, each Respondent must submit a compliance report, sworn under penalty of perjury, in which:
  - 1. Each Respondent must: (a) identify the primary physical, postal, and email address, and telephone number, as designated points of contact, which representatives of the Commission may use to communicate with Respondent; (b) identify all of Respondent's businesses by all of their names, telephone numbers, and physical, postal, email, and Internet addresses; (c) describe the activities of each business, including the goods and services offered, the means of advertising, marketing, and sales, and the involvement of any other Respondent (which Individual Respondent must describe if he knows or should know due to his own involvement); (d) describe in detail whether and how Respondent is in compliance with each Provision of this Order, including a discussion of all of the changes Respondent made to comply with the Order; and (e) provide a copy of each Acknowledgment of the Order obtained pursuant to this Order, unless previously submitted to the Commission.
  - 2. Additionally, Individual Respondent must: (a) identify all his telephone numbers and all his physical, postal, email and Internet addresses, including all residences; (b) identify all his business activities, including any business for which such Respondent



performs services whether as an employee or otherwise and any entity in which such Respondent has any ownership interest; and (c) describe in detail such Respondent's involvement in each such business activity, including title, role, responsibilities, participation, authority, control, and any ownership.

- B. Each Respondent must submit a compliance notice, sworn under penalty of perjury, within fourteen (14) days of any change in the following:
1. Each Respondent must submit notice of any change in: (a) any designated point of contact; or (b) the structure of any Corporate Respondent or any entity that Respondent has any ownership interest in or controls directly or indirectly that may affect compliance obligations arising under this Order, including: creation, merger, sale, or dissolution of the entity or any subsidiary, parent, or affiliate that engages in any acts or practices subject to this Order.
  2. Additionally, Individual Respondent must submit notice of any change in: (a) name, including alias or fictitious name, or residence address; or (b) title or role in any business activity, including (i) any business for which Individual Respondent performs services whether as an employee or otherwise and (ii) any entity in which Individual Respondent has any ownership interest and over which Individual Respondent has direct or indirect control. For each such business activity, also identify its name, physical address, and any Internet address.
- C. Each Respondent must submit notice of the filing of any bankruptcy petition, insolvency proceeding, or similar proceeding by or against such Respondent within fourteen (14) days of its filing.
- D. Any submission to the Commission required by this Order to be sworn under penalty of perjury must be true and accurate and comply with 28 U.S.C. § 1746, such as by concluding: "I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on: \_\_\_\_" and supplying the date, signatory's full name, title (if applicable), and signature.
- E. Unless otherwise directed by a Commission representative in writing, all submissions to the Commission pursuant to this Order must be emailed to DEbrief@ftc.gov or sent by overnight courier (not the U.S. Postal Service) to: Associate Director for Enforcement, Bureau of Consumer Protection, Federal Trade Commission, 600 Pennsylvania Avenue NW, Washington, DC 20580. The subject line must begin, "In re InfoTrax Systems, L.C., and Mark Rawlins, FTC File No. 1623130."

### **VIII. Recordkeeping**

**IT IS FURTHER ORDERED** that Respondents must create certain records for twenty (20) years after the issuance date of the Order, and retain each such record for five (5) years, unless otherwise specified below. Specifically, Corporate Respondent and Individual

Respondent, for any Covered Business that Individual Respondent, individually or collectively with any other Respondent, is a majority owner or controls directly or indirectly, must create and retain the following records:

- A. Accounting records showing the revenues from all goods or services sold, the costs incurred in generating those revenues, and resulting net profit or loss;
- B. Personnel records showing, for each person providing services in relation to any aspect of the Order, whether as an employee or otherwise, that person's name; addresses; telephone numbers; job title or position; dates of service; and (if applicable) the reason for termination;
- C. Copies or records of all consumer complaints concerning the subject matter of the Order, whether received directly or indirectly, such as through a third party, and any response;
- D. For five (5) years after the date of preparation of each Assessment required by this Order,

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