

**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)
)
 NTT GLOBAL DATA CENTERS) **DOCKET NO. 9386**
 AMERICAS, INC., as successor in)
 interest to RagingWire Data Centers, Inc.) **DECISION AND ORDER**
 a corporation.)
)
)
_____)

DECISION

The Federal Trade Commission (“Commission”) issued a complaint challenging certain acts and practices of the Respondent named above in the caption. The Commission’s Bureau of Consumer Protection (“BCP”) filed the Complaint, which charged the Respondent with violating it

2.34. Now, in further conformity with the procedure prescribed in Rule § 3.25 (f), the Commission makes the following Findings and issues the following Order:

Findings

1. Respondent is NTT Global Data Centers Americas, Inc., a Nevada corporation, with its principal office or place of business at 1625 W. National Drive, Sacramento, CA 95834. NTT Global Data Centers Americas, Inc. is the successor in interest to RagingWire Data Centers, Inc.
2. The Federal Trade Commission has jurisdiction over the subject matter of this proceeding and over the Respondent, and the proceeding is in the public interest.

ORDER

Definitions

For purposes of this Order, the following definition applies: A.41 -27.63 -1.15 Td ()TjorÍ0 "dn åLÓ

organization, including but not limited to the EU-U.S. Privacy Shield Framework, the Swiss-U.S. Privacy Shield Framework, and the APEC Cross-Border Privacy Rules.

II. Requirement for Annual Outside Compliance Review

IT IS ORDERED that, commencing no later than 120 days after the effective date of this Order and for so long as Respondent is a self-certified participant in Privacy Shield, Respondent and its officers, agents, employees, and attorneys, and all other persons in active concert or

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IV. Acknowledgments of the Order

IT IS FURTHER ORDERED that Respondent obtain acknowledgments of receipt of this Order:

- A. Respondent, within ten (10) days after the effective date of this Order, must submit to the Commission an acknowledgment of receipt of this Order.
- B. For five (5) years after the issuance date of this Order, 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 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 Respondent delivered a copy of this Order, Respondent must obtain, within thirty (30) days, a signed and dated acknowledgment of receipt of this Order.

V. Compliance Report and Notices

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

- A. Sixty (60) days after the effective date of this Order, Respondent must submit a compliance report, sworn under penalty of perjury, in which 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; (d) describe in detail whether and how Respondent is in compliance with each Provision of this Order; and (e) provide a copy of each Acknowledgment of the Order obtained pursuant to this Order, unless previously submitted to the Commission.
- B. Respondent must submit a compliance notice, sworn under penalty of perjury, within fourteen (14) days of any change in the following: (1) any designated point of contact; or (2) the structure of 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.

VII. Compliance Monitoring

IT IS FURTHER ORDERED that, for the purpose of monitoring Respondent's compliance with this Order:

- A. Within ten (10) days of receipt of a written request from a representative of the Commission, Respondent must: submit additional compliance reports or other requested information, which must be sworn under penalty of perjury, and produce records for inspection and copying.
- B. For matters concerning this Order, representatives of the Commission are authorized to communicate directly with Respondent. Respondent must permit representatives of the Commission to interview anyone

By the Commission, Commissioner Chopra dissenting, Commissioner Slaughter not participating.

April J. Tabor
Acting Secretary

SEAL
ISSUED: October 28, 2020