

UNITED STATES OF AMERICA
BEFORE THE FEDERAL TRADE COMMISSION

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

In the Matter of)
)
SecurTest, Inc.,) DOCKET NO.
a corporation.)
)
_____)

COMPLAINT

The Federal Trade Commission (“FTC”), having reason to believe that SecurTest, Inc., a corporation, has violated provisions of the Federal Trade Commission Act (“FTC Act”), and it appearing to the Commission that this proceeding is in the public interest, alleges:

1. Respondent SecurTest, Inc. (“SecurTest”) is a Florida corporation with its principal office or place of business at 600 Grand Panama Boulevard, Suite 202, Panama City Beach, FL32407.
2. Respondent offers background screening services.
3. The acts and practices of Respondent alleged in this complaint have been affecting commerce, as “commerce” is defined in Section 4 of the FTC Act.
4. Respondent has set forth on its website <http://securtest.com> privacy policies and statements about its practices, including statements related to its participation in the U.S. Privacy Shield framework agreed upon by the U.S. government and the European Commission.

Privacy Shield

5. The EU-U.S. Privacy Shield framework (“Privacy Shield”) was designed by the U.S. Department of Commerce (“Commerce”) and the European Commission to provide a mechanism for U.S. companies to transfer personal data outside of the EU that is consistent with the requirements of the European Union Directive on Data Protection. Enacted in 1995,

[sic] terms of this policy apply to SecurTest's Web site and Background Screening Solutions, except where noted.

11. Although Respondent initiated an application to Commerce in September of 2017 for Privacy Shield certification, and in October 2017 added language at the bottom of its webpage that its application was pending, Respondent did not complete the steps necessary to participate in the EU.U.S. Privacy Shield or Swiss.U.S. Privacy Shield frameworks within the timeframes established by Commerce. Nevertheless, Respondent continued to make the statements described in Paragraph 10 in its privacy policy until July 2018. After FTC Staff contacted Respondent regarding this matter, Respondent completed the steps necessary to participate in the frameworks and received its certification on August 31, 2018.

Count I
Privacy Misrepresentation

12. As described in Paragraph 10, from September 2017 until July 2018, Respondent represented, directly or indirectly, expressly or by implication, that it was a participant in the EU.U.S. Privacy Shield framework and the Swiss.U.S. Privacy Shield framework.

13. In fact, as described in Paragraph 11, although Respondent initiated an application to Commerce for Privacy Shield certification, it did not complete the steps necessary to participate in either the EU.U.S. Privacy Shield framework or the Swiss.U.S. Privacy Shield framework until August 2018. Therefore, the representation set forth in Paragraph 12 was false and misleading.

Violations of Section 5 of the FTC Act

14. The acts and practices of Respondent as alleged in this complaint constitute deceptive acts and practices, in or affecting commerce, in violation of Section 5(a) of the Federal Trade Commission Act.

THEREFORE, the Federal Trade Commission _____ day of _____, 2019, has issued this complaint against Respondent.

By the Commission.

April J. Tabor
Acting Secretary

SEAL: