

UNITED STATES OF AMERICA
BEFORE THE FEDERAL TRADE COMMISSION

COMMISSIONERS: Joseph J. Simons Chairman
Noah Joshua Phillips

Among other things, it requires EU Member States to implement legislation that prohibits the

10. Although Respondent obtained Privacy Shield certification in April 2017, that certification lapsed one year later, 2018.
11. In August 2018, Commerce warned the company to take down its claims that it participated in Privacy Shield unless and until such time as it completed the recertification process. Respondent did not do so. While Respondent retained data it collected while it participated in Privacy Shield it did not withdraw and affirm its commitment to protect such data.
12. After allowing its certification to lapse, Respondent continued to claim, as indicated in paragraph 9, that it participated in the ~~EU~~ Privacy Shield framework.
13. The Privacy Shield Principles include Supplemental Principle 7, which requires any company that participates in Privacy Shield to verify, at least once a year, through self-assessment or outside compliance review, that the assertions it makes about its Privacy Shield privacy practices are true and that those privacy practices have been implemented. The verification statement must be signed by a corporate officer or the outside reviewer and is required to be made available on request to the ~~FTC~~ Department of Transportation, whoever has unfair and deceptive practices jurisdiction over the company.
14. Respondent is under the jurisdiction of the FTC. During the ~~2017~~ period that Respondent was certified to participate in Privacy Shield, Respondent failed to comply with the requirement to obtain, through self-assessment or outside compliance review, an attested verification statement that the assertions it had made about its Privacy Shield privacy practices during the time it participated in the ~~program~~ were true and that those privacy practices had been implemented. Respondent failed to provide its attested verification statement to the ~~FTC~~.

Count 1—Privacy Misrepresentation

15. As described in Paragraph 9, Respondent represented, directly or indirectly, expressly or by implication, that it is a current participant in the ~~EU~~ Privacy Shield framework.
16. In fact, as described in Paragraphs ~~12~~ Respondent was not a current participant in the EU-U.S. Privacy Shield framework in 2018 and 2019. Respondent's certification lapsed 2018, and it was not renewed. Therefore, the representation set forth in Paragraph 15 is false or misleading.

Count 2—Misrepresentation Regarding Verification

17. As described in Paragraph 9, Respondent represented that it complied with the ~~EU~~ Privacy Shield framework principles.

