

**Analysis of Proposed Consent Order to Aid Public Comment**  
***In the Matter of T&M Protection Resources, LLC***  
**File No. 1923092**

The Federal Trade Commission (“Commission”) has accepted, subject to final approval, an agreement containing a consent order from T&M Protection Resources, LLC (“T&M” or “Respondent”).

The proposed consent order (“proposed order”) has been placed on the public record for thirty (30) days for receipt of comments by interested persons. Comments received during this period will become part of the public record. After thirty (30) days, the Commission will again review the agreement and the comments received, and will decide whether it should withdraw from the agreement and take appropriate action or make final the agreement’s proposed order.

This matter concerns alleged false or misleading representations that T&M made concerning its participation in the Privacy Shield framework agreed upon by the U.S. and the European Union (“EU”). The Privacy Shield framework allows for the lawful transfer of personal data from the EU to participating companies in the U.S. The framework consists of a set of principles and related requirements that have been deemed by the European Commission as providing “adequate” privacy protection. The principles include notice; choice; accountability for onward transfer; security; data integrity and purpose limitation; access; and recourse, enforcement, and liability. The related requirements include, for example, securing an independent recourse mechanism to handle any disputes about how the company handles information about EU citizens.

To participate in the framework, a company must comply with the Privacy Shield principles and self-certify that compliance to the U.S. Department of Commerce (“Commerce”). Commerce reviews companies’ self-certification applications and maintains a public website, <https://www.privacyshield.gov/list>, where it posts the names of companies who have required to recertify every year in order to continue benefitting from Privacy Shield.

T&M provides background check, security and investigative services. In connection with providing services relating to background checks, T&M obtained personal data about individuals in the EU. According to the Commission’s comply3on’sply3c3 (vi)-2iai-2i

practices by representing that it complied with the framework when in fact it had failed to comply with certain Privacy Shield requirements.

Part I of the proposed order prohibits the company from making misrepresentations about its membership or compliance with