

RECOGNIZING that the CBP is the designated authority in the Netherlands for the purposes of the Convention for the Protection of Individuals with regard to the Automatic Processing of Personal Data (which was opened for signature on 28th January 1981) and is the supervisory authority in the Netherlands for the purposes of Directive 95/46/EC on the protection of individuals with regard to the processing of personal data and on the free movement of such data;

RECOGNIZING that the Participants each have functions and duties with respect to the protection of personal information in their respective countries;

RECOGNIZING that the Participants have worked together in connection with several international initiatives related to privacy;

REGOGNIZING that the Participants have cooperated in the context of several international networks, including the Global Privacy Enforcement Network, and the International Conference of Data Protection and Privacy Commissioners; and

RECOGNIZING that the Participants would not be able to provide assistance to the other if such assistance is prohibited by their respective national laws, such as privacy, data security, or confidentiality laws; or enforcement policies.

HAVE REACHED THE FOLLOWING UNDERSTANDING:

I. Definitions

For the purposes of this Memorandum,

A. "Applicable Privacy Law" means the laws identified in Annex 1, which may be revised by mutual consent of the Participants, including any regulations implemented pursuant to those laws, the enforcement of which has the effect of protecting personal information.

B. "Covered Privacy Violation" means practices that would violate the Applicable Privacy Laws of one Participant's country and that are the same or substantially similar to practices prohibited by any provision of the Applicable Privacy Laws of the other Participant's country.

5. inform each other of developments in their respective countries that relate to this Memorandum.

C. In furtherance of these common interests, and subject to Section IV, the Participants intend to use best efforts to:

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1. requests for assistance are to include sufficient information to enable the Requested Participant to determi

Accordingly, the Participants intend to use best efforts, as outlined in Section II, to seek and provide cooperation focusing on those Covered Privacy Violations most serious in nature, such as those that cause or are likely to cause damage or distress to a significant number of persons, and those otherwise causing substantial damage or distress, especially if this concerns both countries.

C. If the Requested Participant is unable to offer full assistance or declines assistance, it should explain the reasons why.

D. Participants intend, in so far as they are able and are allowed by their domestic laws, to share confidential information pursuant to this Memorandum only to the extent that it is necessary to fulfill the purposes set forth in Section II.

V. Confidentiality , Privacy, and Limitations on Use

A. Subject to any restrictions imposed by their respective national laws, to the fullest extent possible, each Participant certifies the confidentiality of information to be shared under this Memorandum. The certification of confidentiality applies not only to the shared information, but also to the existence of an investigation to which the information relates. The Participants are to treat the shared information, the existence of the investigation to which the information relates, and any requests made pursuant to this Memorandum as confidential, and so far as they are able, not further disclose or use this information for purposes other than those for which it was ai -0.003 Twi0oseTwil(ul)-1(l)-1(y)129(s)-5(ha)-1(r)-1(e)-1(d)-(t)4(w)11(i)-1

4. maintaining the materials in secure, limited access locations (e.g., password-protected files for electronic information and locked storage for hard-copy information); and

5. if used in a proceeding that may lead to public disclosure, redacting personally identifiable information or filing under seal.

VI. Changes in Applicable Privacy Laws

In the event of significant modification to the Applicable Privacy Laws of a Participant's country falling within the scope of this Memorandum, the Participants intend to consult promptly, and, if possible, prior to the entry into force of such enactments, to determine whether to modify this Memorandum.

VII. Retention of Information

A. If Participants wish to retain materials obtained from the other Participant under this Memorandum, the Participants understand they are

VIII. Costs

Unless otherwise decided by the Participants, the Requested Participant is

B. Prevent a Participant from seeking assistance from or providing assistance to the other Participant pursuant to other agreements, arrangements, or practices.

C. Affect any right of a Participant to seek information on a lawful basis from a Person located in the territory of the other Participant's country, or preclude any such Person from voluntarily providing legally obtained information to a Participant.

D. Create a commitment that conflicts with either Participant's national laws, court orders, or any applicable international legal instruments.

E. Create expectations of cooperation that would exceed a Participant's powers.

Signed at Washington, D.C.
On March 6, 2015, in duplicate.

Edith Ramirez
Chairwoman

Jacob Kohnstamm
Chairman

United States Federal Trade
Commission

Dutch Data Protection Authority

Annex 1

Applicable Privacy Laws

- I. Federal Trade Commission
 - a. Federal Trade Commission Act, 15 U.S.C. §§ 41-58
 - b. Fair Credit Reporting Act, 15 U.S.C. §§ 1681-1681u
 - c. The Children's Online Privacy Protection Act, 15 U.S.C. §§ 6501-6506
 - d. Gramm-Leach-Bliley Act, codified in relevant part at 15 U.S.C. §§ 6801-6809 and §§ 6821-6827
 - e. Telemarketing and Consumer Fraud and Abuse Prevention Act, 15 U.S.C. §§ 6101-6108
 - f. CAN-SPAM Act of 2003, 15 U.S.C. §§ 7701-7713

- II. Dutch Data Protection Authority
 - a. Wet bescherming persoonsgegevens ("Dutch Data Protection Act") 6 juli 2000, Staatsblad 20 juli 2000, nr. 302
 - b. Dutch laws implementing Directive 95/46/EC of the European Parliament and of the Council of 24 October 1995 on the protection of individuals with regard to the processing of personal data and on the free movement of such data *Official Journal L 281 , 23/11/1995*
 - c. Telecommunicatiewet (Dutch Telecommunications Act) 19 October 1998, Staatsblad 5 november 1998, nr. 610