



UNITED STATES OF AMERICA
Federal Trade Commission
WASHINGTON, D.C. 20580

**MAJORITY STATEMENT OF CHAIRMAN JOSEPH J. SIMONS AND
COMMISSIONERS NOAH JOSHUA PHILLIPS AND CHRISTINE S. WILSON**

*In the Matter of NTT Global Data Centers Americas, Inc. as a successor in interest to
RagingWire Data Centers, Inc.
Commission File No. 1823189
June 29, 2020*

The Federal Trade Commission remains committed to enforcing the EU-U.S. Privacy Shield and Swiss-U.S. Privacy Shield programs, and the order we approve today is consistent with that commitment. This order is, in fact, more protective of the Privacy Shield Principles than the 14 orders this Commission (including Commissioner Chopra) has approved in prior Privacy Shield cases. Specifically, it requires Respondent to obtain third-party assessments for as long as it participates in Privacy Shield.

Notably, this heightened obligation exceeds the scope of the notice order that the Commission (including Commissioner Chopra) unanimously approved in November 2019 in this case. Commissioner Chopra asserts that new facts have emerged in litigation that would support even more relief. But what staff did here is obtain additional evidence, through discovery, that supports the complaint's allegations. The Commission had reason to believe that Respondent's Privacy Shield representations were included in a variety of publications and were material when we voted to litigate. During litigation, staff uncovered further evidence confirming materiality. This should not have