



Office of the Secretary

UNITED STATES OF AMERICA
FEDERAL TRADE COMMISSION
WASHINGTON, D.C. 20580

January 12, 2010

Mr. Chris Connolly

Re: *In the Matter of Directors Desk LLC*, File No. 092-3140

Dear Mr. Connolly:

This acknowledges your letter commenting on the Federal Trade Commission's consent agreement in the above-entitled proceeding. Your letter was placed on the public record pursuant to Rule 4.9(b)(6)(ii) of the Commission's Rules of Practice, 16 C.F.R. § 4.9(b)(6)(ii), and was given serious consideration by the Commission.

Your comment urges the Commission to investigate whether Directors Desk LLC ("Directors Desk") complies with the substantive provisions of the U.S.-EU Safe Harbor framework ("Safe Harbor"), rather than focus on its alleged deceptive claims regarding Safe Harbor self-certification. Since 2000, the Commission has committed to giving priority to referrals of non-compliance with Safe Harbor principles from EU member states. To date, the Commission has not received any referrals from any EU data protection authorities or self-regulatory organizations for Safe Harbor violations. In this case, we had no evidence, via referral or otherwise, that the company's substantive practices did not comply with the provisions of the Safe Harbor framework. Further, we have reviewed the two specific allegations you raise and have found no violations of the Safe Harbor framework with respect to those allegations.

Additionally, the order prohibits Directors Desk from misrepresenting the extent to which it participates in or complies with the Safe Harbor or any privacy, security, or other compliance program. Should the company claim to abide by the Safe Harbor but not abide by its underlying principles, it could be violating the terms of the order and be liable for civil monetary penalties of up to \$16,000 per violation, pursuant to Section 5(l) of the FTC Act. Thus, as long as the company relies on the Safe Harbor framework as a means for transferring data outside Europe, the order has the effect of requiring the company to abide by the substantive Safe Harbor principles, consistent with the goals stated in your letter.

The Commission reiterates its commitment to enforcing the Safe Harbor. It will continue to give priority to matters involving the Safe Harbor, as evidenced by this and other matters.

After reviewing your comment, the Commission has determined that the public interest would be best served by accepting the consent order. Thank you again for your comment.

By direction of the Commission.

Donald S. Clark
Secretary