



Office of the Secretary

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

August 30, 2012

Daniel Martin Bellemare, Counsel
Benjamin Masse, President
Steerads Inc.
3535 Queen Mary Street Suite 200
Montreal, Quebec
Canada H3V 1H8

Re: In the Matter of Myspace LLC, File No. 1023058, Docket No. C-4369

Dear Messrs. Bellemare and Masse:

Thank you for your comment, on behalf of Steerads Inc. (“Steerads”), regarding the Federal Trade Commission’s consent agreement in the above-entitled proceeding. The Commission has placed your comment 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 has given it serious consideration.

Your comment proposes a number of modifications to the proposed consent order as part of the Commission’s settlement with Myspace LLC (“Myspace”). First, you request that the Commission remove the term “reasonable” where it appears in Part II of the proposed order, because, in your view, it is imprecise and unenforceable. The Commission shares Steerads’s concern about the privacy and security of consumer information and believes the proposed order provides strong protections for consumers. Part II of the proposed order requires Myspace to use reasonable and appropriate procedures to protect user privacy going forward. This language is standard in a number of the Commission’s other privacy orders.¹ While the proposed order sets forth several elements that the privacy program must include, some flexibility is afforded with regard to its implementation. This approach allows innovation in the area of privacy-enhancing technologies and is designed to keep pace with a dynamic marketplace.

Second, your comment urges changes to the proposed order requiring disclosure and publication of certain documents, including: (1) the identity of all independent third-party assessors submitted to, and considered by, the Associate Director of Enforcement, along with all written decisions denying approval of any assessor; (2) print and electronic copies of all

¹ See *In the Matter of Google, Inc.*, FTC Docket No. C-4336 (Oct. 13, 2011) (consent order), available at <http://www.ftc.gov/os/caselist/1023136/index.shtm> (requiring company to implement privacy program subject to independent third-party assessment); *In the Matter of Facebook, Inc.*, FTC Docket No. C-4365 (Aug. 10, 2012) (consent order), available at <http://www.ftc.gov/os/caselist/0923184/index.shtm> (requiring company to implement privacy program subject to independent third-party assessment).

documents listed in Part IV; and (3) all compliance reports required under Parts III and VII. You also urge that the Commission require Myspace to post on its website a copy of the consent order and relevant documents, as well as the compliance reports required under Parts III and VII.

The Commission recognizes the public interest in transparency regarding a company's compliance with an FTC order. The public may seek access to the third-party assessments and other documents required by the order by making a request under the Freedom of Information Act.² However, the third-party assessments and other documents may contain trade secrets or other confidential commercial or financial information, or information about consumers or other third parties, that the Commission may not publicly disclose.³ Upon receipt of a request for confidential treatment of all or part of the third-party assessments or other documents, the Commission will conduct a careful review to determine whether confidential treatment is warranted. We will make every effort to be transparent regarding these documents, consistent with the applicable law. If the Commission determines that the documents have been frequently requested or are likely to be frequently requested because of their subject matter, the agency will post such portions as may be released to the public on the FTC's website.⁴

In light of these considerations, the Commission has determined that the public interest would best be served by issuing the Decision and Order in final form without any modifications. The final Decision and Order and other relevant materials are available from the Commission's website at <http://www.ftc.gov>. It helps the Commission's analysis to hear from a variety of sources in its work, and it thanks you again for your comment.

By direction of the Commission, Commissioner Ohlhausen not participating.

Donald S. Clark
Secretary

² 5 U.S.C. § 552 *et seq.*

³ *See* 15 U.S.C. § 46(f) ("the Commission shall not have any authority to make public any trade secret or any commercial or financial information which is obtained from any person and which is privileged or confidential"); Commission Rule of Practice § 4.10.

⁴ With respect to your request that the order require Myspace to post a copy of the consent order on its website, we do not believe this relief is warranted. The order itself is not intended to notify consumers of any steps they should or should not take in light of the alleged violations. Rather, the order is intended to inform Myspace of its legal obligations.