



Office of the Secretary

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

June 25, 2014

David Vaile
Sydney, Australia

Re: In the Matter of Atlanta Falcons Football Club LLC, File No. 1423018; In the Matter of DDC Laboratories, Inc., File No. 14230; In the Matter of PDB Sports, Ltd. d/b/a Denver Broncos Football Club, File No. 1423025

Dear Mr. Vaile:

Thank you for your comments regarding the Federal Trade Commission's ("Commission" or "FTC") consent agreements in the above-entitled proceedings. The Commission has placed your comments 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 them serious consideration.

In your comments about the Atlanta Falcons and Denver Broncos Football Clubs, you ask that the Commission also take action against TRUSTe because "TRUSTe's actions included verifying false claims" in these cases. The Commission cannot comment on whether it is investigating any particular companies or allegations. However, the Commission takes seriously the role of self-regulatory privacy programs that certify company compliance with the Safe Harbor framework, such as TRUSTe. Ensuring the effective operation of the Safe Harbor framework is an important component of the Commission's mission.

In your comment relating to respondent DDC Laboratories ("DDC"), you object to the "light touch" of proposed order. You request that the Commission strengthen the sanctions against DDC due to the sensitivity of the consumer data that it collects. It is important to note that the proposed complaint against DDC alleges that it misrepresented that it was a current participant in the Safe Harbor framework, when, in fact, its self-certification had lapsed. The proposed complaint does not allege that DDC substantively violated any of the privacy principles of the Safe Harbor framework or that personal data was at risk.

The proposed order prohibits DDC from misrepresenting the extent to which it is a member of, adheres to, complies with, is certified by, is endorsed by, or otherwise participates in any privacy or security program sponsored by the government or any other self-regulatory or standard-setting organization, including, but not limited to, the U.S.-EU Safe Harbor Framework or the U.S.-Swiss Safe Harbor Framework. Should the company claim to abide by the Safe Harbor but not abide with its underlying principles, it could be violating the terms of the order and be liable for civil penalties of up to \$16,000 per violation, or up to \$16,000 per day in the

case of continuing violations (as provided by Section 5(l) of the FTC Act). Thus, the order has the effect of requiring the company to abide by the substantive Safe Harbor principles. The Commission believes that the order in this matter is appropriate to adequately address the violations at issue and to provide fencing-in relief.

In light of the considerations discussed above, the Commission has determined that the public interest would best be served by issuing the Decision and Orders in the above-titled proceedings in final form without any modifications. The final Decision and Orders 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.

Donald S. Clark
Secretary