

**UNITED STATES OF AMERICA
FEDERAL TRADE COMMISSION**

COMMISSIONERS: **Jon Leibowitz, Chairman**
 William E. Kovacic
 J. Thomas Rosch
 Edith Ramirez
 Julie Brill

_____)
In the Matter of)
)
US SEARCH, INC.,)
 a corporation; and)
)
US SEARCH, LLC,)
 a limited liability company.)
 _____)

DOCKET NO. C-4317

DECISION AND ORDER

The Federal Trade Commission having initiated an investigation of certain acts and practices of the Respondents named in the caption hereof, and the Respondents having been furnished thereafter with a copy of a draft Complaint that the Bureau of Consumer Protection proposed to present to the Commission for its consideration and which, if issued by the Commission, would charge the Respondents with violation of the Federal Trade Commission Act, 15 U.S.C. § 45 *et seq.*

The Respondents, their attorney, and counsel for the Commission having thereafter executed an Agreement Containing Consent Order (“Consent Agreement”), an admission by the Respondents of all the jurisdictional facts set forth in the aforesaid draft Complaint, a statement that the signing of said Consent Agreement is for settlement purposes only and does not constitute an admission by Respondents that the law has been violated as alleged in such Complaint, or that the facts as alleged in such Complaint, other than jurisdictional facts, are true, and waivers and other provisions as required by the Commission's Rules; and

The Commission having thereafter considered the matter and having determined that it has reason to believe Respondents have violated the said Act, and that a Complaint should issue stating its charges in that respect, and having thereupon accepted the executed Consent Agreement and placed such Consent Agreement on the public record for a period of thirty (30) days, and having duly considered the comments filed thereafter by interested persons pursuant to Commission Rule 2.34, 16 C.F.R. § 2.34, now in further conformity with the procedure described in Commission Rule 2.34, the Commission hereby issues its Complaint, makes the following jurisdictional findings and enters the following Order:

1.a. Respondent US Search, Inc. is a Delaware corporation with its principal office or place of business at 600 Corporate Pointe, Culver City, California 90230.

1.b. Respondent US Search, LLC is a Delaware limited liability company with its principal office or place of business at 600 Corporate Pointe, Culver City, California 90230. US Search, LLC is a wholly owned subsidiary of US Search Inc.

2. The Federal Trade Commission has jurisdiction of the subject matter of this proceeding and of the Respondents, and the proceeding is in the public interest.

ORDER

DEFINITIONS

For purposes of this order, the following definitions shall apply:

1. Unless otherwise specified, “respondents” shall mean US Search, Inc., a corporation, and US Search, LLC, a limited liability company, their successors and assigns and their officers; and each of the above’s agents, representatives, and employees.

2. “Clearly and prominently” shall mean that the required disclosures are unavoidable and of a type, size, and location sufficiently noticeable for an ordinary consumer to read and comprehend them, in print that contrasts with the background on which they appear, and presented in understandable language and syntax.

3. “Commerce” shall mean as defined in Section 4 of the Federal Trade Commission Act, 15 U.S.C. § 44.

I.

IT IS ORDERED that respondents, directly or through any corporation, subsidiary, division, or other device, in connection with the advertising, promotion, offering for sale, sale, or distribution of “PrivacyLock” or any other service offered to consumers that will allow consumers to remove publicly available information from respondents’ search results, websites, or advertisements, shall not misrepresent, in any manner, expressly or by implication, the effectiveness of such service.

II.

IT IS FURTHER ORDERED that respondents, directly or through any corporation, subsidiary, division, or other device, in connection with the advertising, promotion, offering for sale, sale, or distribution of “PrivacyLock” or any other service offered to consumers that will allow consumers to remove publicly available information from respondents’ search results, websites, or advertisements, shall not make any representation, in any manner, expressly or by

implication, about the effectiveness of such service, unless they disclose, clearly and prominently, any material limitations regarding such service, including, but not limited to, (1) any limitations on the duration of the removal; and (2) any circumstances under which information about the consumers will not be removed or will reappear.

III.

IT IS FURTHER ORDERED that respondents, directly or through any corporation, subsidiary, division, or other device, shall:

- A. Upon issuance of this order, provide a full and complete refund to any consumer who requested “PrivacyLock” and was assessed a charge for such service, by crediting the credit or debit card used to pay for such service, and providing notice of the refund through an email message sent to affected consumers;
- B. The email message shall also include contact information for respondents, including name, address and a toll-free telephone number, for consumers to use to contact respondents and receive a full and complete refund if, for any reason, respondents are unable to credit the consumer’s credit or debit card; and
- C. For a period of one (1) year after the date of issuance of this order, provide notice to consumers of the refund required by Section III.B. of this order. Such notice shall be clearly and prominently displayed on respondents’ website www.ussearch.com; and
- D. Within one year of the issuance of this order, respondents shall provide a full and complete accounting to the Commission of all refunds paid to consumers, including amounts paid, and the names and addresses (email and US mail) of consumers who received the refunds. Respondents shall also include in such an accounting all amounts that were not refunded to consumers, for whatever reason. Any amount not refunded to consumers shall be deposited with the United States Treasury as disgorgement. No portion of this payment to the United States Treasury shall be deemed a payment of any fine, penalty, or punitive assessment.

IV.

IT IS FURTHER ORDERED that for a period of five (5) years after the last date of dissemination of any representation covered by this order, respondents US Search, Inc. and US Search, LLC, and their successors and assigns, shall maintain and upon request make available to the Federal Trade Commission for inspection and copying:

- A. All advertisements and promotional materials containing the representation;
- B. Complaints and refund requests (whether received directly or indirectly, such as through a third party) and any responses to those complaints or requests;

- C. All records and documents necessary to demonstrate full compliance with each provision of this order, including but not limited to, copies of acknowledgments of receipt of this order required by Section V. and all reports submitted to the FTC pursuant to Section VII.

V.

IT IS FURTHER ORDERED that, for a period of five (5) years from the date of issuance of this order, respondents US Search, Inc. and US Search, LLC, and their successors and assigns, shall deliver a copy of this order to all current and future principals, officers, directors, and managers who engage in conduct related to the subject matter of the order, and any business entity resulting from any change in structure set forth in Section VI. For current personnel, delivery shall be within five (5) days of service of this order. For new personnel, delivery shall occur prior to them assuming their responsibilities. For any business entity resulting from any change in structure set forth in Section VI, delivery shall be at least ten (10) days prior to the change in structure. Respondents must secure a signed and dated statement acknowledging receipt of the order within thirty (30) days of delivery from all persons receiving a copy of the order pursuant to this section.

VI.

IT IS FURTHER ORDERED that, respondents US Search, Inc. and US Search, LLC, and their successors and assigns, shall notify the Commission at least thirty (30) days prior to any change in the corporation or business entity that may affect compliance obligations arising under this order, including but not limited to: incorporation or other organization; a dissolution, assignment, sale, merger, or other action; the creation or dissolution of a subsidiary, parent, or affiliate that engages in any acts or practices subject to this order; the proposed filing of a bankruptcy petition; or a change in the business name or address. Provided, however, that, with respect to any proposed change in the corporation or business entity about which a respondent learns less than thirty (30) days prior to the date such action is to take place, such respondent shall notify the Commission as soon as is practicable after obtaining such knowledge. Unless otherwise directed by a representative of the Commission, all notices required by this Part shall be sent by overnight courier (not the U.S. Postal Service) to the Associate Director of Enforcement, Bureau of Consumer Protection, Federal Trade Commission, 600 Pennsylvania Avenue NW, Washington, DC 20580, with the subject line FTC v. US Search, Inc. and US Search, LLC. Provided, however, that, in lieu of overnight courier, notices may be sent by first-class mail, but only if an electronic version of such notices is contemporaneously sent to the Commission at Debrief@ftc.gov.

VII.

IT IS FURTHER ORDERED that respondents US Search, Inc. and US Search, LLC, and their successors and assigns, within sixty (60) days after the date of service of this order, shall each file with the Commission a true and accurate report, in writing, setting forth in detail the manner and form of their own compliance with this order. Within ten (10) days of receipt of written notice from a representative of the Commission, they shall submit additional true and accurate written reports.

VIII.

This order will terminate on March 14, 2031, or twenty (20) years from the most recent date that the United States or the Federal Trade Commission files a complaint (with or without an accompanying consent decree) in federal court alleging any violation of the order, whichever comes later; provided, however, that the filing of such a complaint will not affect the duration of:

- A. Any Part in this order that terminates in less than twenty (20) years;
- B. This order's application to any respondent that is not named as a defendant in such complaint; and
- C. This order if such complaint is filed after the order has terminated pursuant to this Part.

Provided, further, that if such complaint is dismissed or a federal court rules that the respondent did not violate any provision of the order, and the dismissal or ruling is either not appealed or upheld on appeal, then the order will terminate according to this Part as though the complaint had never been filed, except that the order will not terminate between the date such complaint is filed and the later of the deadline for appealing such dismissal or ruling and the date such dismissal or ruling is upheld on appeal.

By the Commission.

Donald S. Clark
Secretary

SEAL
ISSUED: March 14, 2011