



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

Office of the Secretary

December 22, 2021

Noah A. Brumfield
White & Case LLP

Re: *Ascension Data & Analytics, LLC*, File No. 1923126, Docket No. C-4758

Dear Mr. Brumfield:

Thank you for your comment, submitted on behalf of OpticsML, regarding the Federal Trade Commission's ("Commission") proposed consent agreement with Ascension Data & Analytics, LLC ("Ascension").

The Complaint in this matter alleges that Ascension violated the Standards for Safeguarding Customer Information Rule ("Safeguards Rule") of the Gramm-Leach-Bliley Act. Specifically, the Complaint alleges that Ascension failed to oversee service providers and to assess risks to the security of personal information, as required by the Safeguards Rule.

Your comment suggests that the Commission's investigation was deficient because (1) material facts may have been misrepresented or withheld by Ascension; (2) the Commission's allegations appear to have been based on self-serving representations by Ascension and its affiliates; and (3) it did not include requesting OpticsML to provide information, documents, or an interview. Your comment also suggests that blame for the breach of consumer information at issue in the Complaint was incorrectly shifted from Ascension to OpticsML.¹

The Commission welcomes information that bears on current or potential investigations. Accordingly, we obtained additional information from you, and conducted additional investigation in response. In particular, Commission staff obtained further information from Ascension over the course of several months. Ultimately, the information you and your client provided did not contradict any of the factual allegations of the Complaint or warrant any changes or additions to the Complaint or Decision and Order.

¹ You also requested to speak with Commissioner Chopra's office regarding his Dissenting Statement, which we granted.

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). The Commission has now determined that the public interest would best be served by issuing the Decision and Order in the above-titled proceeding 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>. Thank you again for your comment.

By direction of the Commission, Chair Khan not participating, Commissioner Slaughter dissenting.

April J. Tabor
Secretary