



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

Division of Privacy and Identity Protection
Bureau of Consumer Protection

SAMPLE LETTER A

January 19, 2010

Dear *:

The Federal Trade Commission (FTC) is sending you this letter because at least one computer file containing sensitive personal information from or about your customers and/or employees has been shared from your computer network, or the network of one of your service providers, to a peer-to-peer file sharing (P2P) network. One such file is *****. The information is now available to users of the P2P network, who could use it to commit identity theft or fraud. Your failure to prevent such information from being shared to a P2P network may violate laws enforced by the Commission.

As the nation's consumer protection agency, the FTC enforces several laws that have information security requirements. The Gramm-Leach-Bliley Act, the Fair Credit Reporting Act, and the Federal Trade Commission Act require many different types of companies to provide reasonable security for sensitive information in their care. The Commission has brought a number of cases against companies that allegedly failed to implement reasonable and appropriate security measures to protect sensitive personal information, such as Social Security numbers and bank account information. You can find these cases at www.ftc.gov/privacy/privacyinitiatives/promises_enf.html.

We have not determined whether your company is violating laws enforced by the Commission. However, the FTC is urging you to review your security practices for personal information about your customers and employees, and, if appropriate, the practices of contractors and vendors with access to such information, to ensure that the practices are reasonable, appropriate, and in compliance with the law. It is your responsibility to protect such information from unauthorized access, including taking steps to control the use of P2P software on your own networks and those of your service providers.

In addition, the FTC recommends that you identify the customers and employees whose information has been exposed by taking appropriate steps to determine which of your files have been shared to P2P networks. You should also consider whether to notify them – and any law enforcement agencies and credit bureaus – about the exposure. Many states and federal regulatory agencies have laws or guidelines about your notification responsibilities in these circumstances.

We also recommend that you read the FTC business guidance on protecting personal information:

- *Peer-to-Peer File Sharing: A Guide For Business* (enclosed)
www.ftc.gov/bcp/edu/pubs/business/idtheft/bus46.shtm
- *P2P File Sharing: Evaluate the Risks*
www.ftc.gov/bcp/edu/pubs/consumer/alerts/alt128.shtm
- *Protecting Personal Information: A Guide For Business*
www.ftc.gov/infosecurity/

The Commission reserves the right to take action against you based on past or future law violations; your practices also may be subject to laws enforced by other federal, state, or local law enforcement agencies.

If you have any questions, please call Alain Sheer at (202) 326-3321 or contact us at P2Pquestions@ftc.gov.

Sincerely,

Maneesha Mithal
Associate Director

Enclosure

cc: ***