



Office of the Secretary

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

October 25, 2018

Ms. Yenny Solares Bravo  
State of Florida

Re: *In the Matter of ReadyTech Corporation, Matter No. 1823100, C-4659*

Dear Ms. Bravo:

We would like to thank you for commenting on the Federal Trade Commission's ("Commission" or "FTC") proposed consent order in the above-referenced proceeding. The Commission has placed your comment on the public record pursuant to Rule 4.9(b)(6)(ii) of the agency's Rules of Practice, 16 C.F.R. §4.9(b)(6)(ii).

The complaint in this matter alleges that ReadyTech, which provides online training services, deceptively claimed on its website that it was actively in the process of certifying compliance with the EU-U.S Privacy Shield framework, when in fact, the company was not actively in the process of certifying compliance. ReadyTech initiated an application to the U.S. Department of Commerce in October 2016, but did not complete the steps necessary to participate in the Privacy Shield framework.

The proposed order prohibits ReadyTech 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 a government or any self-regulatory or standard-setting organization, including but not limited to the EU-U.S. Privacy Shield framework and the Swiss-U.S. Privacy Shield framework. The remaining Parts of the proposed order contain standard reporting and recordkeeping provisions.

Your comment indicates that you strongly support the proposed order prohibiting ReadyTech from misrepresenting its membership in any privacy or security program. The Commission appreciates your support for the proposed order.

Having considered all the facts of this case and all of the comments submitted in response to the proposed consent order, the Commission has now determined that the public interest would best be served by issuing the Complaint and 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>. The Commission thanks you again for your comment.

By direction of the Commission.

Donald S. Clark  
Secretary



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October 25, 2018

Mr. Jonah Caplan  
State of Illinois

Re: *In the Matter of ReadyTech Corporation, Matter No. 1823100, C-4659*

Dear Mr. Caplan:

We would like to thank you for commenting on the Federal Trade Commission's ("Commission" or "FTC") proposed consent order in the above-referenced proceeding. The Commission has placed your comment on the public record pursuant to Rule 4.9(b)(6)(ii) of the agency's Rules of Practice, 16 C.F.R. §4.9(b)(6)(ii).

The complaint in this matter alleges that ReadyTech, which provides online training services, deceptively claimed on its website that it was actively in the process of certifying compliance with the EU-U.S Privacy Shield framework, when in fact, the company was not actively in the process of certifying compliance. ReadyTech initiated an application to the U.S. Department of Commerce in October 2016, but did not complete the steps necessary to participate in the Privacy Shield framework.

The proposed order prohibits ReadyTech 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 a government or any self-regulatory or standard-setting organization, including but not limited to the EU-U.S. Privacy Shield framework and the Swiss-U.S. Privacy Shield framework. The remaining Parts of the proposed order contain standard reporting and recordkeeping provisions.

Your comment states that the relief in the proposed order is a great start, but that the order should be stronger to deter other companies from engaging in similar conduct. You point out that the Commission brought three Privacy Shield-related cases last year, and argue that ReadyTech should have been aware that it was violating the law and did so anyway. As you also note, the purpose of Privacy Shield is to protect consumer data, and you indicate that ReadyTech "should face large fines" for not protecting consumer privacy.

The Commission agrees that its orders not only deter future violations by the particular entities subject to the orders, but also serve an important function in deterring other companies from engaging in similar conduct. With respect to fines or penalties, the Commission's complaint in this matter alleges violations of Section 5(a) of the FTC Act, and the Commission does not have statutory authority to collect fines or civil penalties based on such violations. With respect to other forms of monetary relief, the Commission considers various factors in each



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individual case to determine whether to seek such relief. Based on our evidence and allegations, we have determined that the proposed consent order's injunctive relief will serve to remedy the alleged violations of the FTC Act and deter future violations. In addition, if ReadyTech violates this order in the future, it could be liable for civil penalties of up to \$41,484 per violation. As is the case with all Commission orders, Commission staff will closely monitor ReadyTech's future activities to determine whether any violations occur.

Having considered all the facts of this case and all of the comments submitted in response to the proposed consent order, the Commission has now determined that the public interest would best be served by issuing the Complaint and 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>. The Commission thanks you again for your comment.

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October 25, 2018

Ms./Mr. Morris

Re: *In the Matter of ReadyTech Corporation, Matter No. 1823100, C-4659*

Dear Ms./Mr. Morris:

We would like to thank you for commenting on the Federal Trade Commission's ("Commission" or "FTC") proposed consent order in the above-referenced proceeding. The Commission has placed your comment on the public record pursuant to Rule 4.9(b)(6)(ii) of the agency's Rules of Practice, 16 C.F.R. §4.9(b)(6)(ii).

The complaint in this matter alleges that ReadyTech, which provides online training services, deceptively claimed on its website that it was actively in the process of certifying compliance with the EU-U.S Privacy Shield framework, when in fact, the company was not actively in the process of certifying compliance. ReadyTech initiated an application to the U.S. Department of Commerce in October 2016, but did not complete the steps necessary to participate in the Privacy Shield framework.

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Your comment indicates that ReadyTech Corporation has now removed the allegedly deceptive language from its privacy policy, and asks whether the agency accordingly plans to drop the matter. After being contacted by the Commission, companies under investigation often take action to remove or correct representations that the Commission has challenged as deceptive. It is important that the order remains in place so that if the company engages in similar conduct in future, it will face substantial penalties.

Having considered all the facts of this case and all of the comments submitted in response to the proposed consent order, the Commission has now determined that the public interest would best be served by issuing the Complaint and 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>. The Commission thanks you again for your comment.

By direction of the Commission.

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