



Office of the Secretary

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

March 27, 2012

Ms. Patricia Mooney
State of New Jersey

Re: In the Matter of Upromise, Inc., File No. 102 3116, Docket No. C-4351

Dear Ms. Mooney:

Thank you for your comment on the Federal Trade Commission's proposed consent agreement in the above-entitled proceeding. 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), and has given it serious consideration.

Your comment urges the Commission to close down Upromise, Inc. ("Upromise") because of the seriousness of the alleged conduct, or alternatively, to approve the proposed consent order with provisions to monitor the company. The Commission shares your view that it is important to monitor companies that have signed orders with the FTC. The proposed order includes strong injunctive relief that will be in effect for 20 years, and requires the company to maintain a comprehensive information security program that is reasonably designed to protect the security, confidentiality, and integrity of personal information collected from or about consumers. It also requires the company to obtain assessments and reports from a qualified, objective, independent third-party professional regarding online services, certifying, among other things, that: (1) the company has in place a security program that provides protections that meet or exceed the protections required by the order; and (2) its security program is operating with sufficient effectiveness to provide reasonable assurance that the security, confidentiality, and integrity of sensitive consumer information has been protected. The order also includes provisions that allow the Commission to monitor the company's compliance with the order, such as reporting and record-keeping provisions. If the company is found to be in violation of the order, it could be subject to civil monetary penalties of up to \$16,000 per violation.

Your comment also urges the Commission to look into what data is gathered related to a specific savings program offered through Upromise. As noted above, the proposed order requires Upromise to maintain a comprehensive security program for any personal information collected from or about consumers, including information collected in connection with savings programs such as the one you mention.

In the future, if you have specific information suggesting that Upromise is not maintaining reasonable security or not taking reasonable measures to protect consumer privacy, you may contact the Consumer Response Center at (877) 282-4357, or file a complaint online at www.ftccomplaintassistant.gov.

After considering your comment, the Commission has determined that the public interest would best be served by issuing 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 www.ftc.gov. It helps the Commission's analysis to hear from a variety of sources in our work, and we thank you again for your comment.

By direction of the Commission.

Donald S. Clark
Secretary