

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION

|                                   |   |                                   |
|-----------------------------------|---|-----------------------------------|
| UNITED STATES OF AMERICA,         | ) |                                   |
|                                   | ) |                                   |
| Plaintiff,                        | ) | Civil Action No. 1:06-cv-0198-JTC |
|                                   | ) |                                   |
| v.                                | ) |                                   |
|                                   | ) |                                   |
| CHOICEPOINT, INC., a corporation, | ) |                                   |
|                                   | ) |                                   |
| Defendant.                        | ) |                                   |

**SECOND SUPPLEMENTAL STIPULATED ORDER FOR  
PERMANENT INJUNCTION**

Plaintiff, the United States of America, acting upon notification and authorization to the Attorney General by the Federal Trade Commission ("FTC" or "Commission"), and Defendant ChoicePoint, Inc. ("Defendant") jointly stipulate to this Second Supplemental Stipulated Order for Permanent Injunction ("Second Supplemental Order"), which modifies the time periods under which the Defendant shall obtain biennial assessments and reports ("Assessments").

**NOW THEREFORE IT IS HEREBY ORDERED AS FOLLOWS:**

**FINDINGS OF FACT AND CONCLUSIONS OF LAW**

- A. This Court has jurisdiction over the subject matter of this case and over Defendant.
- B. Venue in this district is proper under 28 U.S.C. § 1391(b) and (c), and 15 U.S.C. § 53(b).
- C. The acts and practices of Defendant are in or affecting commerce, as "commerce" is defined in Section 4 of the FTC Act, 15 U.S.C. § 44.
- D. The Court finds that entry of this Second Supplemental Order is in the public interest.

- E. All provisions of the Final Order and the Supplemental Stipulated Judgment and Order for Permanent Injunction and Monetary Relief remain in full force and effect except as otherwise stated in this Second Supplemental Order.
- F. Defendant waives: (a) all rights to seek appellate review or otherwise challenge or contest the validity of this Second Supplemental Order; (b) any claim Defendant may have against the Commission, its employees, representatives, or agents that relate to the matter stated herein; (c) all claims under the Equal Access to Justice Act, 28 U.S.C. § 2412, as amended by Pub. L. 104-121, 110 Stat. 847, 863-64 (1996); and (d) any rights to attorney's fees that may arise under said provision of law.

#### I. BIENNIAL ASSESSMENT REQUIREMENTS

(Supersedes Paragraph II in the Supplemental Stipulated Judgment and Order for Permanent Injunction and Monetary Relief)

**IT IS FURTHER ORDERED** that Defendant shall obtain assessments and reports ("Assessments") from a qualified, objective, independent third-party professional who uses procedures and standards generally accepted in the profession. The Assessments shall cover the following reporting periods:

- (1) August 16, 2008 to August 15, 2010;
- (2) August 16, 2010 to February 3, 2011;
- (3) Every two years from February 4, 2011 to February 3, 2025; and
- (4) February 4, 2025 to February 15, 2026;

*Provided however*, that the Commission, at its sole discretion, may require Defendant to obtain up to two additional Assessments covering the two two-year periods following the final Assessment period ending February 15, 2026, if the FTC provides the Defendant with written

notice between February 15, 2024 and August 15, 2025, stating that the first such additional Assessment will be required, and/or written notice, between February 15, 2026 and August 15, 2027 that the second additional Assessment will be required.

Each Assessment shall:

- A. Set forth the specific administrative, technical, and physical safeguards that Defendant has implemented and maintained during the reporting period to comply with Paragraph III of the Final Order;
- B. Explain how such safeguards are appropriate to Defendant's size and complexity, the nature and scope of Defendant's activities, and the sensitivity of the personal information collected from or about consumers;
- C. Explain how the safeguards that have been implemented meet or exceed the protections required by Paragraph III of the Final Order; and
- D. Certify that Defendant's security program is operating with sufficient effectiveness to provide reasonable assurance that the security, confidentiality, and integrity of personal information is protected, and has so operated throughout the reporting period.

Each Assessment shall be prepared and completed within sixty (60) days after the end of the reporting period to which the Assessment applies by a person qualified as a Certified Information System Security Professional (CISSP) or as a Certified Information Systems Auditor (CISA); a person holding Global Information Assurance Certification (GIAC) from the SysAdmin, Audit, Network, Security (SANS) Institute; or a similarly qualified person or organization approved by the Associate Director for Enforcement, Bureau of Consumer Protection, Federal Trade Commission.

Within fifteen (15) days after each Assessment is prepared and completed, Defendant

shall notify the Commission that the Assessment has been prepared and completed and provide:

(1) the name, address, phone number, and credentials of the third-party professional who conducted the Assessment; (2) an overview of the administrative, technical, and physical safeguards the third-party professional evaluated for the Assessment; and (3) proof of certification from the third-party professional as required under Paragraph I.D of this Second Supplemental Order. Defendant shall deliver all notifications to the Commission pursuant to Paragraph IV.D of the Supplemental Order.

All Assessments shall be retained by Defendant until three (3) years after completion of the final Assessment and provided to the Associate Director for Enforcement upon request within ten (10) business days after Defendant receives such request.

## **II. RETENTION OF JURISDICTION**

**IT IS FURTHER ORDERED** that this Court shall retain jurisdiction of this matter for purposes of construction, modification, and enforcement of this Second Supplemental Order.

## **III. COSTS AND ATTORNEY'S FEES**

**IT IS FURTHER ORDERED** that each party shall bear its own costs and attorney's fees incurred in connection with this action.

//

//

//

//

//

//

**IV. NOTICE OF ENTRY OF SUPPLEMENTAL ORDER**

**IT IS FURTHER ORDERED** that entry in the docket of this Second Supplemental Order by the Clerk of Court shall constitute notice to Defendant of the terms and conditions of this Second Supplemental Order, and that Defendant waives all rights to contest in any future proceeding whether Defendant was properly served with this Second Supplemental Order.

**IT IS SO ORDERED:**

Dated this 3<sup>RD</sup> day of SEPTEMBER, 2010.

  
Hon. Jack T. Camp  
United States District Judge

//  
//  
//  
//  
//  
//  
//  
//  
//  
//  
//

**FOR THE FEDERAL TRADE COMMISSION:**

JAMES A. KOHM  
Associate Director for Enforcement  
ROBERT S. KAYE  
Assistant Director for Enforcement



Robin Rosen Spector, Attorney  
Jock Chung, Attorney  
Federal Trade Commission  
Division of Enforcement  
600 Pennsylvania Avenue, NW  
Suite M-8102B  
Washington, D.C. 20580  
(202) 326-3740 (Spector)  
(202) 326-2984 (Chung)  
(202) 326-2558 (fax)

WILLARD K. TOM  
General Counsel

//

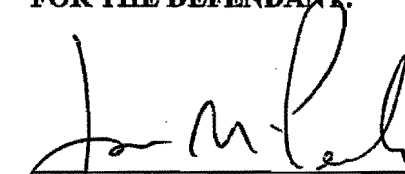
//

//

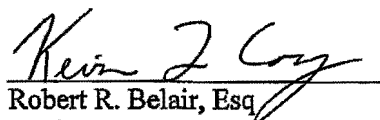
//

//

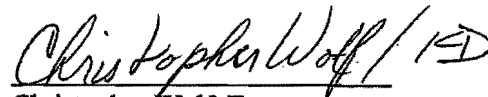
**FOR THE DEFENDANT:**

  
ChoicePoint, Inc.  
By: James Peck  
Chief Executive Officer



  
Robert R. Belair, Esq.  
Kevin L. Coy, Esq.  
Oldaker, Belair, & Wittie L.L.P.  
818 Connecticut Avenue, N.W.  
Suite 1100  
Washington, D.C. 20006

Counsel for Defendant

  
Christopher Wolf, Esq.  
Hogan & Hartson LLP  
Columbia Square  
555 Thirteenth Street N.W.  
Washington, D.C. 20004

Counsel for Defendant

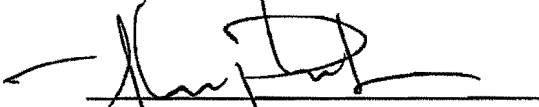
**FOR THE PLAINTIFF, THE UNITED STATES OF AMERICA:**

SALLY QUILLIAN YATES  
United States Attorney

DANIEL A. CALDWELL  
Assistant United States Attorney  
Georgia Bar No. 102510  
600 Richard B. Russell Building  
75 Spring Street, SW  
Atlanta, Georgia 30303  
Telephone: (404) 581-6224  
Facsimile: (404) 581-6181  
E-mail: Dan.Caldwell@usdoj.gov

EUGENE M. THIROLF  
Director  
Office of Consumer Litigation

KENNETH L. JOST  
Deputy Director  
Office of Consumer Litigation



---

ALAN J. PHELPS  
Trial Attorney  
Office of Consumer Litigation  
PO Box 386  
Washington, D.C. 20044  
Telephone: (202) 307-6154  
Facsimile: (202) 514-8742  
E-mail: Alan.Phelps@usdoj.gov

Attorneys for Plaintiff  
United States of America