



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

Office of the Secretary

November 12, 2010

George Canfield  
State of New Hampshire

*Re: In the Matter of Rite Aid Corporation, File No. 072-3121, Docket No. C-4309*

Dear Mr. Canfield:

Thank you for your letter commenting on the Federal Trade Commission's consent agreement in the above-captioned proceeding. Your letter was placed 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 was given serious consideration by the Commission.

Your comment expressed concern that in buying prescription drugs and alcohol products, Rite Aid Corporation ("Rite Aid") employees require customers to provide their dates of birth and then repeat the information loudly enough to be heard by other customers and employees. You also noted that in completing alcohol product purchases, date of birth information is entered into the point of sale ("POS") computer system, putting the information at significant risk of being accessed on the system without authorization.

The Commission's proposed order covers the security of Rite Aid's information handling practices to help ensure that information does not fall into the wrong hands. To the extent this Rite Aid practice is the result of the company's failure to have in place reasonable and appropriate procedures to protect personal information, the Commission believes the proposed order will address this problem going forward.

The proposed consent order requires Rite Aid to implement and maintain a comprehensive information security program reasonably designed to protect the security, confidentiality, and integrity of personal information and obtain independent assessments of the program's effectiveness every other year for 20 years. Further, the Commission will monitor Rite Aid's compliance with the order, and, if the company is found in violation, it could be subject to civil monetary penalties of up to \$16,000 per violation. The Commission will consider the information provided in your comment as it monitors Rite Aid's future practices. In addition, the Commission also believes the order addresses your concern about the security of POS computer systems because it applies not just to the disposal of paper documents, but also to the security of personal information maintained on computer systems.

In the future, if you have any specific information suggesting that Rite Aid is not maintaining reasonable security of customer or employee information, you may contact the Consumer Response Center at (877) 382-4357, or file a complaint online at [www.ftccomplaintassistant.gov](http://www.ftccomplaintassistant.gov).

In addition, the Rite Aid employee conduct referenced in your comment may also be covered by the Health Insurance Portability and Accountability Act Privacy Rule, which protects the privacy of individually identifiable health information. We have shared your comment with the Office for Civil Rights of the Department of Health and Human Services. If you would like to file a complaint with them directly, you can find information on how to do so at <http://www.hhs.gov/ocr/privacy/hipaa/complaints/index.html>.

After considering your comment, the Commission has determined that the public interest would best be served by accepting the consent order. Thank you again for your letter.

By direction of the Commission.

Donald S. Clark  
Secretary