



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

Office of the Secretary

November 12, 2010

Susan Schulman
State of New York

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

Dear Ms. Schulman:

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 stated that your Rite Aid Corporation ("Rite Aid") pharmacy has, among other things, given you the incorrect medication and provided no privacy when picking up prescriptions. 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. It does not address medication errors. To the extent Rite Aid's failure to provide privacy when picking up prescriptions is the result of the company not having 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 the future, if you have any specific information suggesting that Rite Aid is not maintaining reasonable security of customer or employee personal information, you may contact the Consumer Response Center at (877) 382-4357, or file a complaint online at www.ftccomplaintassistant.gov.

In addition, the Rite Aid 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