



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

Bureau of Consumer Protection
Division of Privacy and Identity Protection

May 9, 2011

VIA ELECTRONIC AND FIRST-CLASS MAIL

Renee Jackson
Nixon Peabody LLP
100 Summer Street
Boston, Massachusetts 02110-2131

Re: Social Intelligence Corporation

Dear Ms. Jackson:

As you know, the staff of the Federal Trade Commission's Division of Privacy and Identity Protection has been investigating Social Intelligence Corporation ("Social Intelligence"), an Internet and social media background screening service used by employers in pre-employment background screening. The reports sold by Social Intelligence include public information gathered from social networking sites. Our investigation aimed to determine the company's compliance with the Fair Credit Reporting Act ("FCRA").

Social Intelligence is a consumer reporting agency because it assembles or evaluates consumer report information that is furnished to third parties that use such information as a factor in establishing a consumer's eligibility for employment. Consumer reporting agencies must comply with several different FCRA provisions, and these compliance obligations apply equally in the social networking context. For example, consumer reporting agencies must take reasonable steps to ensure the maximum possible accuracy of the information reported from social networking sites. Consumer reporting agencies must also provide employers who use their consumer reports with information about their obligations under the FCRA, such as their obligation to provide employees or applicants with notice of any adverse action taken on the basis of these reports.

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We have completed our investigation and determined that no further action is warranted at this time. In reaching this determination, we considered information provided by Social Intelligence about its policies and procedures for compliance with the FCRA. This action is not to be construed as a determination that a violation may not have occurred, just as the pendency of an investigation should not be construed as a determination that a violation has occurred. The Commission reserves the right to take further action as the public interest may require.

Sincerely,



Maneesha Mithal
Associate Director
Division of Privacy and Identity Protection
Bureau of Consumer Protection
Federal Trade Commission