



Office of the Secretary

UNITED STATES OF AMERICA
Federal Trade Commission
WASHINGTON, D.C. 20580

March 10, 2014

Murphy Salisbury
State of Arizona

Re: In the Matter of Aaron's, Inc., File No. 122 3264

Thank you for your comment regarding the Federal Trade Commission's 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 criticizes the proposed order for failing to include an admission of liability by Aaron's, Inc. The Commission believes that the proposed order will substantially protect consumers and effectively deter future privacy violations by Aaron's and its network of franchised rent-to-own stores. The proposed order arises from an investigation in which staff obtained evidence that gave the Commission reason to believe that Aaron's violated Section 5 of the FTC Act, 15 U.S.C. § 45(a). These alleged violations are set forth in the Commission's proposed complaint. Under the terms of the proposed order, Aaron's "neither admits nor denies any of the allegations in the draft complaint, except as specifically stated in the Consent Agreement." This language is consistent with the Commission's Rule 2.32, which provides that a consent order "may state that it is for settlement purposes only and does not constitute an admission by any party that the law has been violated as alleged in the complaint." 16 C.F.R. § 2.32.

The order, which is effective for 20 years, contains several provisions that protect consumers' privacy. It bans Aaron's from using monitoring technology on computers rented to consumers. In addition, it generally prohibits Aaron's from using geographical tracking technology to gather information from any rented consumer product without obtaining affirmative express consent from the consumer at the time of rental and providing clear and prominent notice to computer users immediately prior to each time tracking technology is activated. The proposed order also provides assurances that Aaron's and its franchisees will destroy previously collected webcam photos and other data if collected in a manner that would violate the terms of the proposed order.

In your comments, you also recommend that the proposed order include payments to Aaron's customers. The Commission lacks information about any particular monetary harm that Aaron's conduct caused any specific consumers that would provide a basis to compensate any such individuals. Should Aaron's violate any term of the final order, however, it could be liable for penalties of up to \$16,000 per violation (pursuant to Section 5(l) of the FTC Act).

Accordingly, 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 <http://www.ftc.gov>. It helps the Commission's analysis to hear from a variety of sources in its work. Thank you again for your comment.

By direction of the Commission.

Donald S. Clark
Secretary