

UNITED STATES OF AMERICA
BEFORE THE FEDERAL TRADE COMMISSION

COMMISSIONERS: Maureen K. Ohlhausen, Acting Chairman
Terrell McSweeney

In the Matter of)
)
Vir2us, Inc.,)
a corporation.)
)
_____)

DOCKET NO. C-4609

COMPLAINT

The Federal Trade Commission (“Commission” or “FTC”), having reason to believe that Vir2us, Inc., a corporation, has violated the Federal Trade Commission Act (“FTC Act”), and it appearing to the Commission that this proceeding is in the public interest, alleges:

1. Respondent Vir2us, Inc. is a California corporation with its principal office or place of business at 755 Baywood Drive, Petaluma, CA 94954.
2. Respondent provides cybersecurity software, including Xeropass – an identity authenticator solution – and distributes or promotes its Xeropass solution at www.xeropass.com, www.vr2sinternational.com, and on the Mozilla browser add-on page <https://addons.mozilla.org/en-US/firefox/addon/xeropass/?src=cb-dl-updated>.
3. The acts and practices of Respondent as alleged in this complaint have been in or affecting commerce, as “commerce” is defined in Section 4 of the FTC Act.
4. Respondent has set forth on a website for its software add-on, <https://addons.mozilla.org/en-US/firefox/addon/xeropass/?src=cb-dl-updated>, privacy policies and statements about its practices, including statements related to its participation in the Asia-Pacific Economic Cooperation (“APEC”) Cross-Border Privacy Rules (“CBPR”) system.
5. In fact, Respondent has not been certified to participate in the APEC CBPR system.

APEC & the Cross-Border Privacy Rules

6. The APEC CBPR system is a self-regulatory initiative designed to facilitate the protection of consumer data transferred across the APEC region. The CBPR system requires participants to abide by the APEC Privacy Framework's nine information privacy principles: preventing harm, notice, collection limitation, use, choice, integrity, security safeguards, access and correction, and accountability. In the United States, the FTC enforces the CBPR system.
7. Companies that seek to participate in the CBPR system must undergo a review by an APEC-recognized accountability agent to establish compliance with the CBPR program requirements. Companies undergo annual reviews to retain their status as certified CBPR participants. The names of certified companies are posted on a website, www.cbprs.org.

Violations of Section 5 of the FTC Act

8. Respondent has disseminated or caused to be disseminated privacy policies and statements on <https://addons.mozilla.org/en-US/firefox/addon/xeropass/?src=cb-dl-updated>, including, but not limited to, the following statements:

All the information you provide may be transferred or accessed by entities around the world as described in this Privacy Policy. . . XeroPass abides by the Asia-Pacific Economic Cooperation (APEC) Cross Border Privacy Rules System. The APEC CBPR system provides a framework for organizations to ensure protection of personal information transferred among participating APEC economies . . . If you have any questions or concerns about XeroPass' Privacy Policy or data processing or if you would like to make a complaint about a possible breach of local privacy laws, please contact us at XeroPassSupport@vir2us.com . . . XeroPass, A division of Vir2us, Inc. 755 Baywood Drive, Petaluma, CA 94954 USA

9. Through the means described in Paragraph 8, Respondent represented, directly or indirectly, expressly or by implication, that it is certified to participate in the APEC CBPR system.
10. In fact, Respondent is not and never has been certified to participate in the APEC CBPR system. Therefore, the representation set forth in Paragraph 9 is false or misleading.

11. The acts and practices of Respondent as alleged in this complaint constitute deceptive acts or practices, in or affecting commerce, in violation of Section 5(a) of the Federal Trade Commission Act.

THEREFORE, the Federal Trade Commission, this twenty-ninth day of March, 2017, has issued this complaint against Respondent.

By the Commission.

Donald S. Clark
Secretary

SEAL: