

**UNITED STATES OF AMERICA
BEFORE THE FEDERAL TRADE COMMISSION**

COMMISSIONERS: **Lina M. Khan, Chair**
 Rebecca Kelly Slaughter
 Christine S. Wilson
 Alvaro M. Bedoya

FTC Matter No. **P227704**

ORDER TO FILE A SPECIAL REPORT

Pursuant to a resolution of the Federal Trade Commission (“FTC” or “the Commission”) dated [DATE], entitled “Resolution Directing Use of Compulsory Process to Collect Information Regarding Small Business Credit Report Product Providers’ Practices,” a copy of which is enclosed, [COMPANY NAME], hereinafter referred to as the “Company,” is ordered to file with the Commission, no later than 60 days after date of service, a Special Report containing the information and Documents specified herein.

The Commission is seeking information concerning the policies, procedures, and practices of Small Business Credit Report Product providers, including the method and manner in which they collect, use, analyze, verify, report, and market information about Entities, and Small Business Credit Report Product providers’ marketing practices for products that purport to enable entities to monitor or supplement the information reported about them. The Special Report will assist the Commission in conducting a study of such policies, practices, procedures, products, services, and marketing.

The Special Report is required to be subscribed and sworn by an official of the Company who has prepared or supervised the preparation of the report from books, records, correspondence, and other data and material in Your possession. E-signatures or wet-ink signatures are acceptable for the certification of accuracy.

You are required to respond to this Order using information in Your possession, custody, or control, including information maintained in a central data repository to which You have access. You should not seek any responsive information and data from separately incorporated subsidiaries or affiliates or from individuals (other than in their capacity as Your employee or as Your agent). However, You should provide information from separately incorporated subsidiaries or affiliates or from individuals if You already have possession, custody, or control of such information. No later than [*two weeks after issuance*], You should contact Commission staff and indicate whether all of the information required to respond to this Order is in Your possession, custody, or control. If certain information is not in Your possession, custody, or control, no later than [*two weeks after issuance*], You also must: (1) set forth, both orally and in writing, each question or sub-question that You are not able to fully answer because information is not in Your possession, custody, or control, and (2) for each, provide the full names and

addresses of all entities or individuals who have possession, custody, or control of such missing information.

Your written report should restate each item of this Order with which the corresponding answer is Identified. If any question cannot be answered fully, give the information that is available and explain in what respects and why the answer is incomplete. The Special Report and all accompanying documentary responses must be Bates-stamped.

Confidential or privileged commercial or financial information will be reported by the Commission on an aggregate or anonymous basis, consistent with Sections 6(f) and 21(d) of the FTC Act. Individual submissions responsive to this Order that are marked “confidential” will not be disclosed without first giving the Company ten (10) days’ notice of the Commission’s intention to do so, except as provided in Sections 6(f) and 21 of the FTC Act.

SPECIFICATIONS

Please produce the following information, Documents, and items, consistent with the definitions, instructions, and formatting requirements contained in Attachment A.

Unless otherwise specified, all of the following requests pertain to the Applicable Period. Moreover, unless otherwise specified, for each request please describe any relevant changes that occurred during the Applicable Period and any relevant changes that You anticipate during the next twelve months (including for example, but not limited to, changes to business organization, processes, products, and marketing).

In addition, unless otherwise specified, all specifications pertain to Your operations in or affecting the United States, including products and services that You market to Entities in the United States and information that You gather, generate, maintain, and report about Entities in the United States. However, to the extent providing a complete response to any specification regarding Your operations in or affecting the United States would require information pertaining to Your operations outside the United States or Your relationships with counterparts outside the United States, Your response must include that information.

Identification of Report Author(s)

1. Identify by full name, business address, telephone number, and official capacity the individual(s) who prepared or supervised the preparation of the Company’s response to this Order, and describe the steps taken by the Company to respond to this Order. For each specification, Identify the individual(s) who assisted in preparation of the response.

Corporate Information

2. State the Company’s full name, its primary mailing address in the United States, all physical addresses in the United States from which it does or has done business, and its date and state of formation in the United States.

3. Describe the Company's corporate structure, and state the names of all parents, subsidiaries, affiliated business entities, divisions, branches, other types of business units, joint ventures, and operations under assumed names. For each such business entity or business unit, provide its full name and address. For purposes of this specification, include business entities or business units outside the United States.
4. For each business entity or business unit named in Your response to Specification 3 that had any involvement in gathering, compiling, analyzing, reviewing, maintaining, or producing Business Credit Report Data or Business Credit Scores during the Applicable Period, Identify the business entity or business unit and provide a brief description of its involvement in any such activity.
5. For each business entity or business unit named in Your response to Specification 3 that had any involvement in promoting, marketing, developing, researching, maintaining, offering for sale, selling, or distributing Business Credit Reporting Products during the Applicable Period, Identify the business entity or business unit and provide a brief description of the involvement.

Data Collection, Generation, and Reporting Practices

6. Produce representative samples of any introductory or training materials that You provide to new hires or to sales employees that describe in introductory or general terms:
 - a. Your Business Credit Reporting Products;
 - b. Your processes for gathering, generating, maintaining, analyzing, and reporting Business Credit Data; and
 - c. Business Credit Scores that You report.

Basic Information

7. Describe in Detail Your processes for gathering, generating, and organizing data Relating to Entities' Basic Information. Include in Your response a description of the measures You employ to monitor and evaluate the quality of these processes, and a description of any measures You employ to resolve conflicting or inconsistent data gathered or generated about an Entity. Also include in Your response the Identity of all third parties with whom You have agreements to provide You with this information, and describe Your processes for selecting and evaluating such third parties.
8. Describe in Detail every step You take to ensure that the Basic Information that You publish or report about Entities is accurate and current. Your response should include descriptions of:

- a. any measures You employ to update or test the accuracy and recency of underlying data previously gathered or generated;
- b. any measures You employ to update or test the accuracy and recency of Basic Information previously published or reported;
- c. any corrective measures You employ when You determine that You have reported or published inaccurate or obsolete data; and
- d. any measures You employ to evaluate and act upon any Entity's assertion that You are reporting incorrect or obsolete Basic Information.

Public Record Information

- 9. Describe in Detail Your processes for gathering, generating, and organizing data Relating to Entities' Public Record Information. Include in Your response a description of the measures You employ to monitor and evaluate the quality of these processes, and a description of any measures You employ to resolve conflicting or inconsistent data gathered or generated about an Entity. Also include in Your response the Identity of all third parties with whom You have agreements to provide You with this information, and describe Your processes for selecting and evaluating such third parties.
- 10. Describe in Detail every step You take to ensure that the Public Record Information that You publish or report about Entities is accurate and current. Your response should include descriptions of:
 - a. Any measures You employ to update or test the accuracy and recency of underlying data previously gathered or generated;
 - b. Any measures You employ to update or test the accuracy and recency of Public Record Information previously published or reported;
 - c. any corrective measures You employ when You determine that You have reported or published inaccurate or obsolete data; and
 - d. any measures You employ to evaluate and act upon any Entity's assertion that You are reporting incorrect or obsolete Public Record Information.

Data Contributor Information

- 11. State the number of Data Contributors with which You currently have Data Contribution Agreements. In addition, if the number of Your Data Contributors has varied during the Applicable Period, provide the range over which the number has fluctuated during the Applicable Period.

12. Describe the forms and range of compensation (monetary and non-monetary) You provide to Data Contributors in exchange for contributing data to You. For each of calendar years 2019, 2020, 2021, and 2022, state the total amount of money You paid to Your Data Contributors and state (or provide Your estimate of) the total value of non-monetary compensation You provided or made available to Your Data Contributors.
13. Produce one unique copy of each materially different form of Data Contribution Agreement You currently have with Your Data Contributors.
14. Describe any criteria or eligibility requirements that an Entity must meet to enter into a Data Contribution Agreement with You, and describe Your reasons for establishing these criteria and any underlying reports or research supporting these criteria. Examples of such criteria or eligibility requirements include (but are not limited to) any requirement that a Data Contributor provide data on a minimum number of active accounts, or that the Data Contributor has been in business for a certain amount of time. If You have different eligibility requirements for different types of Data Contribution Agreements, describe the criteria applicable to each type of Data Contribution Agreement.
15. If there are categories or types of Entities that You refuse to accept as Data Contributors, even if the Entity might otherwise meet the appropriate criteria or eligibility requirements, describe all such categories or types of Entities, and describe Your reasons for refusing to accept them as Data Contributors. Examples could include (but are not limited to) commercial landlords, credit card issuers, and utility companies.
16. Produce all marketing materials or other Documents You provide to Data Contributors or potential Data Contributors that describe or Relate to the nature of Your relationship with Data Contributors, including Documents describing benefits of becoming Your Data Contributor and outlining the process of contributing data to You.
17. Describe in Detail the processes by which Data Contributors provide You with data pursuant to Data Contribution Agreements, and state the frequency with which the data is provided or collected (monthly, quarterly, etc.).
18. Describe in Detail the measures You employ to monitor and evaluate the quality of processes by which Data Contributors provide You with data, and a description of any measures You employ to resolve conflicting or inconsistent data gathered or generated about any Entity through such processes.
19. Describe in Detail every step You take to ensure that the information You report that comes from Data Contributors (and information You report that is based on

information that comes from Data Contributors) is accurate and current. Your response should include descriptions of:

- a. any measures You employ to update or test the accuracy and recency of underlying data previously gathered or generated;
- b. any measures You employ to update or test the accuracy and recency of information previously published or reported;
- c. any corrective measures You employ when You determine that You have reported or published inaccurate or obsolete data;
- d. whether and how You disclose to Entities information about the bases for Data Contributor Information You report about them (such as identifying information about the Data Contributor, dates of transactions and payments, and amounts of transactions), including whether You make information about those bases available for a fee or through any product You offer; and
- e. any measures You employ to evaluate and act upon any Entity's assertion that You are reporting incorrect or obsolete Data Contributor Information.

Alternative Data

20. List and describe other categories of Business Credit Report Data You gather, maintain, or analyze. Examples of such other categories include, but are not limited to, financial institution account data and social media data.
21. For each category of data listed in Your response to Specification 20, Describe in Detail Your processes for gathering and generating it. Include in Your response the Identity of all third parties with whom You have agreements to provide or make available this data and describe Your processes for selecting and evaluating such third parties.

Business Credit Scores and Business Credit Report Data

22. List and describe all Business Credit Scores that can be included in Your business credit reports, and describe all factors, information, and data included in arriving at each particular Business Credit Score. Your response must include descriptions of:
 - a. whether and how an Entity's use of a Business Credit Monitoring and Managing Product can affect any of the Business Credit Scores that You report about that Entity;
 - b. whether and how an Entity's purchase of a Monitoring and Managing Product may itself impact any of the Business Credit Scores that You report about that

Entity, independent of whether that Entity uses features or functionality of the Monitoring and Managing Product;

- c. whether and how the absence of relevant Basic Information, Public Record Information, or Data Contributor Information about an Entity may impact any of the Business Credit Scores that You report about that Entity;
 - d. whether and how inferences drawn from underlying data, such as inferences made based on an Entity's location or length of time in business, may impact any of the Business Credit Scores that You report about an Entity; and
 - e. whether and how alternative data listed in Your response to Specification 20 is incorporated into Business Credit Scores.
23. Describe in Detail any algorithms, machine learning, or other automated systems that You use in Relation to Business Credit Report Data. (You may exclude from Your response to this specification any algorithms, machine learning, or other automated systems that You Describe in Detail elsewhere in Your responses.) Although this specification is not limited to the following specific data categories, Your response should at least address each of the following categories:
- a. Basic Information;
 - b. Public Records Information;
 - c. Data Contributor Information;
 - d. Self-Reported Payment Information (if applicable);
 - e. alternative data listed in Your response to Specification 20 (if applicable); and
 - f. Business Credit Scores.
24. Describe in Detail Your processes for updating Business Credit Report Data and the frequency with which those processes run. Although this specification is not limited to the following specific data categories, Your response should at least address each of the following categories:
- a. Basic Information;
 - b. Public Records Information;
 - c. Data Contributor Information;
 - d. Self-Reported Payment Information (if applicable);

- e. alternative data listed in Your response to Specification 20 (if applicable); and
 - f. Business Credit Scores.
25. For each of Your Business Reports, describe the length of time (or range of lengths of time) required for updates to Business Credit Report Data to be reflected in the information reported in the Business Report.
26. Describe in Detail the steps You take to ensure that algorithms and automated systems that You use Relating to Business Credit Report Data do not contribute to unjustified different treatment or impacts disfavoring women-owned, minority-owned, veteran-owned, and rural businesses. Your response should include, but not be limited to, whether and how You do the following:
- a. evaluate potential algorithmic discrimination caused by automated systems You use;
 - b. mitigate or eliminate any algorithmic discrimination You find; and
 - c. regularly monitor automated systems to assess algorithmic discrimination that might arise from proxies, from unforeseen factors, or from changes to systems or processes.

Business Credit Monitoring and Managing Products

27. List and describe all free-of-charge processes for Entities to view their own Business Report, or information You report about them. Do not include in Your response products or services that include a free trial, but that ultimately have a fee.
- a. If You allow Entities to view only portions of their business credit report at no charge, describe the portions of or information in their business credit report that Entities are, and are not, able to view.
 - b. If You offer any Monitoring and Managing Products free of charge, list and describe them in Your response.
28. Provide and describe any metrics You track regarding Entities' use of the free-of-charge processes listed in Your response to Specification 27. If You track Entities' use of the free-of-charge processes, state whether such usage triggers marketing efforts for paid products, and if so, list the products marketed, the manner in which they are marketed, and state the percentage of Entities that purchased a Monitoring and Managing Product either as a result of such marketing efforts (if You track such results) or within one week of such marketing efforts (if You do not otherwise track such results). For any such marketing efforts made by telephone, produce representative samples of all telemarketing scripts, guides, or talking points; for any

- such marketing efforts made by mail or email or other electronic message, produce representative samples of all written materials or messages.
29. List and describe all free-of-charge processes for Entities to make or request changes to any information You report about them. Your response should include (but not be limited to) any free-of-charge Monitoring and Managing Products that include such features. Your response must include, but need not be limited to, descriptions of free-of-charge processes by which an Entity may make or request changes to the following types of information You report about that Entity:
 - a. Basic Information;
 - b. Public Record Information;
 - c. Data Contributor Information; and
 - d. Business Credit Scores.
 30. Describe how You make information available to Entities or otherwise inform them of the processes described in Your response to Specification 29, above. In connection with Your response:
 - a. if You inform Entities in written materials, produce a copy of the written materials;
 - b. if You inform Entities online, produce the screenshot(s) and provide the website address(es); and
 - c. if You inform Entities by telephone, produce representative samples of all telemarketing scripts, guides, or talking points.
 31. If You charge Entities a fee for a one-time view or copy of all or part of their own Business Report, or of information You report about them, list and describe the applicable fee structure and information available, and provide gross sales revenues and number of units sold for calendar 2022.
 32. List and describe all Monitoring and Managing Products that You offer for a fee to Entities, and state the purchase price for each, including any activation, initial, monthly, annual, or other recurring fee, and any usage-based fees, as applicable.
 33. Produce one unique copy of each materially different form of agreement and set of terms and conditions applicable to each Monitoring and Managing Product listed in Your response to Specification 32.
 34. For any Monitoring and Managing Product that includes or provides access to a Self-Reporting Mechanism, describe the process by which a customer uses the Self-

Reporting Mechanism, including (if applicable) representative sample screenshots illustrating the customer's process experience.

35. For any Monitoring and Managing Product that includes or provides access to a Self-Reporting Mechanism, describe all categories or types of Entities from which You do not accept payment history data and describe Your reasons for declining to accept data from them. Examples could include (but are not limited to) Entities that You have placed on a do-not-contact list, commercial landlords, credit card issuers, and utility companies.
36. If You use any of the following terms in Relation to Your Monitoring and Managing Products, and if You use definitions or parameters to describe what the terms encompass (alone or in combination), set forth the definitions or parameters that You use for each term. If You use the terms differently for different business purposes or in other contexts in Relation to Your Business Credit Reporting Products, also set forth the different definitions or parameters that You use for those purposes or in those contexts:
 - a. small business;
 - b. new business;
 - c. medium-sized (or mid-sized) business; and
 - d. growing business.
37. Produce representative samples of all marketing materials Relating to Your Monitoring and Managing Products regardless of whether the products are free or not. Your response must include representative samples of all marketing materials that use the terms "small business," "new business," "medium-sized business," or "growing business," or any variations thereon, regardless of whether You define those terms.
38. Describe each specific advertising or marketing method for Your Monitoring and Managing Products and provide the total number and total dollar amounts of sales attributable to each specific advertising or marketing method for calendar year 2022. If sales occur online, provide representative samples (including text and images) of all webpages used to promote and effect sales.
39. If You use telemarketing to market Monitoring and Managing Products, provide representative samples of all telemarketing scripts, guides, talking points, training materials, and instructions. Your response must include representative samples of all marketing materials that use the terms "small business," "new business," "medium-sized business," or "growing business," or any variations thereon, regardless of whether You define those terms.

40. Identify all third parties with whom You have agreements to offer or market Monitoring and Managing Products, and describe Your processes for selecting and evaluating such third parties. Provide representative samples of all third-party marketing materials that use the terms “small business,” “new business,” “medium-sized business,” or “growing business,” or any variations thereon, regardless of whether You define those terms.
41. Produce all user experience research Relating to Your Monitoring and Managing Products and their marketing, whether the products are free or not. Your production should include any qualitative or quantitative research pertaining to any aspect of the user experience, and should include (but not be limited to) A/B testing, observations from use data, user surveys, user groups or focus groups, and user interviews.
42. Produce all post-mortems or retrospectives Relating to any Monitoring and Managing Product or any feature within a Monitoring and Managing Product, including but not limited to any analyses Relating to the launch or retirement of any such product or feature. Responsive analyses include (but are not limited to) analyses pertaining to sales, usage, and functionality.
43. Produce all periodic business reviews Relating to Your Monitoring and Managing Products.
44. Produce all analyses Relating to how any of Your Monitoring and Managing Products, or any feature within a Monitoring and Managing Product, compares to any similar product or feature offered by another firm.
45. For all Monitoring and Managing Products that include or provide access to a Self-Reporting Mechanism, provide the following information for calendar 2022:
 - a. the total number of Self-Reporting Mechanism customer attempts to have Self-Reported Payment Information added to Your Business Credit Report Data about the customer; and
 - b. the total number of times that such attempts resulted in You adding Self-Reported Payment Information to Your Business Credit Report Data about the customer.
46. Describe in Detail any algorithms, machine learning, or other automated systems You use to predict or verify information provided by an Entity through any processes or products described in Your responses to Specifications 29 and 32.
47. Describe the steps You take to ensure that the algorithms You use in Relation to reporting Basic Information, Public Record Information, and Business Credit Scores are explainable to Entities purchasing Monitoring and Managing Products. Include in Your response a description of whether You inform Entities purchasing Monitoring and Managing Products about any of the following:

- a. limitations of each algorithm and its outputs, including any factors that could affect the accuracy of the algorithm;
 - b. the factors that an algorithm relied on in producing or arriving at a particular determination and the weighting of each factor; and
 - c. the limitations of Monitoring and Managing Products to affect Basic Information, Public Record Information, and Business Credit Scores that You report about the Entity.
48. Provide Your gross sales revenues and numbers of units sold for Your Monitoring and Managing Products, including collectively and by product, for each of calendar years 2019, 2020, 2021, and 2022.
49. To the extent that You have tracked profitability data for Your Monitoring and Managing Products, including collectively and by product, provide such data for each of calendar years 2019, 2020, 2021, and 2022.
50. To the extent that You track sales revenues, numbers of units sold, or profitability for any of Your Monitoring and Managing Products broken down by particular elements of the market for these products, provide those breakdowns for each of calendar years 2019, 2020, 2021, and 2022. Examples of such breakdowns include, but are not limited to, sales that You track by customer characteristics such as:
- a. business location;
 - b. business classification;
 - c. business size (e.g., small or medium sized businesses);
 - d. business revenue;
 - e. length of time in business;
 - f. public sector (government); and
 - g. non-profit or for-profit status.

Business Reports

51. List and describe the Business Reports You offer, and produce representative samples of reports.
52. Describe the marketing processes by which You offer each Business Report listed in Your response to Specification 51, above, for instance, through telephone calls

- (specify whether inbound and/or outbound), online (produce a screenshot and provide the web address), and by email or mail solicitation.
53. State the purchase price for each Business Report listed in Your response to Specification 51, above, and whether it is a one-time, monthly, annual, or other recurring fee.
 54. Produce representative samples of all marketing materials You use for each Business Report listed in Your response to Specification 51, above. Your response must include representative samples of all marketing materials that use the terms “small business,” “new business,” “medium-sized business,” or “growing business,” or any variations thereon, regardless of whether You define those terms.
 55. If You use telemarketing to market Your Business Reports, provide representative samples of all telemarketing scripts, guides, talking points, training materials and instructions. Your response must include representative samples of all marketing materials that use the terms “small business,” “new business,” “medium-sized business,” or “growing business,” or any variations thereon, regardless of whether You define those terms.
 56. To the extent that You have Business Report marketing materials that are directed to particular segments of the market, provide representative samples of such materials in each segment category for each product. Examples of such segment categories include, but are not limited to:
 - a. financial institutions;
 - b. other business classifications;
 - c. business size (e.g., small businesses);
 - d. business revenue;
 - e. length of time in business;
 - f. public sector (government); and
 - g. non-profit sector.
 57. To the extent that You have marketing materials that promote any Business Reports for specific categories of use purposes, provide representative samples of such materials in each use purpose category for each product. Examples of such use purpose categories include, but are not limited to:
 - a. trade credit decision making;

- b. fraud prevention;
 - c. vendor or supplier selection;
 - d. equity, diversity, and inclusion initiatives;
 - e. evaluation of proposals or bids; and
 - f. grantmaking decisions and evaluation of grant applications.
58. Provide Your gross sales revenues and numbers of units sold for Your Business Reports, including collectively and by product, for each of calendar years 2019, 2020, 2021, and 2022.
59. To the extent that You track profitability data for Your Business Reports, including collectively and by product, provide such data for each of calendar years 2019, 2020, 2021, and 2022.
60. To the extent that You track sales revenues, numbers of units sold, or profitability for any of Your Business Reports broken down by particular elements of the market for these products, provide those breakdowns for each of calendar years 2019, 2020, 2021, and 2022. Examples of such breakdowns include, but are not limited to, sales that You track by customer characteristics such as:
- a. business location;
 - b. business classification (including, specifically, sales to financial institutions);
 - c. business size (e.g., small or medium sized businesses);
 - d. business revenue;
 - e. length of time in business;
 - f. public sector (government); and
 - g. non-profit sector.
61. Describe the steps You take to ensure that the algorithms You use in Relation to reporting Basic Information, Publicly Reported Information, and Business Credit Scores are explainable to Entities purchasing Business Reports. Include in Your response a description of whether You inform Entities purchasing Business Reports about any of the following:
- a. limitations of each algorithm and its outputs, including any factors that could affect the accuracy of the algorithm; and

- b. the factors that an algorithm relied on in producing or arriving at a particular determination and the weighting of each factor.
62. State whether You disclose to Business Report customers that the subject of an Entity-specific report that they are purchasing is a customer of a Monitoring and Managing Product. If You disclose this information in writing, produce representative samples of such disclosure, providing the full context in which You make the disclosure. In responding to this specification, please note that a general disclosure that a subject of an Entity-specific report may be a customer of a Monitoring and Managing Product is not the same as a specific disclosure as to whether the Entity is such a customer.
 63. State whether You disclose to Business Report customers that information in an Entity-specific report includes Self-Reported Payment Information. If You disclose this information in writing, produce representative samples of such disclosure, providing the full context in which You make the disclosure. In responding to this specification, please note that a general disclosure that information in an Entity-specific report may include Self-Reported Payment Information is not the same as a specific disclosure as to whether the report includes such information.
 64. State whether You disclose to Business Report customers whether the absence of information in Your records about the subject of an Entity-specific report has an effect on any of its Business Credit Scores. If You disclose this information in writing, produce representative samples of such disclosure, providing the full context in which You make the disclosure.
 65. State whether You have any practices or product features to provide updates, corrections, or errata to Business Report customers in situations where You revise or correct information about an Entity after the Business Report customer obtains a report from You about the Entity. If You have any such practices or product features, describe them, including in Your description the circumstances under which You will issue such updates, corrections, or errata, and whether there is any additional charge for the service.

ATTACHMENT A

DEFINITIONS

D-1. “**Applicable Period**” means the time from January 1, 2022 through the present unless otherwise directed.

D-2. “**Basic Information**” means identifying information about an Entity such as the Entity’s name, address, owner information, number of employees, time in business, and type of business.

D-3. “**Business Credit Monitoring and Managing Products**” or “**Monitoring and Managing Products**” includes all products and services offered to help Entities access, monitor, or manage their credit report or any of the Business Credit Report Data that You maintain or publish about them. The term does not include Entities’ standalone purchases of one-time views or copies of their own credit reports.

D-4. “**Business Credit Report Data**” includes all data that You gather, compile, analyze, review, generate, and maintain for the purpose of or in the course of producing Business Reports. The term includes, but is not limited to, Basic Information, Public Record Information, Data Contributor Information, Self-Reported Payment Information (if applicable), and Business Credit Scores.

D-5. “**Business Credit Reporting Products**” includes all Business Reports and all Business Credit Monitoring and Managing Products.

D-6. “**Business Credit Scores**” includes all scores and ratings that You assign to any Entity and make available for purchase.

D-7. “**Business Reports**” includes all products and services offered to assist customer Entities in gathering identifying and risk-related information about other Entities and to assist customer Entities in making business decisions pertaining to other Entities. The term includes, but is not limited to, all products that You market or describe as business credit reports.

D-8. “**Company,**” “**You,**” or “**Your**” means [COMPANY NAME], its wholly or partially owned subsidiaries, unincorporated divisions, joint ventures, operations under assumed names, and affiliates, and all directors, officers, members, employees, agents, consultants, and other persons working for or on behalf of the foregoing.

D-9. “**Data Contribution Agreement**” means any arrangement by which an Entity agrees to periodically provide data to You regarding accounts receivable pertaining to other Entities with which it does business, or regarding other forms of credit it extends to other Entities with which it does business.

D-10. “**Data Contributor**” means an Entity that provides You with data in accordance with a Data Contribution Agreement.

D-11. “**Data Contributor Information**” means information provided to You by a Data Contributor about any Entity other than the Data Contributor itself.

D-12. “**Describe in Detail**” means providing the information requested in narrative form, including an explanation of each material change, if any, made during the Applicable Period Relating to the practices described, as well as the effective date(s) of the change(s) and the reason(s) for such change(s). As applied to any business process (including any data management process), the term also means describing the various roles of people and automated systems in the process. It further requires You to Identify each business entity or business unit involved in the process (including any third-party business entity with which You contract) and to describe that business entity or business unit’s role in the process.

D-13. “**Document**” means the complete original, all drafts, and any non-identical copy, whether different from the original because of notations on the copy, different metadata, or otherwise, of any item covered by 15 U.S.C. § 57b-1(a)(5), 16 C.F.R. § 2.7(a)(2), or Federal Rule of Civil Procedure 34(a)(1)(A).

D-14. “**Entity**” means all businesses or other organizations, and includes federal, state, and local government agencies, municipalities, school districts, fire and police departments, and non-profit organizations. The term does not refer to individual natural persons.

D-15. “**Identify**” or “**the Identity of**” requires identification of (a) natural persons by name, title, present business affiliation, present business address, telephone number, and email address or, if a present business affiliation or present business address is not known, the last known business and home addresses; and (b) businesses or other organizations by name, address, and the identities of Your contact persons at the business or organization.

D-16. “**Order**” shall mean the Order, including the attached Resolution, Specifications, and Attachment.

D-17. “**Public Record Information**” includes publicly available data such as judgments, tax liens, and UCC filings.

D-18. “**Relate**,” “**Related to**,” “**in Relation to**,” and “**Relating to**” mean, in whole or in part, addressing, analyzing, concerning, constituting, containing, commenting on, discussing, describing, Identifying, referring to, reflecting, reporting on, stating, or dealing with.

D-19. “**Self-Reported Payment Information**” means information or payment data provided to You about an Entity as a result of that Entity’s use of a Self-Reporting Mechanism.

D-20. “**Self-Reporting Mechanism**” means any process You make available to allow an Entity to provide You with additional information Relating to its accounts payable history (or other history of an Entity’s own use of credit and payments thereon) that You have not obtained from Data Contributors. The term includes any process by which an Entity provides You with names or identifying information of third-party Entities with which it does business, or with information

about its payments to such third-party Entities, and any Related processes by which You gather, verify, or evaluate payment history information from such third-party Entities. The term does not include separate processes by which an Entity may attempt to correct information about that Entity that You have obtained from Data Contributors, nor does it include separate processes by which an Entity may seek to provide You with, or correct Your reporting of, that Entity's Basic Information or Public Record Information.

ADDITIONAL INSTRUCTIONS

- I-1. **Meet and Confer:** You are encouraged to contact **Harris Senturia** at **(216) 326-3420** as soon as possible to schedule a meeting (telephonic or in person) to confer regarding Your response.
- I-2. **Responses to Specifications 11, 12, 31, 32, 45, 48-50, and 58-60:** The Company must fill in its responses to these Specifications, in part, in one or more spreadsheets that staff will provide after the meet-and-confer discussions.
- I-3. **Modification of Specifications:** If You believe that the scope of the required search or response for any specification can be narrowed consistent with the Commission's need for documents or information, You are encouraged to discuss such possible modifications, including any modifications of definitions and instructions, with the Commission counsel named above.
- I-4. **Production in Color:** For specifications requesting production of Documents, You must produce copies of advertisements and marketing materials in color, and You must produce copies of other materials in color if necessary to interpret them or render them intelligible.
- I-5. **Production of Materials in Languages Other than English:** For specifications requesting production of any public-facing or customer-facing materials (including, but not limited to, marketing materials, agreements, and website samples), You must produce samples of such materials in each language in which You use them in the United States.
- I-6. **Electronically Stored Information:** See the attached "Federal Trade Commission, Bureau of Consumer Protection Production Requirements," which details all requirements for submission of information, generally requiring that files be produced in native form and specifying the metadata to be produced. As noted in the attachment, some items require discussion with the FTC counsel **prior to** production, which can be part of the general "Meet and Confer" described above. If You would like to arrange a separate discussion involving persons specifically familiar with Your electronically stored information (ESI) systems and methods of retrieval, make those arrangements with FTC counsel when scheduling the general meet and confer discussion
- I-7. **Sensitive Personally Identifiable Information ("Sensitive PII") or Sensitive Health Information ("SHI"):** If any material called for by these requests contains sensitive Personally Identifiable information or sensitive health information of any individual, please contact us before sending those materials to discuss ways to protect such information during production. For purposes of these requests, sensitive Personally Identifiable information includes: an individual's Social Security number alone; or an individual's name or address or phone number in combination with one or more of the following: date of birth, Social Security number, driver's license number or other state identification number, or a foreign country equivalent, passport number, financial account number, credit card number, or debit card number. Sensitive health information includes medical records and other individually identifiable health information Relating to the past, present, or future physical or mental health or conditions of an individual,

the provision of health care to an individual, or the past, present, or future payment for the provision of health care to an individual.

I-8. **Document Production:** Because postal delivery to the Commission is subject to delay due to heightened security precautions, please use a courier service such as Federal Express or UPS.

Federal Trade Commission - Bureau of Consumer Protection

Production Requirements

Revised July 2020

In producing information to the FTC, comply with the following requirements, unless the FTC agrees otherwise. If you have questions about these requirements, please contact FTC counsel before production.

Production Format

1. **General Format:** Provide load-ready electronic productions with:

- a. A delimited data load file (.DAT) containing a line for every document, unique id number for every document (DocID), metadata fields, and native file links where applicable; and
- b. A document level text file, named for the DocID, containing the text of each produced document.

Do not produce corresponding image renderings (e.g., TIFF or JPEG) for files in native format unless the FTC requests them. If the FTC requests corresponding image renderings, provide an Opticon image load file (.OPT) containing a line for every image file.

2. **Electronically Stored Information (ESI):** Documents stored in electronic format in the ordinary course of business must be produced in the following format:

- a. For ESI other than the categories below, submit in native format with all metadata and either document level extracted text or Optical Character Recognition (OCR). Do not produce corresponding image renderings (e.g., TIFF or JPEG) for files in native format unless the FTC requests them. If the FTC requests corresponding image renderings, they should be converted to Group IV, 300 DPI, single-page TIFF (or color JPEG images when necessary to interpret the contents or render them intelligible.)
- b. For Microsoft Excel, Access, or PowerPoint files, submit in native format with extracted text and metadata. Data compilations in Excel spreadsheets or delimited text formats must contain all underlying data, formulas, and algorithms without redaction.
- c. For other spreadsheet, database, presentation, or multimedia formats; instant messages; or proprietary applications, discuss the production format with FTC counsel.

3. **Hard Copy Documents:** Documents stored in hard copy in the ordinary course of business must be scanned and submitted as either one multi-page pdf per document or as 300 DPI single page TIFFs (or color JPEGs when necessary to interpret the contents or render them intelligible), with corresponding document-level OCR text and logical document determination in an accompanying load file.

4. **Document Identification:** Provide a unique DocID for each hard copy or electronic document, consisting of a prefix and a consistent number of numerals using leading zeros. Do not use a space to separate the prefix from numbers.

5. **Attachments:** Preserve the parent/child relationship by producing attachments as separate documents, numbering them consecutively to the parent email, and including a reference to all attachments.
6. **Metadata Production:** For each document submitted electronically, include the standard metadata fields listed below in a standard delimited data load file. The first line of the data load file shall include the field names. Submit date and time data in separate fields. Use these standard Concordance delimiters in delimited data load files:

Description	Symbol	ASCII Character
Field Separator	¶	20
Quote Character	”	254
Multi Entry delimiter	®	174
<Return> Value in data	~	126

7. **De-duplication:** Do not use de-duplication or email threading software without FTC approval.
8. **Password-Protected Files:** Remove passwords prior to production. If password removal is not possible, provide the original and production filenames and the passwords, under separate cover.

Producing Data to the FTC

1. Prior to production, scan all data and media for viruses and confirm they are virus-free.
2. For productions smaller than 50 GB, submit data electronically using the FTC’s secure file transfer protocol. Contact FTC counsel for instructions. **The FTC cannot accept files via Dropbox, Google Drive, OneDrive, or other third-party file transfer sites.**
3. If you submit data using physical media:
 - a. Use only CDs, DVDs, flash drives, or hard drives. Format the media for use with Windows 7;
 - b. Use data encryption to protect any Sensitive Personally Identifiable Information or Sensitive Health Information (as defined in the instructions), and provide passwords in advance of delivery, under separate cover; and
 - c. Use a courier service (e.g., Federal Express, UPS) because heightened security measures delay postal delivery.
4. Provide a transmittal letter with each production that includes:
 - a. Production volume name (e.g., Volume 1) and date of production;
 - b. Numeric DocID range of all documents in the production, and any gaps in the DocID range; and
 - c. List of custodians and the DocID range for each custodian.

Standard Metadata Fields

DAT FILE FIELDS	DEFINITIONS	POPULATE FIELD FOR:
DocID	Unique ID number for each document	All Documents
FamilyID	Unique ID for all documents in a family including parent and all child documents	All Documents
ParentID	Document ID of the parent document. This field will only be populated on child items	All Documents
File Path	Path to produced native file	All Documents
TextPath	Path to document level text or OCR file	All Documents
Custodian	Name of the record owner/holder	All Documents
AllCustodians	Names of all custodians that had copy of this record (populate if data was deduplicated or email threading was used)	All Documents
Source	Source of documents: CID, Subpoena, Third Party Data, etc.	All Documents
Filename	Original file name	All Documents
File Size	Size of documents	All Documents
File Extensions	Extension of file type	All Documents
MD5 Hash	Unique identifier for electronic data used in de-duplication	All Documents
PRODUCTION_VOLUME	Production Volume	All Documents
HASREDACTIONS	Redacted document	All Documents
Exception Reason	Reason for exception encountered during processing (e.g., empty file, source file, password-protected file, virus)	All Documents
PRODBEG	Beginning production bates number	Documents with Produced Images
PRODEND	Ending production bates number	Documents with Produced Images
PRODBEG_ATTACH	Beginning production family bates number	Documents with Produced Images
PRODEND_ATTACH	Ending production family bates number	Documents with Produced Images
Page Count	The number of pages the document contains	Documents with Produced Images
From	Names retrieved from the FROM field in a message	Emails
To	Names retrieved from the TO field in a message; the recipient(s)	Emails
CC	Names retrieved from the CC field in a message; the copied recipient(s)	Emails
BCC	Names retrieved from the BCC field in a message; the blind copied recipient(s)	Emails
EmailSubject	Email subject line	Emails
Date Sent	The date an email message was sent	Emails
Time Sent	The time an email message was sent	Emails
Date Received	The date an email message was received	Emails
Time Received	The time an email message was received	Emails
Author	File Author	Loose Native Files and Email Attachments
Title	File Title	Loose Native Files and Email Attachments
Subject	File Subject	Loose Native Files and Email Attachments
Date Created	Date a document was created by the file system	Loose Native Files and Email Attachments
Time Created	Time a document was created by the file system	Loose Native Files and Email Attachments
Date Modified	Last date a document was modified and recorded by the file system	Loose Native Files and Email Attachments
Time Modified	Last time a document was modified and recorded by the file system	Loose Native Files and Email Attachments
Date Printed	Last date a document was printed and recorded by the file system	Loose Native Files and Email Attachments
Time Printed	Last time a document was printed and recorded by the file system	Loose Native Files and Email Attachments