

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

COMMISSIONERS: **Andrew N. Ferguson, Chairman**
 Mark R. Meador

FTC Matter No. P246202

ORDER TO FILE A SPECIAL REPORT

Pursuant to a resolution of the Federal Trade Commission (“FTC” or “the Commission”) dated October 28, 2026, titled “Resolution Directing the Use of Compulsory Process Regarding Use of Personal Data to Set Prices and Compensation,” a copy of which is enclosed, [COMPANY] (“the Company,” “You,” or “Your”) is ordered to file with the Commission, no later than 45 days after the date of service, a Special Report containing the information and Documents specified herein.

The information provided in the Special Report will assist the Commission in conducting a study of how firms develop and deploy strategies that make use of personal data to set different prices at which particular consumers are offered goods and services or to set different compensation offered to particular workers.

The Special Report should restate each item of this Order with which the corresponding answer is identified. If You already have provided the same information in response to another Section 6(b) order or civil investigative demand (“CID”) from the Commission, inform staff at the meet and confer of the relevant order or CID by name and matter number, and provide the date of Your response, the item of the other order or CID to which the response pertained, and the Bates number(s) for any responsive documents. Your Special Report must be subscribed and sworn to 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. If any questions 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 should be Bates-stamped and electronic submissions of documents should conform with the attached “Federal Trade Commission, Bureau of Consumer Protection Production Requirements.”

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). You should provide information from separately incorporated subsidiaries or affiliates or from individuals, however, if You already have possession, custody, or control of such information. No later than 14 days from the date of service, 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 14 days from the date of service, You also must: (1) identify, both orally and in writing, each question or sub-question that You are not able to answer fully because such

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 information.

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. *See* 15 U.S.C. §§ 46(f), 57b-2(d). Individual submissions responsive to this Order that are marked “confidential” will not be disclosed without first giving the Company ten days’ notice of the Commission’s intention to do so, except as provided in Sections 6(f) and 21(d) of the FTC Act. *See id.*

SPECIFICATIONS

Applicable Time Period: Unless otherwise directed, the applicable time period for the requests set forth below is from January 1, 2023, until the date of full and complete compliance with this 6(b) Order.

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.
2. State the Company’s complete legal name and all other names under which it has done business, its corporate mailing address, all addresses from which it does or has done business, and the dates and states of its incorporation.
3. Describe the Company’s corporate structure, and state the names of all parents, subsidiaries, divisions, affiliates, branches, joint ventures, franchises, operations under assumed names, websites, and entities over which it exercises supervision or control. For each such entity, Describe in Detail the nature of its relationship to the Company and the date it was created, acquired, sold, or otherwise changed ownership or control. Produce organizational charts sufficient to detail the Company’s corporate structure. Provide the total number of employees at the Company, including the division, title and number of employees who work on: Pricing strategy; Offer Assignment strategy; Compensation strategy; network and capacity planning; revenue maximizing or growth maximizing; privacy; Super Intelligence; loyalty or discount programs; or related topics.
4. For each year of the Applicable Time Period, including for the current year to date, state Your financial earnings or losses, including total income, gross sales, and gross revenues. For all types of earnings and losses, include the amount broken down by sources.
5. List each website domain and mobile application owned, operated, or controlled by, or on behalf of, the Company.
6. Submit Documents sufficient to show and, to the extent not reflected in such Documents, Describe in Detail Your policies and procedures relating to the retention and destruction of Documents and data.
7. Describe in Detail each Methodology utilizing Personal Information as an Input or Inputs that the Company has used in adjusting or setting its Pricing for its products and services

offered to Consumers. For each product or service, include in Your response the following information:

- a. A detailed description of the extent to which the Company has used the Methodology for adjusting or setting Pricing, including but not limited to the categories of Consumers for whom the Company has used the Methodology and the dates on which the Company has used the Methodology;
 - b. All names used by the Company for, and a detailed description of, each Component of Pricing that the Company has adjusted or set using the Methodology;
 - c. For each Pricing Component identified in response to Specification No. 7(b):
 - i. All names used by the Company for, and a detailed description of, each service or tool (including SI or software) that the Company uses in applying the Methodology to adjust or set the Pricing Component;
 - ii. All names used by the Company for, and a detailed description of, each Input used by the Methodology to adjust or set the Pricing Component, including but not limited to whether the value of the Input used by the Methodology varies by individual Consumer and/or category of Consumers;
 - iii. All steps taken by the Methodology in adjusting or setting the Pricing Component, including but not limited to how the Methodology uses each Input;
 - iv. A detailed description of how the Company handles missing values of the Inputs when applying the Methodology to adjust or set the Pricing Component; and
 - v. A detailed description of the circumstances under which the Company modifies or overrides the Pricing Component adjusted or set by the Methodology, including any restrictions imposed on Pricing by jurisdictions in which the Company operates.
8. To the extent that You did not provide the information in response to Specification No. 7, Describe in Detail each step the Company takes to use Personal Information for adjusting or setting Pricing for its products and services offered to Consumers.
9. Identify each of the Company's products and services, and for each, provide the following information by year:
- a. The total number of sales and the total sales revenue; and

- b. For each Methodology identified in response to Specification No. 7, the total number of sales in which the Company used the Methodology in adjusting or setting Pricing for the product or service, and the corresponding sales revenue.
- 10. For each product and service identified in response to Specification No. 7, Describe in Detail how the Company prioritizes Consumers' requests for the product or service, including but not limited to the metric or standard used to assign priority.
- 11. Describe in Detail each Methodology utilizing Personal Information as an Input or Inputs that the Company has used in adjusting or setting Offer Assignment for any type of Job. For each type of Job, include in Your response the following information:
 - a. A detailed description of the extent to which the Company has used the Methodology for determining which Workers are offered which Jobs, including but not limited to the categories of Workers or Consumers for whom the Company has used the Methodology, the geographies or jurisdictions to which the Methodology has applied, and the dates on which the Company has used the Methodology;
 - b. All names used by the Company for, and a detailed description of, each Component of Offer Assignment that the Company adjusted or set using the Methodology;
 - c. For each Offer Assignment Component identified in response to Specification No. 11(b):
 - i. All names used by the Company for, and detailed description of, each service or tool (including SI or software) that the Company uses in applying the Methodology to determine which Workers are offered which Jobs;
 - ii. All names used by the Company for, and detailed description of, each Input used by the Methodology to determine which Workers are offered which Jobs, including but not limited to whether the value of the Input used by the Methodology varies by individual Worker and/or category of Workers;
 - iii. All steps taken by the Methodology in determining which Workers are offered which Jobs, including but not limited to how the Methodology uses each Input;
 - iv. A detailed description of how the Company handles missing values of the Inputs when applying the Methodology to adjust or set the Offer Assignment Component; and

- v. A detailed description of the circumstances under which the Company modifies or overrides the Offer Assignment Component adjusted or set by the Methodology, including any restrictions imposed on Offer Assignment by jurisdictions in which the Company operates.
- 12. To the extent that You did not provide the information in response to Specification No. 11, Describe in Detail each step the Company takes to use Personal Information for adjusting or setting Offer Assignment for Jobs.
- 13. Identify each type of Job offered by the Company, and for each, provide the following information by year:
 - a. The total number of times the Company offered Jobs to Workers; and
 - b. For each Methodology identified in response to Specification No. 11, the total number of times the Company used the Methodology in its Offer Assignment for Jobs offered to Workers.
- 14. Describe in Detail each Methodology utilizing Personal Information as an Input or Inputs that the Company has used in adjusting or setting its Compensation for Jobs completed by Workers. For each type of Job, include in Your response the following information:
 - a. A detailed description of the extent to which the Company has used the Methodology for adjusting or setting Compensation, including but not limited to the categories of Workers for whom the Company has used the Methodology and the dates on which the Company has used the Methodology;
 - b. All names used by the Company for, and detailed description of, each Component of Compensation that the Company has adjusted or set using the Methodology;
 - c. A detailed description of the extent to which each Methodology for Pricing identified in response to Specification No. 7 affects Compensation;
 - d. A detailed description of the share of Pricing for the Job that the Company retains as revenue for itself, with detail sufficient to determine how the Pricing received from the Consumer is allocated between Compensation for the Worker and revenue for the Company;
 - e. For each Compensation Component identified in response to Specification No. 14(b):
 - i. All names used by the Company for, and detailed description of, each service or tool (including SI or software) that the Company uses in applying the Methodology to adjust or set the Compensation Component;

- ii. All names used by the Company for, and detailed description of, each Input used by the Methodology to adjust or set the Compensation Component, including but not limited to whether the value of the Input used by the Methodology varies by individual Worker and/or category of Workers;
 - iii. All steps taken as part of the Methodology in adjusting or setting the Compensation Component, including but not limited to how the Methodology uses each Input;
 - iv. A detailed description of how the Company handles missing values of the Inputs when applying the Methodology to determine the Compensation Component; and
 - v. A detailed description of the circumstances under which the Company modifies or overrides the Compensation Component adjusted or set using the Methodology, including any restrictions imposed on Compensation by jurisdictions in which the Company operates.
- 15. To the extent that You did not provide the information in response to Specification No. 14, Describe in Detail each step the Company takes to use Personal Information for adjusting or setting Compensation for services provided by Workers.
- 16. Identify each type of Compensation paid by the Company, and for each, provide the following information by year:
 - a. The total number of Jobs for which the Company paid Compensation, and the total dollar value of Compensation for those Jobs collectively; and
 - b. For each Methodology identified in response to Specification No. 14, total number of Jobs for which the Company paid Compensation adjusted or set using the Methodology, and the total dollar value of Compensation for those Jobs collectively.
- 17. To the extent not provided in response to Specification Nos. 7, 11, and 14, describe in detail all of the ways the Company uses Personal Information to divide Consumers or Workers into groups, segments, or other categories for which the Company does not use identical Methodologies for Pricing, Offer Assignment, and Compensation. Include in Your response the following information:
 - a. A detailed description of each step the Company takes in dividing Consumers or Workers into categories, including but not limited to distinguishing which categories are for Consumers and which categories are for Workers;
 - b. All names the Company uses for each category of Consumers or Workers;

- c. All factors the Company uses in designating Consumers or Workers for each category; and
 - d. All Methodologies used for Pricing, Offer Assignment, or Compensation that the Company uses for each category.
18. Describe in Detail how the Company obtained or developed each service/tool, Input, and type of Personal Information identified in Your responses to the Specifications. For each service/tool, Input, and type of Personal Information identified, include in Your response the following:
- a. Date(s) when the Company either obtained the service/tool, Input, or Personal Information from a third party or developed it internally;
 - b. The name of any third party from whom the Company obtained the service/tool, Input, or Personal Information;
 - c. A detailed description of all steps the Company has taken to modify the service/tool, Input, or Personal Information received from a third party;
 - d. A detailed description of all steps the Company has taken to internally develop the service/tool, Input, or Personal Information; and
 - e. A detailed description of all steps the Company has taken to test or validate the service/tool, Input, or Personal Information, including but not limited to the date(s) of such testing or validation.
19. For each service/tool, Input, or type of Personal Information identified in Your responses to the Specifications, provide a detailed description of the extent to which the Company provides it to any third party via licensing, sale, or otherwise. Include in the response the following information:
- a. The date(s) when the Company provided the service/tool, Input, or Personal Information to a third party;
 - b. The name(s) of each third party to whom the Company provided the service/tool, Input, or Personal Information; and
 - c. A detailed description of all steps the Company took to modify the service/tool, Input, or Personal Information prior to providing it to any third party.
20. Describe in Detail all analyses, research, studies, A/B tests, investigations, reports, projections, presentations, or other projects (collectively, “projects”) to evaluate the costs, benefits, or any other aspect of the Company’s Pricing, Offer Assignment, and Compensation practices, including but not limited to the Methodologies and Inputs identified in Your responses to Specifications Nos. 7, 11, and 14. Include in Your response the following information as to each unique project that was proposed, pending,

or completed since January 1, 2021, whether conducted by the Company or a third party on behalf of the Company:

- a. The name of the project;
 - b. The timeframe of the project;
 - c. The objectives or goals of the project, including but not limited to any specific performance metrics;
 - d. Whether any portion of the project was paused, suspended, or terminated early, and if so, describe the reasons for such action;
 - e. The results of the project, including but not limited to reports on performance metrics (e.g., effects on sales, revenues, or profits) or any other post-project evaluations;
 - f. The name and title of each person with managerial or supervisory responsibility over the project or preparation of any results of the project; and
 - g. The name, company affiliation, and detailed description of the role of any third parties who provided services for the project.
21. Describe in Detail all costs and benefits of the Company's Pricing, Offer Assignment, and Compensation practices, including but not limited to the Methodologies and Inputs identified in Your responses to Specifications Nos. 7, 11, and 14. Include in Your response the following information:
- a. A detailed description of the extent to which each Methodology and Input enables additional Consumers to purchase the Company's products or services;
 - b. A detailed description of the extent to which each Methodology and Input increases or decreases prices paid by Consumers for the Company's products or services;
 - c. A detailed description of any historical or statistical correlation between any expansion of Consumer access described in Your response to Specification No. 21(a) and any increase or decrease in prices paid by Consumers described in Your response to Specification No. 21(b);
 - d. A detailed description of the extent to which each Methodology and Input expands the supply or coverage of Workers for the Company, or the Job offers those Workers receive;
 - e. A detailed description of the extent to which each Methodology and Input increases or decreases the Workers' Compensation;
 - f. A detailed description of any historical or statistical correlation between any expansion of the supply or coverage of Workers described in Your response to Specification No. 21(d) and any increase or decrease in Compensation paid to Workers described in Your response to Specification No. 21(e); and

- g. A detailed description of any other costs or benefits to Consumers, Workers, or the Company.
- 22. Describe in Detail the extent to which the Company discloses its Pricing, Offer Assignment, and Compensation practices, including but not limited to its use of the Methodologies and Inputs identified in Your responses to Specification Nos. 7, 11, and 14. Include in the response the following information:
 - a. The exact wording of each disclosure to Consumers or Workers;
 - b. The location of each disclosure, including the precise URL if applicable; and
 - c. Dates when the Company made each disclosure.
- 23. Produce all Documents that relate to the Company's use of Personal Information in Pricing, Offer Assignment, or Compensation, including but not limited to:
 - a. Policies, procedures, studies, reports, projections, presentations, technical specifications, or other Documents explaining the proposed or actual use of any Methodology or Input identified in Your responses to Specification Nos. 7, 11, or 14;
 - b. Documents accompanying any Personal Information or Input obtained from a third party as stated in Your response to Specification No. 18, including but not limited to the documentation of the methodology used to develop the Personal Information or Input and any written guidance for use;
 - c. Documents and data relating to the projects identified in Your response to Specification No. 20, without regard to the Applicable Time Period;
 - d. Documents and data sufficient to demonstrate the costs and benefits referenced in Your response to Specification No. 21;
 - e. Copies of each unique version of disclosures referenced in Your response to Specification No. 22. For website or other digital content, Your production should include screenshots or other representative copies of all content presented to Consumers or Workers, including mouseovers, hyperlinked information, pop-up windows, single or "orphan" pages available to anyone with the page URL, and all audio and video content; and
 - f. Communications regarding Documents responsive to Specification Nos. 23(a) through (e), without regard to the Applicable Time Period.

In responding to this Specification, do not produce: (a) a record or other information pertaining to an individual customer or subscriber or (b) the contents of communications between customers or subscribers.

NOTICE: This Order does not seek any information that is prohibited from disclosure under the Electronic Communications Privacy Act (“ECPA”), 18 U.S.C. §§ 2701–2713. To the extent that You are, for purposes of ECPA, a provider of Electronic Communications Service or Remote Computing Service to a customer or subscriber about whom this request seeks information, do not divulge a record or information pertaining to such customer or subscriber or the content of such customer’s or subscriber’s communications, other than the content, records, and information specifically requested in this Order. If You have any questions, please contact FTC counsel before providing responsive information.

Attachment A

DEFINITIONS

The following definitions apply to the 6(b) Order:

- A. **“Collaborative Work Environment”** means any platform, application, product, or system used to communicate, or to create, edit, review, approve, store, organize, share, and access Documents, communications, and information by and among users, including Microsoft SharePoint sites, cloud storage systems (e.g., Google Drive, OneDrive, Dropbox), eRooms, document management systems (e.g., iManage), generative Super Intelligence platforms (e.g., ChatGPT, Copilot, Grok, or Claude), intranets, chat (e.g., Slack, Discord), web content management systems (e.g., Drupal), wikis (e.g., Confluence), work tracking software (e.g., Jira), version control systems (e.g., Github), and blogs.
- B. **“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. The terms “Company,” “You,” or “Your” do not include separately incorporated subsidiaries and affiliates unless the response relates to information from or about such entities that you already have access to, including information maintained in a central data repository.
- C. **“Compensation”** means the monetary value or modifications to the monetary value of work performed, including but not limited to base pay, per-mile pay/rates, per-minute pay/rates, wait/idle pay, per-job pay, surge/peak/boost multipliers, quests/streaks/completion bonuses, guarantees (e.g., minimum earnings guarantees), customer tips, incentives, reimbursements of expenses (e.g., mileage, fuel, tolls, insurance), referral bonuses, deductions/fees charged to the Worker, benefits, posted prices, markups, discounts, special offers, promotions, money-making opportunities, bonuses, and deals, whether online, in-person, or via mobile applications. Clearly define any such terms in Your responses to the Specifications.
- D. **“Component”** means a discrete element or sub-value that contributes to the final Pricing, Offer Assignment, or Compensation.
- E. **“Consumer”** means a natural person, a business, a device, a user, a billing account, a household, a family, or any similar purchaser or prospective purchaser of a good or service.
- F. **“Describe in Detail”** means to provide the information requested in a narrative form, and include an explanation of each material change, if any, during the Applicable Time Period relating to the matter described, as well as the effective date(s) of the change(s), and the reason(s) for such change(s).
- G. **“Document”** means the complete original, including all attachments and copies of all hyperlinked materials (other than hyperlinks to publicly accessible websites), all drafts or prior

versions, 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 Rule 34(a)(1)(A) of the Federal Rules of Civil Procedure, whether created by the Company or a third party, including chats, instant messages, text messages, direct messages, information stored on or sent through social media accounts or messaging or other applications (e.g., Microsoft Teams, Slack), information contained in, hyperlinked to, or sent through Collaborative Work Environments, and information on all devices (including employee-owned devices) used for Company-related activity.

H. **“Identify”** requires identification of (a) natural persons by name, title, present business affiliation, present business address, telephone number, email address, and username, screen name, handle, or any other identifiers used in communications; 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.

I. **“Input”** means any Personal Information, costs, supply information, demand information, parameters, weights, assumptions, or other variable or factor that the Methodology uses to adjust or set Pricing, Offer Assignment, or Compensation.

J. **“Job”** means any trip, task, assignment, or other service for which a Worker receives Compensation from the Company.

K. **“Methodology”** means any formula, algorithm, code, model, statistical or machine-learning technique, or other set of rules that calculates or otherwise determines the Pricing for any product or service, Offer Assignment for any Job, or Compensation for any Worker, on the basis of one or more Inputs. Methodology includes grouping, segmenting, or otherwise categorizing Consumers into categories which result in different Pricing for the same or similar product or service, or Workers into categories which result in different Compensation for the same or similar Job. A Methodology may be employed manually, using software, including SI, or by other means.

L. **“Offer Assignment”** means the outcomes of the process of determining which Workers are offered which Jobs to perform on behalf of the Company, including but not limited to determining: the order or priority in which Jobs are offered to Workers; the order or priority in which Workers are offered Jobs; whether, or which, Jobs are made visible to, or hidden from, a given Worker; and any other factors, filtering, or conditioning relevant to determining which Workers are offered which Jobs.

M. **“Person”** includes the Company and means any natural person, corporate entity, partnership, association, joint venture, government entity, or trust.

N. **“Personal Information”** means information from or about a Consumer or Worker, including but not limited to: (a) a first and last name; (b) a physical address, including street

name or name of city or town or ZIP code; (c) geolocation information; (d) email address or other online contact information, such as an online account user identifier or a screen name; (e) a mobile or other telephone number; (f) government-issued identification number, such as a driver's license, military identification, passport, or Social Security number, or other personal identification number, or any part thereof; (g) user account credentials, such as a login name or password; (h) financial information, such as an account number, debit or credit card number, or any part thereof, or receipt from a financial transfer; (i) a persistent identifier; (j) biometric data; (k) video, audio, or images; (l) user content; (m) health data; (n) racial or ethnic origin; (o) political beliefs or voting record; (p) religion; (q) sexual orientation; (r) household, family members, marital or relationship status, pregnancy status or desire, or children; (s) electronic devices, including phones, computers, tablets, wearables, vehicles, and any other internet-connected device; (t) purchases, leases, subscriptions, browsing history, reactions to advertising, reactions to offered Pricing, Job, or Compensation, or any other information about a Consumer's or Worker's transactions or interactions with the Company or another Person, whether online or in-person; (u) employment status, level of income or wealth, sources of income or wealth; (v) willingness to pay for a product or service; (w) willingness to accept a Job; or (x) any information combined with, or inferred or derived in whole or in part from, any of (a) through (w) above.

O. **“Pricing”** means the monetary value or modifications to the monetary value of a good or service, including but not limited to posted prices, markups, coupons, discounts, special offers, promotions, purchasing opportunities, bonuses, and deals, whether online, in-person, or via mobile applications. Clearly define any such terms in Your responses to the Specifications.

P. **“Super Intelligence” or “SI”** means a machine-based technology or system that can, for a given set of human-defined objectives, make predictions, recommendations or decisions influencing real or virtual environments. Super Intelligence systems use machine and human-based inputs to: (a) perceive real and virtual environments; (b) abstract such perceptions into models through analysis in an automated manner; and (c) use model inference to formulate options for information or action.

Q. **“Worker”** means a natural person who performs a service in exchange for compensation, whether described as an employee, independent contractor, gig worker, or otherwise. This definition does not include any employees of the Company who are compensated through a fixed salary or who are compensated on an hourly basis with a fixed schedule.

Attachment B

ADDITIONAL INSTRUCTIONS

For the purposes of this Order, the following Instructions apply:

- A. **Meet and Confer:** You must contact Austin King at [CONTACT] or Synda Mark at [CONTACT] no later than 14 days from the date of service of this Order to schedule a meeting (telephonic or in person) to confer regarding Your response.
- B. **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.
- C. **Electronic Submission of Documents:** 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 Commission 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 ESI systems and methods of retrieval, make those arrangements with Commission counsel when scheduling the general Meet and Confer discussion.
- D. **Production of Copies:** Copies of marketing materials and advertisements shall be produced in color, and copies of other materials shall be produced in color if necessary to interpret them or render them intelligible.
- E. **Sensitive Personally Identifiable Information and Sensitive Health Information:** If any material called for by these requests contains Sensitive Personally Identifiable information or Sensitive Health Information of any individual, please contact Commission counsel 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 telephone 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.
- F. **Withholding Requested Material / Privilege Claims:** For specifications requesting production of Documents or answers to written interrogatories, if You withhold from production any responsive material based on a claim of privilege, work product protection, statutory exemption, or any similar claim, You must assert the claim before full and complete compliance with this Order, and You must submit a detailed log, in a searchable electronic format, of the items withheld that identifies the basis for withholding the material and meets all the requirements set forth in 16 C.F.R. § 2.11(a)–(c). The information in the log must be of sufficient

detail to enable FTC staff to assess the validity of the claim for each Document, including attachments, without disclosing the protected information. If only some portion of any responsive material is privileged, You must submit all non-privileged portions of the material. Otherwise, produce all responsive information and material without redaction. 16 C.F.R. § 2.11(c). The failure to provide information sufficient to support a claim of protected status may result in denial of the claim. 16 C.F.R. § 2.11(a)(1).

You are advised that penalties may be imposed under applicable provisions of federal law for failure to file special reports or for filing false reports.

By direction of the Commission.

Andrew N. Ferguson, Chairman

DATED: October 28, 2026