



United States of America
FEDERAL TRADE COMMISSION
WASHINGTON, DC 20580

Bureau of Consumer Protection
Division of Privacy and Identity Protection

To Whom It May Concern:

We are writing because your website indicates that you represent that you participate in the Asia-Pacific Economic Cooperation Cross Border Privacy Rules (APEC CBPR) system, a self-regulatory initiative designed to facilitate the protection of consumer data transferred across the APEC region – 21 Pacific Rim member economies, including the United States. However, our records indicate that your organization has not taken the requisite steps to be able to claim participation in the APEC CBPR system, such as undergoing a review by an APEC-recognized Accountability Agent. A company that falsely claims APEC CBPR system participation may be subject to an enforcement action based on the FTC’s deception authority under Section 5 of the Federal Trade Commission Act (“FTC Act”). Indeed, we have brought many cases against companies that we allege, among other things, have falsely claimed to participate in an international privacy program such as the APEC CBPR system, see generally https://www.ftc.gov/tips-advice/business-center/legal-resources?type=case&field_consumer_protection_topics_tid=251. We ask, therefore, that your organization (1) immediately remove from its website, privacy policy statement, and any other public documents all representations that could be construed as claiming APEC CBPR participation; and (2) contact us within 45 days at apec.cbpr@ftc.gov to inform us that you have done so.

If your organization has in fact undergone the review and certification required to support the claim that your organization is certified to participate in the APEC CBPR system, please let us know. If your organization is interested in participating in the APEC CBPR system but has not yet been certified as compliant, you should review the information on the program’s requirements available at www.cbprs.org and take the steps necessary. Until your organization has been certified as compliant, however, you should remove any representations that could be construed as claiming APEC CBPR participation.

To protect the integrity of the APEC CBPR system, we reserve the right, if a timely and satisfactory response is not received, to take appropriate legal action. We appreciate your prompt attention to this matter.

Sincerely,

Maneesha Mithal
Associate Director