

news release describing it. The FTC Act and other laws that the Commission administers permit the collection of public comments to consider and use in this proceeding, as appropriate. The Commission will consider all timely and responsive public comments that it receives on or before October 9, 2019. For information on the Commission's privacy policy, including routine uses permitted by the Privacy Act, see <https://www.ftc.gov/site-information/privacy-policy>.

### Analysis of Proposed Consent Order To Aid Public Comment

The Federal Trade Commission ("Commission") has accepted, subject to final approval, an agreement containing a consent order from EmpiriStat, Inc. ("EmpiriStat" or "Respondent").

The proposed consent order ("proposed order") has been placed on the public record for thirty (30) days for receipt of comments by interested persons. Comments received during this period will become part of the public record. After thirty (30) days, the Commission will again review the agreement and the comments received, and will decide whether it should withdraw from the agreement and take appropriate action or make final the agreement's proposed order.

This matter concerns alleged false or misleading representations that EmpiriStat made concerning its participation in and compliance with the Privacy Shield framework agreed upon by the U.S. and the European Union ("EU"). The Privacy Shield framework allows U.S. companies to receive personal data transferred from the EU without violating EU. The frameworks consist of a set of principles and related requirements that have been deemed by the European Commission as providing "adequate" privacy protection. The principles include notice; choice; accountability for onward transfer; security; data integrity and purpose limitation; access; and recourse, enforcement, and liability. The related requirements include, for example, securing an independent recourse mechanism to handle any disputes about how the company handles information about EU citizens.

To participate in the frameworks, a company must comply with the Privacy Shield principles and self-certify that compliance to the U.S. Department of Commerce ("Commerce"). Commerce reviews companies' self-certification applications and maintains a public website, <https://www.privacyshield.gov/list>, where it posts the names of companies who have completed the requirements for certification.

Companies are required to recertify every year in order to continue benefitting from Privacy Shield.

EmpiriStat provides statistical analysis and clinical trial support services. According to the Commission's complaint, EmpiriStat published on its website, <http://www.empiristat.com>, a privacy policy containing statements related to its participation in Privacy Shield.

The Commission's proposed three-count complaint alleges that Respondent violated Section 5(a) of the Federal Trade Commission Act. Specifically, the proposed complaint alleges that Respondent engaged in a deceptive act or practice by falsely representing that it was a certified participant in the EU-U.S. and Swiss-U.S. Privacy Shield frameworks. The proposed complaint further alleges that Respondent engaged in deceptive acts or practices by representing that it complied with those frameworks when in fact it had failed to comply with certain Privacy Shield requirements.

Part I of the proposed order prohibits the company from making misrepresentations about its membership in any privacy or security program sponsored by the government or any other self-regulatory or standard-setting organization, including, but not limited to, the EU-U.S. Privacy Shield framework and the Swiss-U.S. Privacy Shield framework.

Part II of the proposed order requires that the company affirm to Commerce that it will either continue to apply the Privacy Shield framework principles to any data it received pursuant to frameworks or will delete or return such data.

Parts III through VI of the proposed order are reporting and compliance provisions. Part III requires acknowledgement of the order and dissemination of the order now and in the future to persons with responsibilities relating to the subject matter of the order. Part IV ensures notification to the FTC of changes in corporate status and mandates that the company submit an initial compliance report to the FTC. Part V requires the company to create certain documents relating to its compliance with the order for ten (10) years and to retain those documents for a five-year period. Part VI mandates that the company make available to the FTC information or subsequent compliance reports, as requested.

Part VII is a provision "sun-setting" the order after twenty (20) years, with certain exceptions.

The purpose of this analysis is to aid public comment on the proposed order.

It is not intended to constitute an official interpretation of the complaint or proposed order, or to modify in any way the proposed order's terms.

By direction of the Commission.

**April J. Tabor,**  
Acting Secretary.

[FR Doc. 2019-19395 Filed 9-6-19; 8:45 am]

**BILLING CODE 6750-01-P**

## FEDERAL TRADE COMMISSION

[File No. 182 3188]

### DCR Workforce, Inc.; Analysis To Aid Public Comment

**AGENCY:** Federal Trade Commission.

**ACTION:** Proposed consent agreement; request for comment.

**SUMMARY:** The consent agreement in this matter settles alleged violations of federal law prohibiting unfair or deceptive acts or practices. The attached Analysis to Aid Public Comment describes both the allegations in the complaint and the terms of the consent order—embodied in the consent agreement—that would settle these allegations.

**DATES:** Comments must be received on or before October 9, 2019.

**ADDRESSES:** Interested parties may file comments online or on paper, by following the instructions in the Request for Comment part of the **SUPPLEMENTARY INFORMATION** section below. Write: "DCR Workforce, Inc.; File No. 182 3188" on your comment, and file your comment online at <https://www.regulations.gov> by following the instructions on the web-based form. If you prefer to file your comment on paper, mail your comment to the following address: Federal Trade Commission, Office of the Secretary, 600 Pennsylvania Avenue NW, Suite CC-5610 (Annex D), Washington, DC 20580, or deliver your comment to the following address: Federal Trade Commission, Office of the Secretary, Constitution Center, 400 7th Street SW, 5th Floor, Suite 5610 (Annex D), Washington, DC 20024.

**FOR FURTHER INFORMATION CONTACT:** Robin Wetherill (202-326-2220), Bureau of Consumer Protection, Federal Trade Commission, 600 Pennsylvania Avenue NW, Washington, DC 20580.

**SUPPLEMENTARY INFORMATION:** Pursuant to Section 6(f) of the Federal Trade Commission Act, 15 U.S.C. 46(f), and FTC Rule 2.34, 16 CFR 2.34, notice is hereby given that the above-captioned consent agreement containing a consent order to cease and desist, having been

filed with and accepted, subject to final approval, by the Commission, has been placed on the public record for a period of thirty (30) days. The following Analysis to Aid Public Comment describes the terms of the consent agreement and the allegations in the complaint. An electronic copy of the full text of the consent agreement package can be obtained from the FTC Home Page (for September 3, 2019), on the World Wide Web, at <https://www.ftc.gov/news-events/commission-actions>.

You can file a comment online or on paper. For the Commission to consider your comment, we must receive it on or before October 9, 2019. Write "DCR Workforce, Inc.; File No. 182 3188" on your comment. Your comment—including your name and your state—will be placed on the public record of this proceeding, including, to the extent practicable, on the <https://www.regulations.gov> website.

Postal mail addressed to the Commission is subject to delay due to heightened security screening. As a result, we encourage you to submit your comments online through the <https://www.regulations.gov> website.

If you prefer to file your comment on paper, write "DCR Workforce, Inc.; File No. 182 3188" on your comment and on the envelope, and mail your comment to the following address: Federal Trade Commission, Office of the Secretary, 600 Pennsylvania Avenue NW, Suite CC-5610 (Annex D), Washington, DC 20580; or deliver your comment to the following address: Federal Trade Commission, Office of the Secretary, Constitution Center, 400 7th Street SW, 5th Floor, Suite 5610 (Annex D), Washington, DC 20024. If possible, submit your paper comment to the Commission by courier or overnight service.

Because your comment will be placed on the publicly accessible website at <https://www.regulations.gov>, you are solely responsible for making sure that your comment does not include any sensitive or confidential information. In particular, your comment should not include any sensitive personal information, such as your or anyone else's Social Security number; date of birth; driver's license number or other state identification number, or foreign country equivalent; passport number; financial account number; or credit or debit card number. You are also solely responsible for making sure that your comment does not include any sensitive health information, such as medical records or other individually identifiable health information. In addition, your comment should not

include any "trade secret or any commercial or financial information which . . . is privileged or confidential"—as provided by Section 6(f) of the FTC Act, 15 U.S.C. 46(f), and FTC Rule 4.10(a)(2), 16 CFR 4.10(a)(2)—including in particular competitively sensitive information such as costs, sales statistics, inventories, formulas, patterns, devices, manufacturing processes, or customer names.

Comments containing material for which confidential treatment is requested must be filed in paper form, must be clearly labeled "Confidential," and must comply with FTC Rule 4.9(c). In particular, the written request for confidential treatment that accompanies the comment must include the factual and legal basis for the request, and must identify the specific portions of the comment to be withheld from the public record. See FTC Rule 4.9(c). Your comment will be kept confidential only if the General Counsel grants your request in accordance with the law and the public interest. Once your comment has been posted on the public FTC website—as legally required by FTC Rule 4.9(b)—we cannot redact or remove your comment from the FTC website, unless you submit a confidentiality request that meets the requirements for such treatment under FTC Rule 4.9(c), and the General Counsel grants that request.

Visit the FTC website at <http://www.ftc.gov> to read this Notice and the news release describing it. The FTC Act and other laws that the Commission administers permit the collection of public comments to consider and use in this proceeding, as appropriate. The Commission will consider all timely and responsive public comments that it receives on or before October 9, 2019. For information on the Commission's privacy policy, including routine uses permitted by the Privacy Act, see <https://www.ftc.gov/site-information/privacy-policy>.

#### **Analysis of Proposed Consent Order To Aid Public Comment**

The Federal Trade Commission ("Commission") has accepted, subject to final approval, an agreement containing a consent order from DCR Workforce, Inc. ("DCR Workforce" or "Respondent").

The proposed consent order ("proposed order") has been placed on the public record for thirty (30) days for receipt of comments by interested persons. Comments received during this period will become part of the public record. After thirty (30) days, the Commission will again review the agreement and the comments received,

and will decide whether it should withdraw from the agreement and take appropriate action or make final the agreement's proposed order.

This matter concerns alleged false or misleading representations that DCR Workforce made concerning its participation in the Privacy Shield framework agreed upon by the U.S. and the European Union ("EU"). The Privacy Shield framework allows U.S. companies to receive personal data transferred from the EU without violating EU. The frameworks consist of a set of principles and related requirements that have been deemed by the European Commission as providing "adequate" privacy protection. The principles include notice; choice; accountability for onward transfer; security; data integrity and purpose limitation; access; and recourse, enforcement, and liability. The related requirements include, for example, securing an independent recourse mechanism to handle any disputes about how the company handles information about EU citizens.

To participate in the frameworks, a company must comply with the Privacy Shield principles and self-certify that compliance to the U.S. Department of Commerce ("Commerce"). Commerce reviews companies' self-certification applications and maintains a public website, <https://www.privacyshield.gov/list>, where it posts the names of companies who have completed the requirements for certification. Companies are required to recertify every year in order to continue benefiting from Privacy Shield.

DCR Workforce provides workforce management software. According to the Commission's complaint, DCR Workforce published on its website, <http://www.dcrworkforce.com>, a privacy policy containing statements related to its participation in Privacy Shield.

The Commission's proposed one-count complaint alleges that Respondent violated Section 5(a) of the Federal Trade Commission Act. Specifically, the proposed complaint alleges that Respondent engaged in a deceptive act or practice by falsely representing that it was a certified participant in the EU-U.S. Shield Framework.

Part I of the proposed order prohibits the company from making misrepresentations about its membership in any privacy or security program sponsored by the government or any other self-regulatory or standard-setting organization, including, but not limited to, the EU-U.S. Privacy Shield framework and the Swiss-U.S. Privacy Shield framework.

Parts II through V of the proposed order are reporting and compliance provisions. Part II requires acknowledgement of the order and dissemination of the order now and in the future to persons with responsibilities relating to the subject matter of the order. Part III ensures notification to the FTC of changes in corporate status and mandates that the company submit an initial compliance report to the FTC. Part IV requires the company to create certain documents relating to its compliance with the order for twenty (20) years and to retain those documents for a five-year period. Part V mandates that the company make available to the FTC information or subsequent compliance reports, as requested.

Part VI is a provision "sun-setting" the order after twenty (20) years, with certain exceptions.

The purpose of this analysis is to aid public comment on the proposed order. It is not intended to constitute an official interpretation of the complaint or proposed order, or to modify in any way the proposed order's terms.

By direction of the Commission.

**April J. Tabor,**

*Acting Secretary.*

[FR Doc. 2019-19394 Filed 9-6-19; 8:45 am]

**BILLING CODE 6750-01-P**

---

## OFFICE OF GOVERNMENT ETHICS

### Privacy Act of 1974; Systems of Records

**AGENCY:** Office of Government Ethics (OGE).

**ACTION:** Notice of a modified system of records.

**SUMMARY:** OGE proposes to revise an existing Governmentwide system of records under the Privacy Act, covering Executive Branch Confidential Financial Disclosure Reports.

**DATES:** This action will be effective without further notice on November 8, 2019 unless comments received before this date would result in a contrary determination.

**ADDRESSES:** Comments may be submitted to OGE by any of the following methods:

*Email:* [usoge@oge.gov](mailto:usoge@oge.gov) (Include reference to "OGE/GOVT-2" in the subject line of the message.)

*Mail, Hand Delivery/Courier:* Office of Government Ethics, 1201 New York Avenue NW, Suite 500, Attention: Jennifer Matis, Associate Counsel, Washington, DC 20005-3917.

*Instructions:* Comments may be posted on OGE's website, [www.oge.gov](http://www.oge.gov). Sensitive personal information, such as account numbers or Social Security numbers, should not be included. Comments generally will not be edited to remove any identifying or contact information before posting.

**FOR FURTHER INFORMATION CONTACT:** Jennifer Matis at the U.S. Office of Government Ethics; telephone: 202-482-9216; TTY: 800-877-8339; FAX: 202-482-9237; Email: [jmatis@oge.gov](mailto:jmatis@oge.gov).

**SUPPLEMENTARY INFORMATION:** In accordance with the Privacy Act of 1974, 5 U.S.C. 552a, this document provides public notice that OGE is proposing to revise and update the OGE/GOVT-2 Governmentwide system of records in several respects. A Governmentwide system of records is a system of records where one agency (in this case, OGE) has regulatory authority over records in the custody of multiple agencies and the agency with regulatory authority publishes a SORN that applies to all of the records regardless of their custodial location.

OGE proposes to add two new routine uses as required by OMB Memorandum "Preparing for and Responding to a Breach of Personally Identifiable Information," M-17-12, (January 3, 2017). These new routine uses allow agencies to disclose information when necessary to respond to a suspected or confirmed breach or to prevent, minimize, or remedy harm resulting from such a breach.

OGE proposes to change the description of the categories of individuals covered by the system of records to make it more clear and easy to understand. By eliminating much of the technical description, the new language is more concise and consistent with plain language goals. No substantive change in the categories of individuals covered by the system of records is proposed. Likewise, OGE proposes to update the retention and disposal information to reflect the current General Records Schedule retention and disposal requirements for these records.

OGE proposes to modify routine uses (e.) (formerly routine use (f.)) and (g.) (formerly routine use (h.)) and remove the old routine use (b.) in accordance with OMB and Department of Justice guidance and applicable case law. The remaining routine uses have been re-designated accordingly.

Finally, the changes will update the authority for maintenance of the system, the categories of records in the system, and the administrative, technical, and physical safeguards, update the system

manager and notification procedure in accordance with OGE's current organizational structure, clarify the language in the "Purpose" section, and make minor editorial changes.

Accordingly, the Office of Government Ethics is publishing the following notice of a proposed revised Governmentwide system of records covering Executive Branch Confidential Financial Disclosure Reports:

**SYSTEM NAME AND NUMBER:**

OGE/GOVT-2, Executive Branch Confidential Financial Disclosure Reports.

**SECURITY CLASSIFICATION:**

Unclassified.

**SYSTEM LOCATION:**

Individual agency ethics offices or other designated agency offices.

**SYSTEM MANAGER(S):**

These records are maintained in the department or agency where the reports are filed. For questions about a particular report, contact the Designated Agency Ethics Official (DAEO) at the department or agency concerned. For general questions about this system of records, contact the OGE Senior Agency Official for Privacy, Office of Government Ethics, Suite 500, 1201 New York Avenue NW, Washington, DC 20005-3917.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

5 U.S.C. app. (Ethics in Government Act of 1978); E.O. 12674 (as modified by E.O. 12731); 5 CFR part 2634.

**PURPOSE(S) OF THE SYSTEM:**

These records are collected and maintained to meet the requirements of Executive Order 12674, as modified, 5 CFR part 2634, and agency regulations thereunder, as well as section 107 of the Ethics in Government Act of 1978, as amended, concerning the filing of confidential financial disclosure reports. Such reports are required to assure compliance with ethics laws and regulations, and to determine if an actual or apparent conflict of interest exists between the employment of individuals by the Federal Government and their outside employment and financial interests.

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

Officers and employees in the executive branch whose positions have been designated as confidential financial disclosure filing positions in accordance with 5 CFR 2634.904 and 5 U.S.C. app. 107. In addition, all executive branch special Government