



Office of the Secretary

UNITED STATES OF AMERICA  
Federal Trade Commission  
WASHINGTON, D.C. 20580

December 16, 2019

Electronic Privacy Information Center  
1519 New Hampshire Ave, N.W.  
Washington, D.C. 20036

RE: *In the Matter of Unrollme, Inc.*, Matter No. 172-3139, C-4692

Dear Mr. Rotenberg, Ms. Bannon and Mr. Daley:

Thank you for your comment on behalf of the Electronic Privacy Information Center (“EPIC”) regarding the Federal Trade Commission’s (“Commission” or “FTC”) consent agreement in the above-entitled proceeding. The Commission appreciates and carefully considers all public comments before finalizing any proposed settlements. *See* 16 C.F.R. § 2.34(c).

Unrollme provides services to consumers to help them manage subscription emails, such as newsletters or marketing emails from retailers. During the sign-up process, Unrollme requires consumers to grant Unrollme full access to the email accounts that they wish to enroll in its services. The Complaint alleges that when consumers initially declined to grant permission to their email accounts, Unrollme violated Section 5 of the FTC Act by making false and deceptive statements designed to encourage this subset of consumers to change their mind and grant Unrollme access to their email accounts and continue the sign-up process.

The Decision and Order contains injunctive provisions addressing the alleged deceptive conduct. First, the Order contains a prohibition on misrepresentations related to the extent to which Unrollme accesses, collects, stores or shares Covered Information or Consumer Emails. Second, the Order requires Unrollme to send an email notification to all known current users who enrolled in Unrollme’s services after viewing the challenged statements that explains that Unrollme or its parent access or collect email purchase receipts for use in market research products that are sold to third parties. Third, the Order requires Unrollme to delete all stored email purchase receipts, and all personally identifiable information obtained from those receipts, for all known users who enrolled in Unrollme’s services after viewing the challenged statements.

In your comment, you recommend that the Commission modify Provision II of the Decision and Order to require that Unrollme provide a notification to its entire userbase and that additional information be added to the required notification. The Complaint does not allege that Unrollme deceived its entire userbase. Rather, as described above, the complaint alleges that Unrollme deceived a clear subset of users who had initially declined to grant Unrollme access to their emails. *See* Compl. at ¶¶ 10-14. Therefore, the relief requires Unrollme to send a corrective notice only to current users who saw one of the allegedly deceptive statements.

Moreover, the notice that is reflected in Exhibit A of the Decision and Order simply and clearly describes Unrollme's practices with respect to email purchase receipts and provides a link for instructions on how those consumers can delete their account if they so desire. The Commission believes that this notice strikes the appropriate balance between providing the necessary information about Unrollme's practices and ensuring that the information is presented in a straightforward and easy to understand manner.

Your comment also states that the notification requirements in the order are inadequate because many users may ignore or delete the notification. Instead, you recommend that the Commission require Unrollme to deauthorize its access to all users' emails and to obtain reauthorization only after those users have viewed the current privacy policy. For the reasons discussed above, the Commission does not believe that such relief is necessary with respect to users that the Complaint does not allege were deceived. Additionally, with respect to the allegedly deceived users, the Commission believes that sending the notification in Exhibit A, which focuses on the practices relevant to the Complaint allegations, is more likely to adequately inform users than requiring them to view a lengthy privacy policy which contains a significant amount of information about practices that were not the focus of the Complaint, and – along with the deletion provision – appropriately addresses the allegations in the complaint.

Your comment also recommends that the Commission modify Provision III to require Unrollme to delete data from inactive users and clarify what is meant by “commercial production systems.” Provision III already requires Unrollme to delete data from users who saw one of the allegedly deceptive statements, even if they no longer actively use Unrollme's services. The Order references the “commercial production systems” because that is where such data is stored and where it can be readily identified and deleted.

Finally, thank you for sharing your perspective on Commissioner Phillips' separate statement.

Having considered all the facts of this case and all of the comments submitted in response to the proposed orders, the Commission has now determined that the public interest would best be served by issuing the Complaint and the Decision and Order in the above-entitled proceeding in final form without any modifications. The final Decision and Order and other relevant materials are available from the Commission's website at <http://www.ftc.gov>. The Commission thanks you again for your comment.

By direction of the Commission.

April J. Tabor  
Acting Secretary