

1. Respondent Ingenix, Inc. is a Delaware corporation with its office and principal place of business at 12125 Technology Drive, Eden Prairie, Minnesota.

2. The Federal Trade Commission has jurisdiction of the subject matter of this proceeding and of the Respondent, and the proceeding is in the public interest.

ORDER

DEFINITIONS

For purposes of this order, the following definitions apply:

“*Respondent*” means Ingenix, Inc., a corporation, its successors and assigns, and its officers, agents, representatives and employees acting in such capacity on its behalf, directly or through any corporation, subsidiary, division or other device.

“*MedPoint*” means respondent’s data aggregation service that provides individual medical profiles, including prescription drug purchase histories, to health and life insurance companies.

“*FCRA*” means the Fair Credit Reporting Act, 15 U.S.C. § 1681 *et seq.*, as the same from time to time may be amended or modified by statute or by regulations having the effect of statutory provisions.

The terms “*consumer*,” “*consumer report*,” and “*consumer reporting agency*,” shall be defined as provided in Section 603(c), 603(d) and 603(f), respectively of the FCRA, 15 U.S.C. §§ 1681a(c), 1681a(d) and 1681a(f).

“*Notice To Users*” is the notice referred to in Section 607(d) of the Fair Credit Reporting Act, 15 U.S.C. §1681e(d), 16 CFR 698, Appendix H.

I.

IT IS ORDERED that respondent, directly or through any corporation, subsidiary, division, or other device, in connection with the dissemination of any medical profile generated by MedPoint that constitutes a consumer report, or any other consumer report to any user or prospective user of such consumer report, shall as provided by Section 607(d) of the Fair Credit Reporting Act, 15 U.S.C. § 1681e(d), provide to such users or prospective users a Notice to Users.

II.

IT IS FURTHER ORDERED that respondent, in connection with the compilation, creation, sale, or dissemination of any medical profile generated by MedPoint that constitutes a consumer report, or any other consumer report, shall:

A. Maintain or continue to maintain reasonable procedures to limit the furnishing of such consumer report to those only with a permissible purpose, as required by Section 607(a) of the Fair Credit Reporting Act, 15 U.S.C. §1681e(a);

B. Follow or continue to follow reasonable procedures to assure maximum possible accuracy of the information concerning the individuals about whom the reports relates, as required by Section 607(b) of the Fair Credit Reporting Act, 15 U.S.C. § 1681e(b);

C. Maintain or continue to maintain reasonable procedures to ensure compliance with Section 611 of the Fair Credit Reporting Act, 15 U.S.C. § 1681i, “Procedures in case of disputed accuracy;”

D. Conduct or continue to conduct a reasonable reinvestigation in cases of disputed accuracy, as required by Section 611 of the Fair Credit Reporting Act, 15 U.S.C. § 1681i; and

E. Comply or continue to comply with the Disposal of Consumer Report Information and Records Rule, 16 C.F.R. Part 682.

III.

IT IS FURTHER ORDERED that respondent shall, for five (5) years, maintain and upon request make available to the Federal Trade Commission for inspection and copying documents demonstrating compliance with the requirements of Parts I and II of this order.

IV.

IT IS FURTHER ORDERED that respondent shall deliver a copy of this order to all current and future principals, officers, and directors, and to all current and future managers, employees, agents, and representatives having decision-making responsibilities with respect to MedPoint or any other consumer report, and shall secure from each such person a signed and dated statement acknowledging receipt of the order. Respondent shall deliver this order to such current personnel within thirty (30) days after the date of service of this order, and to such future personnel within thirty (30) days after the person assumes such position or responsibilities.

V.

IT IS FURTHER ORDERED that respondent and its successors and assigns shall notify the Commission at least thirty (30) days prior to any change in the corporation that may affect compliance obligations arising under this order, including but not limited to a dissolution, assignment, sale, merger, or other action that would result in the emergence of a successor corporation; the creation or dissolution of a subsidiary, parent, or affiliate

that engages in any acts or practices subject to this order; the proposed filing of a bankruptcy petition; or a change in the corporate name or address. Provided, however, that, with respect to any proposed change in the corporation about which respondent learns less than thirty (30) days prior to the date such action is to take place, respondent shall notify the Commission as soon as it is practicable after obtaining such knowledge. All notices required by this Part shall be sent by certified mail to the Associate Director, Division of Enforcement, Bureau of Consumer Protection, Federal Trade Commission, 600 Pennsylvania Avenue, N.W., Washington, D.C. 20580.

VI.

IT IS FURTHER ORDERED that respondent shall within sixty (60) days after the date of service of this order, and at such other times as the Federal Trade Commission may require, file with the Commission a report, in writing, setting forth in detail the manner and form in which it has complied with this order.

VII.

This order will terminate on February 6, 2028, or twenty (20) years from the most recent date that the United States or the Federal Trade Commission files a complaint (with or without an accompanying consent decree) in federal court alleging any violation of the order, whichever comes later; provided, however, that the filing of such a complaint will not affect the duration of:

- A. Any Part in this order that terminates in less than twenty (20) years;
- B. This order's application to any respondent that is not named as a defendant in such complaint; and
- C. This order if such complaint is filed after the order has terminated pursuant to this Part.

Provided, further, that if such complaint is dismissed or a federal court rules that the respondent did not violate any provision of the order, and the dismissal or ruling is either not appealed or upheld on appeal, then the order will terminate according to this Part as

though the complaint had never been filed, except that the order will not terminate between the date such complaint is filed and the later of the deadline for appealing such dismissal or ruling and the date such dismissal or ruling is upheld on appeal.

By the Commission.

Donald S. Clark
Secretary

SEAL:
ISSUED: February 6, 2008