

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

**COMMISSIONERS:**        **Maureen K. Ohlhausen, Acting Chairman  
Terrell McSweeney**

*In the Matter of* \_\_\_\_\_ )

Sentinel Labs, Inc., )  
a corporation dba SentinelOne and )  
SentinelOne.com. )

**DOCKET NO. C-**

**COMPLAINT**

The Federal Trade Commission (“Commission” or “FTC”), having reason to believe that Sentinel Labs, Inc., a corporation, has violated the Federal Trade Commission Act (“FTC Act”), and it appearing to the Commission that this proceeding is in the public interest, alleges:

1. Respondent Sentinel Labs, Inc. is a Delaware corporation also doing business as SentinelOne and SentinelOne.com with a principal office or place of business at 2513 E. Charleston Road, Suite 100, Mountain View, CA 94043.
2. Respondent provides endpoint protection software to enterprise customers.
3. The acts and practices of respondent as alleged in this complaint have been in or affecting commerce, as “commerce” is defined in Section 4 of the FTC Act.
4. Respondent has set forth on its website, <https://sentinelone.com/privacy-policy/>, privacy policies and statements about its practices, including (1) statements related to its participation in the Asia-Pacific Economic Cooperation (“APEC”) Cross-Border Privacy Rules (“CBPR”) system, and (2) statements related to its TRUSTe privacy certification.

## **APEC & the Cross-Border Privacy Rules**

5. The APEC CBPR system is a self-regulatory initiative designed to facilitate the protection of consumer data transferred across the APEC region. The CBPR system requires participants to abide by the APEC Privacy Framework's nine information privacy principles: preventing harm, notice, collection limitation, use, choice, integrity, security safeguards, access and correction, and accountability. In the United States, the FTC enforces the CBPR system.
6. Companies that seek to participate in the CBPR system must undergo a review by an APEC-recognized accountability agent to establish compliance with the CBPR program requirements. Companies undergo annual reviews to retain their status as certified CBPR participants. The names of certified companies are posted on a website, [www.cbprs.org](http://www.cbprs.org).

## **TRUSTe Privacy Certification**

7. True Ultimate Standards Everywhere, Inc. ("TRUSTe") provides privacy certifications and seals to businesses. A business that meets TRUSTe's designated program requirements for a particular certification program receives a corresponding seal for display on the business's website. Program requirements include specifications related to the transparency of company practices, verification of privacy practices, and consumer choice regarding the collection and use of consumer personal information.

## **Violations of Section 5 of the FTC Act**

8. Respondent has disseminated or caused to be disseminated privacy policies and statements on <https://sentinelone.com/privacy-policy/>, including, but not limited to, the following statements:

Sentinel One has received TRUSTe's Privacy Seal which means that this Privacy Policy and our practices have been reviewed by TRUSTe for compliance with its requirements regarding transparency, accountability and choice regarding the collection and use of your personal information. The TRUSTe certification only covers information collected on our site [www.SentinelOne.com](http://www.SentinelOne.com) and Sentinel One mobile application. The TRUSTe certification does not cover any information collected through any other application or medium. In addition, Sentinel Ones [sic] privacy practices, as described in this policy, comply with the APEC Cross Border Privacy Rules System. To learn more, please visit <http://www.apec.org/Groups/Committee-on-Trade-and-Investment/~media/Files/Groups/ECSG/CBPR/CBPR-PoliciesRulesGuidelines.ashx>. . . Any questions about this Privacy Policy should be addressed to [support@SentinelOne.com](mailto:support@SentinelOne.com) [sic] or to 4440 El Camino Real, Los Altos, CA 94022.

Count 1

9. Through the means described in Paragraph 8, Respondent represented, directly or indirectly, expressly or by implication, that it is certified to participate in the APEC CBPR system.
10. In fact, Respondent is not and never has been certified to participate in the APEC CBPR system. Therefore, the representation set forth in Paragraph 9 is false or misleading.

Count 2

11. Through the means described in Paragraph 8, Respondent represented, directly or indirectly, expressly or by implication, that a third party, TRUSTe, reviewed its privacy policy and privacy practices and verified that Respondent complies with its requirements relating to the privacy of personal information.
12. In fact, the third party did not review Respondent's privacy policy and privacy practices, and did not verify that Respondent complies with its requirements relating to the privacy of personal information. Therefore, the representation set forth in Paragraph 11 is false or misleading.
13. The acts and practices of Respondent as alleged in this complaint constitute deceptive acts or practices, in or affecting commerce, in violation of Section 5(a) of the Federal Trade Commission Act.

**THEREFORE**, the Federal Trade Commission this \_\_\_ day of \_\_\_\_ 2017, has issued this complaint against Respondent.

By the Commission.

Donald S. Clark  
Secretary

SEAL

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

**COMMISSIONERS:**      **Maureen K. Ohlhausen, Acting Chairman**  
                                  **Edith Ramirez**  
                                  **Terrell McSweeney**

<i>In the Matter of</i>	)	
	)	
<b>SpyChatter, Inc.,</b>	)	
<b>a corporation.</b>	)	
	)	<b>DOCKET NO.</b>
	)	

**COMPLAINT**

The Federal Trade Commission (“Commission” or “FTC”), having reason to believe that SpyChatter, Inc., a corporation, has violated the Federal Trade Commission Act (“FTC Act”), and it appearing to the Commission that this proceeding is in the public interest, alleges:

1. Respondent SpyChatter, Inc. is a California corporation with its principal office or place of business at 601 South Figueroa, Suite 4050, Los Angeles, CA 90017.
2. Respondent markets the SpyChatter app. This app is designed to enable private messaging.
3. The acts and practices of respondent as alleged in this complaint have been in or affecting commerce, as “commerce” is defined in Section 4 of the FTC Act.
4. Respondent has set forth on its website, <http://www.spychatter.net/privacy-policy/>, privacy policies and statements about its practices, including statements related to its participation in the Asia-Pacific Economic Cooperation (“APEC”) Cross-Border Privacy Rules (“CBPR”) system.
5. In fact, Respondent has not been certified to participate in the APEC CBPR system.

## **APEC & the Cross-Border Privacy Rules**

6. The APEC CBPR system is a self-regulatory initiative designed to facilitate the protection of consumer data transferred across the APEC region. The CBPR system requires participants to abide by the APEC Privacy Framework's nine information privacy principles: preventing harm, notice, collection limitation, use, choice, integrity, security safeguards, access and correction, and accountability. In the United States, the FTC enforces the CBPR system.
7. Companies that seek to participate in the CBPR system must undergo a review by an APEC-recognized accountability agent to establish compliance with the CBPR program requirements. Companies undergo annual reviews to retain their status as certified CBPR participants. The names of certified companies are posted on a website, [www.cbprs.org](http://www.cbprs.org).

## **Violations of Section 5 of the FTC Act**

8. Respondent has disseminated or caused to be disseminated privacy policies and statements on <http://www.spychatter.net/privacy-policy/>, including, but not limited to, the following statements:

All the information you provide may be transferred or accessed by entities around the world as described in this Privacy Policy. . . Please note that personal information, including the information provided regarding individuals who reside in a member state of the European Economic Area (EEA) and Switzerland is controlled by the Asia-Pacific Economic Cooperation (APEC) Cross Border Privacy Rules System. [sic] Learn more at <http://www.export.gov/safeharbor/index.asp>. SpyChatter abides by the APEC CBPR system, which provide [sic] a framework for organizations to ensure protection of personal information transferred among participating APEC economies.

9. Through the means described in Paragraph 8, Respondent represented, directly or indirectly, expressly or by implication, that it is certified to participate in the APEC CBPR system.
10. In fact, Respondent is not and never has been certified to participate in the APEC CBPR system. Therefore, the representation set forth in Paragraph 9 is false or misleading.
11. The acts and practices of Respondent as alleged in this complaint constitute deceptive acts or practices, in or affecting commerce, in violation of Section 5(a) of the Federal Trade Commission Act.

**THEREFORE**, the Federal Trade Commission this \_\_\_ day of \_\_\_\_ 2017, has issued this complaint against Respondent.

By the Commission.

Donald S. Clark  
Secretary

SEAL  
ISSUED:

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

**COMMISSIONERS:**        **Maureen K. Ohlaussen, Acting Chairman**  
                                 **Terrell McSweeney**

<i>In the Matter of</i>	)	
	)	
<b>Vir2us, Inc.,</b>	)	
<b>a corporation.</b>	)	
	)	<b>DOCKET NO.</b>
	)	

**COMPLAINT**

The Federal Trade Commission (“Commission” or “FTC”), having reason to believe that Vir2us, Inc., a corporation, has violated the Federal Trade Commission Act (“FTC Act”), and it appearing to the Commission that this proceeding is in the public interest, alleges:

1. Respondent Vir2us, Inc. is a California corporation with its principal office or place of business at 755 Baywood Drive, Petaluma, CA 94954.
2. Respondent provides cybersecurity software, including Xeropass – an identity authenticator solution – and distributes or promotes its Xeropass solution at [www.xeropass.com](http://www.xeropass.com), [www.vr2sinternational.com](http://www.vr2sinternational.com), and on the Mozilla browser add-on page <https://addons.mozilla.org/en-US/firefox/addon/xeropass/?src=cb-dl-updated>.
3. The acts and practices of respondent as alleged in this complaint have been in or affecting commerce, as “commerce” is defined in Section 4 of the FTC Act.
4. Respondent has set forth on a website for its software add-on, <https://addons.mozilla.org/en-US/firefox/addon/xeropass/?src=cb-dl-updated>, privacy policies and statements about its practices, including statements related to its participation in the Asia-Pacific Economic Cooperation (“APEC”) Cross-Border Privacy Rules (“CBPR”) system.
5. In fact, Respondent has not been certified to participate in the APEC CBPR system.

## **APEC & the Cross-Border Privacy Rules**

6. The APEC CBPR system is a self-regulatory initiative designed to facilitate the protection of consumer data transferred across the APEC region. The CBPR system requires participants to abide by the APEC Privacy Framework's nine information privacy principles: preventing harm, notice, collection limitation, use, choice, integrity, security safeguards, access and correction, and accountability. In the United States, the FTC enforces the CBPR system.
7. Companies that seek to participate in the CBPR system must undergo a review by an APEC-recognized accountability agent to establish compliance with the CBPR program requirements. Companies undergo annual reviews to retain their status as certified CBPR participants. The names of certified companies are posted on a website, [www.cbprs.org](http://www.cbprs.org).

## **Violations of Section 5 of the FTC Act**

8. Respondent has disseminated or caused to be disseminated privacy policies and statements on <https://addons.mozilla.org/en-US/firefox/addon/xeropass/?src=cb-dl-updated>, including, but not limited to, the following statements:

All the information you provide may be transferred or accessed by entities around the world as described in this Privacy Policy. . . . XeroPass abides by the Asia-Pacific Economic Cooperation (APEC) Cross Border Privacy Rules System. The APEC CBPR system provides a framework for organizations to ensure protection of personal information transferred among participating APEC economies . . . . If you have any questions or concerns about XeroPass' Privacy Policy or data processing or if you would like to make a complaint about a possible breach of local privacy laws, please contact us at [XeroPassSupport@vir2us.com](mailto:XeroPassSupport@vir2us.com) . . . . XeroPass, A division of Vir2us, Inc. 755 Baywood Drive, Petaluma, CA 94954 USA

9. Through the means described in Paragraph 8, Respondent represented, directly or indirectly, expressly or by implication, that it is certified to participate in the APEC CBPR system.
10. In fact, Respondent is not and never has been certified to participate in the APEC CBPR system. Therefore, the representation set forth in Paragraph 9 is false or misleading.



11. The acts and practices of Respondent as alleged in this complaint constitute deceptive acts or practices, in or affecting commerce, in violation of Section 5(a) of the Federal Trade Commission Act.

**THEREFORE**, the Federal Trade Commission this \_\_\_ day of \_\_\_\_\_ 2017, has issued this complaint against Respondent.

By the Commission.

Donald S. Clark  
Secretary

SEAL: