

UNITED STATES OF AMERICA
FEDERAL TRADE COMMISSION
OFFICE OF ADMINISTRATIVE LAW JUDGES



In the Matter of)
)
LabMD, Inc.,)
a corporation,)
Respondent.)

DOCKET NO. 9357

ORDER GRANTING JOINT MOTIONS FOR *IN CAMERA* TREATMENT OF CERTAIN EXHIBITS CONTAINING SENSITIVE PERSONAL INFORMATION

I.

Pursuant to Rule 3.45(b) of the Federal Trade Commission’s (“FTC”) Rules of Practice and the Revised Scheduling Order entered in this matter on October 22, 2013, FTC Complaint Counsel and Respondent filed two joint motions seeking *in camera* treatment for certain exhibits designated by Complaint Counsel and Respondent containing sensitive personal information, (collectively, “Motions”). The first motion pertains to exhibits containing sensitive personal information consisting of individuals’ names, addresses, dates of birth, Social Security numbers, driver’s license numbers, Current Procedure Terminology codes containing sensitive health information, individuals’ health insurance information, financial account numbers, and statements regarding drug use by certain individuals. The second motion pertains to exhibits containing personal information pertaining to a former LabMD employee.

Both Motions seek permanent *in camera* treatment for the exhibits listed therein. As set forth below, the Motions are GRANTED.

II.

Under Rule 3.45(b) of the Rules of Practice, after finding that material constitutes “sensitive personal information,” the Administrative Law Judge shall order that such material be placed *in camera*. 16 C.F.R. § 3.45(b). “Sensitive personal information” is defined as including, but not limited to, “an individual’s Social Security number, taxpayer identification number, financial account number, credit card or debit card number, driver’s license number, state-issued identification number, passport number, date of birth (other than year), and any sensitive health information identifiable by individual, such as an individual’s medical records.” 16 C.F.R. § 3.45(b). “Sensitive personal information . . . shall be accorded permanent *in camera* treatment unless disclosure or an expiration date is required or provided by law.” 16 C.F.R. § 3.45(b)(3).

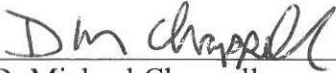
Through the first motion, the parties have demonstrated that the following exhibits constitute "sensitive personal information": CX0008, CX0009, CX0010, CX0011, CX0085, CX0087, CX0088, CX0090, CX0091, CX0092, CX0094, CX0104, CX0105, CX0106, CX0402, CX0407, CX0440, CX0441, CX0442, CX0451, CX0697, RX0006, RX0007, RX0416. In addition, pages 158 and 182 of CX0732 and RX0512 contain "sensitive personal information." The parties shall create a public version of these two exhibits, labeled CX0732-A and RX0512-A, that redacts the sensitive personal information from pages 158 and 182 and thus can be entered into the public record.

Through the second motion, the parties have demonstrated that the following exhibits constitute "sensitive personal information": CX0209, CX0210, CX0500, CX0714, CX0723, and RX0496.

III.

The Motions are GRANTED. Permanent *in camera* treatment is accorded to the above listed exhibits.

ORDERED:



D. Michael Chappell
Chief Administrative Law Judge

Date: May 6, 2014