



UNITED STATES OF AMERICA  
FEDERAL TRADE COMMISSION  
WASHINGTON, D.C. 20580

Office of the Secretary

November 12, 2010

Benjie Mann  
State of Minnesota

*Re: In the Matter of Rite Aid Corporation, File No. 072-3121, Docket No. C-4309*

Dear Mr. Mann:

Thank you for your letter commenting on the Federal Trade Commission's consent agreement in the above-captioned proceeding. Your letter was placed on the public record pursuant to Rule 4.9(b)(6)(ii) of the Commission's Rules of Practice, 16 C.F.R. § 4.9(b)(6)(ii), and was given serious consideration by the Commission.

Your comment asked how to determine whether a pharmacy shared personal information with another pharmacy or illegally disclosed personal information. To the extent you are requesting information on whether a particular Rite Aid Corporation ("Rite Aid") pharmacy disposed of personal information inappropriately, we have only partial information regarding the specific Rite Aid pharmacies in which personal information was disposed of inappropriately. In addition, pursuant to the Federal Trade Commission Act and Commission Rules, we are limited in our ability to share confidential information obtained in the course of our investigation.<sup>1</sup> You may wish to contact Rite Aid directly to request a listing of those pharmacies in which personal information was disposed of inappropriately. We can disclose that, according to public news reports, personal information was found in unsecured dumpsters used by Rite Aid pharmacies in Cleveland, Denver, Detroit, Louisville, Philadelphia, Hampton Roads, Virginia, and La Mirada, California.<sup>2</sup>

To the extent you are requesting general information on a pharmacy's information sharing practices, the Commission encourages you to ask your pharmacy about how your personal information will be used and shared prior to providing it. Organizations may use your information simply to process your order; to tell you about products and services; or to share

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<sup>1</sup> See Section 21(f) of the FTC Act, 15 U.S.C. § 57b-2(f); Commission Rule 4.10(d), 16 C.F.R. § 4.10(d).

<sup>2</sup> See *Drugstores Where 13 Investigates Found Customers' Personal Information in Unsecured Dumpsters*, 13 Eyewitness News WTHR, <http://wthr.images.worldnow.com/images/incoming/html/wherewefoundit.htm> (last visited August 24, 2010); Lori Crouch, *10 On Your Side Investigates: Prescription for Deception*, WAVY TV 10 (April 30, 2007); Tracy Garcia, *Job Applications Found in Trash*, Whittier Daily News (September 24, 2008).

with others. To learn additional information on protecting your personal information, we encourage you to read the FTC Consumer Alert, *Privacy: Tips for Protecting Your Personal Information*, available at <http://www.ftc.gov/bcp/edu/pubs/consumer/alerts/alt106.shtm>.

In the future, if you have any specific information suggesting that Rite Aid is not maintaining reasonable security of customer or employee information, you may contact the Consumer Response Center at (877) 382-4357, or file a complaint online at [www.ftccomplaintassistant.gov](http://www.ftccomplaintassistant.gov).

In addition, such conduct also may be covered by the Health Insurance Portability and Accountability Act (“HIPAA”) Privacy Rule, which protects the privacy of individually identifiable health information. If you believe Rite Aid may have violated your rights under HIPAA, you can file a complaint with the Office for Civil Rights of the Department of Health and Human Services. Information on how to file a complaint can be found at <http://www.hhs.gov/ocr/privacy/hipaa/complaints/index.html>.

After considering your comment, the Commission has determined that the public interest would best be served by accepting the consent order. Thank you again for your letter.

By direction of the Commission.

Donald S. Clark  
Secretary