



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

Office of the Secretary

November 12, 2010

Mr. or Ms. Baxter  
State of Pennsylvania

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

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.

You stated that you believe the Commission should disclose the Rite Aid Corporation ("Rite Aid") pharmacies where personal information was disposed of inappropriately. We have only partial information regarding which Rite Aid pharmacies disposed of information inappropriately, and, 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>

The Commission believes that the proposed consent order will ensure that Rite Aid uses reasonable and appropriate procedures to protect personal information of customers and employees going forward. Among other things, the proposed consent order requires Rite Aid to implement and maintain a comprehensive information security program reasonably designed to protect the security, confidentiality, and integrity of personal information and obtain independent assessments of the program's effectiveness every other year for 20 years. Further, the Commission will monitor Rite Aid's compliance with the order, and, if the company is found in violation, it could be subject to civil monetary penalties of up to \$16,000 per violation.

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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).

Your letter suggests you may be concerned that you could become a victim of identity theft as a result of Rite Aid's practices. The best way to detect identity theft is to monitor your financial accounts and bank statements each month, and to check your credit report on a regular basis. In addition, the law requires each of the major nationwide consumer reporting agencies to provide you with a free copy of your credit report at your request, once every 12 months.<sup>3</sup> If an identity thief is opening new credit accounts in your name, they are likely to show up on your credit report. Please visit our website to obtain additional information on how to deter, detect, and defend against identity theft. See <http://www.ftc.gov/bcp/edu/microsites/idtheft/>.

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

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<sup>3</sup> To order your free annual credit report from one or all of the national consumer reporting companies, visit [www.annualcreditreport.com](http://www.annualcreditreport.com), call toll-free 877-322-8228, or complete the Annual Credit Report Request Form and mail it to: Annual Credit Request Form Service, P.O. Box 105281, Atlanta, GA, 30348-5281.