

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



Office of the Secretary

June 7, 2011

Jake Meyer, J.D.  
Robert Ennesser  
Chicago-Kent College of Law  
State of Illinois

*Re: In the Matter of Chitika, Inc., File No. 102 3087, Docket No. C-4324*

Dear Messrs Meyer and Ennesser:

Thank you for your comment on the Federal Trade Commission's consent agreement in the above-entitled proceeding. The Commission has placed your comment 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 has given it serious consideration.

Your comment urges the Commission to approve the proposed consent order with Chitika, Inc. ("Chitika") but states that, going forward, online advertising companies should be required to obtain opt-in consent before collecting and using consumer data. The Commission believes that companies that collect and use consumer data should make their practices transparent to consumers and should also offer consumers the ability to control those practices. Specific consumer control mechanisms may vary depending upon the business model and context, as well as the nature of the data collected and used.

Your comment also notes the importance of companies communicating the status of consumers' choices and indicating when such choices will expire. You call on the Commission to maintain the requirement in the proposed order that Chitika clearly and prominently display the opt-out status of individual computer users. The Commission shares your view that this provision is important and should remain as proposed.

In light of these considerations, among others, the Commission has determined that the public interest would best be served by issuing the Decision and Order in final form without any modifications. The final Decision and Order and other relevant materials are available from the Commission's website at <http://www.ftc.gov>. It helps the Commission's analysis to hear from a variety of sources in our work, and we thank you again for your comment.

By direction of the Commission.

Donald S. Clark  
Secretary