

number and policy number; and Social Security number. The company also collects and maintains sensitive information from or about its employees and job applicants, which includes, among other things, Social Security numbers.

The complaint further alleges that Rite Aid engaged in a number of practices that, taken together, failed to provide reasonable and appropriate security for sensitive information from consumers, employees, and job applicants. In particular, Rite Aid failed to: (1) implement policies and procedures to dispose securely of such information, including, but not limited to, policies and procedures to render the information unreadable in the course of disposal; (2) adequately train employees to dispose securely of such information; (3) use reasonable measures to assess compliance with its established policies and procedures for the disposal of such information; or (4) employ a reasonable process for discovering and remedying risks to such information.

The complaint alleges that as a result of these failures, Rite Aid pharmacies discarded materials containing sensitive information in clear readable text (such as pharmacy labels and job applications) in unsecured, publicly-accessible trash dumpsters on numerous occasions. For example, in July 2006 and continuing into 2007 and 2008, television stations and other media outlets reported finding such information in unsecured dumpsters used by Rite Aid pharmacies in at least 7 cities throughout the United States. When discarded in publicly-accessible dumpsters, such information can be obtained by individuals for purposes of identity theft or the theft of prescription medicines.

The proposed order applies to sensitive information about consumers, employees, and job applicants obtained by Rite Aid. It contains provisions designed to prevent Rite Aid from engaging in the future in practices similar to those alleged in the complaint.

Part I of the proposed order prohibits misrepresentations about the security, confidentiality, and integrity of sensitive information. Part II of the order requires Rite Aid to establish and maintain a comprehensive information security program that is reasonably designed to protect the security, confidentiality, and integrity of such information (whether in paper or electronic format) about consumers, employees, and those seeking to become employees. The order covers health and other sensitive information obtained by all Rite Aid entities, including, but not limited to, retail pharmacies. The

security program must contain administrative, technical, and physical safeguards appropriate to Rite Aid's size and complexity, the nature and scope of its activities, and the sensitivity of the information collected from or about consumers and employees. Specifically, the order requires Rite Aid to:

- Designate an employee or employees to coordinate and be accountable for the information security program.

- Identify material internal and external risks to the security, confidentiality, and integrity of sensitive information that could result in the unauthorized disclosure, misuse, loss, alteration, destruction, or other compromise of such information, and assess the sufficiency of any safeguards in place to control these risks.

- Design and implement reasonable safeguards to control the risks identified through risk assessment, and regularly test or monitor the effectiveness of the safeguards' key controls, systems, and procedures.

- Develop and use reasonable steps to select and retain service providers capable of appropriately safeguarding sensitive information they receive from Rite Aid, and require service providers by contract to implement and maintain appropriate safeguards.

- Evaluate and adjust its information security programs in light of the results of testing and monitoring, any material changes to operations or business arrangements, or any other circumstances that it knows or has reason to know may have a material impact on its information security program.

Part III of the proposed order requires Rite Aid to obtain within one year, and on a biennial basis thereafter for a period of twenty (20) years, an assessment and report from a qualified, objective, independent third-party professional, certifying, among other things, that: (1) it has in place a security program that provides protections that meet or exceed the protections required by Part II of the proposed order; and (2) its security program is operating with sufficient effectiveness to provide reasonable assurance that the security, confidentiality, and integrity of sensitive consumer, employee, and job applicant information has been protected.

Parts IV through VIII of the proposed order are reporting and compliance provisions. Part IV requires Rite Aid to retain documents relating to its compliance with the order. For most records, the order requires that the documents be retained for a five-year period. For the third-party assessments

and supporting documents, Rite Aid must retain the documents for a period of three years after the date that each assessment is prepared. Part V requires dissemination of the order now and in the future to persons with responsibilities relating to the subject matter of the order. Part VI ensures notification to the FTC of changes in corporate status. Part VII mandates that Rite Aid submit a compliance report to the FTC within 60 days, and periodically thereafter as requested. Part VIII is a provision "sunsetting" the order after twenty (20) years, with certain exceptions.

The Commission conducted its investigation jointly with the Office for Civil Rights in the Department of Health and Human Services ("OCR-HHS"). Working together, the Commission and OCR-HHS each entered into separate but coordinated agreements with Rite Aid to resolve all the issues of both agencies.

This is the Commission's twenty-ninth case to challenge the failure by a company to implement reasonable information security practices, and the second case: (1) involving a health provider, (2) proceeding jointly with OCR-HHS, and (3) challenging the security of employee data.

The purpose of this analysis is to facilitate public comment on the proposed order. It is not intended to constitute an official interpretation of the proposed order or to modify its terms in any way.

By direction of the Commission.

Donald S. Clark

Secretary.

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DEPARTMENT OF HEALTH AND HUMAN SERVICES

[Document Identifier OS-0990-New; 30-Day Notice]

Agency Information Collection Request; 30-Day Public Comment Request

AGENCY: Office of the Secretary, HHS.

In compliance with the requirement of section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, the Office of the Secretary (OS), Department of Health and Human Services, is publishing the following summary of a proposed collection for public comment. Interested persons are invited to send comments regarding this burden estimate or any other aspect of this collection of information, including any of the following subjects: (1) The necessity and utility of the proposed

information collection for the proper performance of the agency's functions; (2) the accuracy of the estimated burden; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

To obtain copies of the supporting statement and any related forms for the proposed paperwork collections referenced above, e-mail your request, including your address, phone number, OMB number, and OS document identifier, to

Sherette.funncoleman@hhs.gov, or call the Reports Clearance Office on (202) 690-5683. Send written comments and recommendations for the proposed information collections within 30 days of this notice directly to the OS OMB Desk Officer; faxed to OMB at 202-395-5806.

Proposed Project: Girls at Greater Risk for Juvenile Delinquency and HIV Prevention Program—OMB No. 0990-New—Office on Women's Health (OWH).

Abstract: The Office on Women's Health (OWH) is seeking a new clearance to conduct a three year data collection associated with the evaluation of the "Girls at Greater Risk

for Juvenile Delinquency and HIV Prevention Program". The evaluation is designed to determine best practices and gender-responsive strategies for at-risk girls and adolescents between the ages of nine and 17 years. Data will be collected from program participants, parents of program participants, program staff (i.e. program directors and program staff), program partners and community residents and will be submitted to OWH as required. Primarily private non-profit organizations and girls and adolescents participating in the program and their parents will be affected by this data collection.

ESTIMATED ANNUALIZED BURDEN TABLE

Forms (if necessary)	Type of respondent	Number of respondents	Number of responses per respondent	Average burden hours per response	Total burden hours
Prevention Education Questionnaire	Program participant	750	2	2	3,000
Focus group	Program participant	120	1	90/60	180
Focus group	Parent of Program participant	120	1	90/60	180
Interview	Program Director	10	2	90/60	30
	Program Staff	10	150	30/60	750
Interview	Program Staff	10	2	45/60	15
Interview	Program Partner	60	1	45/60	45
Focus group	Program Partner	120	1	90/60	180
Community Event Survey	Community Resident	250	1	5/60	21
Total					4,401

Seleda Perryman,
Office of the Secretary, Paperwork Reduction Act Clearance Officer.
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DEPARTMENT OF HEALTH AND HUMAN SERVICES

[Document Identifier OS-4040-0002]

Agency Information Collection Request, 30-Day Public Comment Request; 30-Day Notice

AGENCY: Office of the Secretary, HHS.
In compliance with the requirement of section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, the Office of the Secretary (OS), Department of Health and Human Services, is publishing the following summary of a proposed collection for public comment. Interested persons are invited

to send comments regarding this burden estimate or any other aspect of this collection of information, including any of the following subjects: (1) The necessity and utility of the proposed information collection for the proper performance of the agency's functions; (2) the accuracy of the estimated burden; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

To obtain copies of the supporting statement and any related forms for the proposed paperwork collections referenced above, e-mail your request, including your address, phone number, OMB number, and OS document identifier, to *Sherette.funncoleman@hhs.gov*, or call

the Reports Clearance Office on (202) 690-5683. Send written comments and recommendations for the proposed information collections within 30 days of this notice directly to the OS OMB Desk Officer; faxed to OMB at 202-395-5806.

Proposed Project: SF-424 Mandatory—Revision—OMB No. 4040-0002—Grants.gov.

Abstract: The SF-424 mandatory forms are the government-wide forms used for mandatory grant programs. The only proposed revision to the form includes making the fax number in block 17 optional. The revised form will assist agencies in collecting required data elements through the SF-424 applications. This form could be utilized by up to 26 Federal grant making agencies with mandatory grant programs. The current 4040-0002 collection expires on July 31, 2010.

ESTIMATED ANNUALIZED BURDEN TABLE

Agency	Number of respondents	Number of responses per respondent	Average burden per response (in hours)	Total burden hours
DOT	300	1	1	300