

BBB EU SAFE HARBOR PROCEDURE REPORT 2011

During the review period covered by this Report, January 1 through December 31, 2011, Procedure staff received, reviewed and analyzed **122** complaints from consumers specifically directed to BBB EU SAFE HARBOR via mail, email, and the program's dedicated online complaint intake system at <http://www.bbb.org/us/european-dispute-resolution/consumer/>. (This Report does not address product quality, customer service or other complaints unrelated to privacy received from consumers in the EU and Switzerland by the Better Business Bureau Online Complaint System during the review period; nor does it include privacy complaints by U.S. consumers against BBB EU SAFE HARBOR participating businesses that may have been handled by that System during the period).¹

After initial analysis, these complaints were processed as follows:

84 complaints contained insufficient information to enable the Procedure to act on the complaint. Such complainants omitted required identifying information, such as the name of the company that was the subject of the complaint, or an address or other information enabling the Procedure to confirm that the complainant was a citizen or resident of the EU or Switzerland. In every such case the Procedure responded with a request for the additional information needed to proceed with the complaint. In these cases, the complainants did not respond or otherwise pursue the matter further through the Procedure.

35 complaints were determined to be outside the program's jurisdiction. In **24** instances, the consumer's complaint either did not concern a BBB EU SAFE HARBOR participating business, the consumer was not an EU or Swiss citizen or resident, or both. In **10** instances, the complaint was unrelated to privacy. In each of these cases, if an ineligible complaint concerned a U.S. business, the Procedure directed the complainant to the Better Business Bureau Online Complaint System as a possible avenue for resolution of the complaint.

Of the remaining complaints, **1** was found ineligible due to the consumer's affirmative statement that the consumer had not contacted the company. The consumer was advised that the Procedure Rules require a good faith

¹ The Better Business Bureau Online Complaint System hosted on the BBB national website at <https://www.bbb.org/consumer-complaints/file-a-complaint/get-started> receives over 1 million complaints annually against U.S. businesses from consumers in the United States and worldwide. During the review period, the System received over 1000 customer service complaints from consumers in the EU and Switzerland. Unless identified as EU Safe Harbor privacy complaints, these complaints were routed to the appropriate local BBB for processing and are not reported in the "ineligible" numbers for the Procedure.

effort by the consumer to resolve the matter directly with the company as a condition of eligibility, and that failing a satisfactory response from the company, the consumer could resubmit the complaint. The consumer did not pursue the matter with the Procedure.

The other **3** cases were found eligible for resolution by the Procedure. Each case was resolved by settlement following conciliation by Procedure staff, and satisfactory performance of the settlement was verified with the consumer.

