


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



Office of the Secretary

June 18, 2009

Mr. John R. Butcher
Commonwealth of Virginia

Re: In the Matter of CVS Caremark Corporation, File No. 072-3119, Docket No. C-4259

Dear Mr. Butcher:

Thank you for your letter commenting on the Federal Trade Commission's consent agreement in the above-entitled 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. The Commission's responses follow.

Several of your comments concern assessments required by the order. In particular, you ask the Commission to: require security professionals to decide whether CVS Caremark Corporation's ("CVS Caremark") security measures are reasonable, based on concepts (*e.g.*, confidentiality, integrity, and availability) generally used in the information security profession; ensure that assessors are independent by requiring an independent third party to select and pay the assessor, with CVS Caremark to reimburse the cost; and require CVS Caremark to produce its initial assessment on the date when the order becomes final.

The Commission shares your view about the importance of using information security professionals to perform the required assessments and that such professionals rely on principles generally used in the profession. Accordingly, the order requires that assessments be conducted by independent, objective, third-party professionals using standards and procedures generally accepted in the profession. Further, consistent with generally accepted information security standards, CVS Caremark's program must be reasonably designed to protect the security, confidentiality, and integrity of personal information, and the assessor must certify that the program is operating with sufficient effectiveness to provide reasonable assurance that such standards are met.

The Commission also believes that the order provides it with appropriate means to evaluate the qualifications, independence, and objectivity of assessors and the credibility of their assessments. The Commission may review CVS Caremark's compliance with the order at any time by requesti

The Commission believes that changing the due date for the initial assessment could result in the failure to evaluate important aspects of how the information security program operates and would be impractical for an entity like CVS Caremark, which operates more than 6,000 pharmacies and a pharmacy benefit management business. The order, as proposed, require