

From: "Robert L. Vaessen" <[redacted]@vaessen.net>
Subject: Re: IGAR 2006-0236
Date: June 16, 2006 20:24:45 MDT
To: [redacted] Lt Col, USAF" <[redacted]@aafes.com>
Cc: [redacted]@vaessen.net

Lt Col [redacted] -

Once again thanks for the reply. No further response is necessary.

It is now apparent that you understand most of my concerns and complaints. Unfortunately, it appears that you just don't care. You've managed to ignore or dismiss my concerns. You've convinced yourself that AAFES is permitted to give away my personal information to whomever they want. You've even managed to justify the violation of federal laws.

From the content of your response, it's apparent that you don't understand what spam is, and you really don't care whether the personal information of more than 50,000 AAFES customers was given away to a third party.

| AAFES hired Zoomerang to do a survey for them.

That's fine, AAFES is free to hire a third party to do a survey. I don't have a problem with that.

| In doing this survey, Zoomerang represented AAFES as a contractor and had our permission to use our name to take the survey.

This I have a problem with. Nowhere in the survey solicitation does it state that Zoomerang is acting as a contractor to conduct a survey on the behalf of AAFES. Instead they pretended to be AAFES. They attempted to deceive the recipients. They tried to make people think that they were AAFES. Zoomerang is not AAFES. Despite the fact that AAFES hired Zoomerang, it is still illegal for Zoomerang to represent itself as AAFES. You cannot give Zoomerang permission to break the law. You cannot give Zoomerang permission to misrepresent their identity in an email. They sent the email, not AAFES. They did not disclose who they were. They did not indicate that they were offering a solicitation on the behalf of AAFES.

If AAFES had sent the email there wouldn't have been a violation of federal law:

According to the Federal Trade Commissions web site <<http://www.ftc.gov/bcp/online/pubs/buspubs/canspam.htm>> The CAN-SPAM act:

bans false or misleading header information. Your email's "From," "To," and routing information – including the originating domain name and email address – must be accurate and identify the person who initiated the email.

AAFES did not initiate this email. Zoomerang did. They forged the From: address on the email. That is a violation of the CAN-SPAM act.

| After the survey, they provided the results to AAFES and deleted the contact info that was retrieved. This was their obligation to AAFES.

I'm really not interested in what the contract between AAFES and Zoomerang was. I was not a willing party to that contract. You didn't solicit my permission to be a party to that contract, and I had no option in regards to how they obtained my personal information. Their obligation to AAFES is immaterial to me.

| The proof of this is that out of over 50,000 surveys that they did, we have had one person complain about being contacted by Zoomerang.

I fail to see how that 'proves' that Zoomerang fulfilled their obligation to AAFES. I fail to see how that proves that they deleted the personal information that AAFES gave them. You cannot know for certain that Zoomerang deleted the information. I don't know whether they deleted the information, and you don't know whether they deleted the information. Just because they say they did, that doesn't mean they're not lying to you. After all, they lied to over 50,000 AAFES customers when they sent that survey solicitation.

They forged their emails to make them look like they came from AAFES. Apparently, I was the only one able to see past their deception and discover the facts of the matter. How can you say that the lack of complaints (mine being the only one) 'Proves'

that Zoomerang deleted the personal information? That doesn't prove anything.

I certainly hope they deleted the personal information. That's not the point though. The point is that AAFES gave my personal information to Zoomerang. AAFES violate their publicly posted privacy policy.

Perhaps a reminder is necessary?

Reference the AAFES Privacy and Security notice <<http://www.aafes.com/docs/privacy.htm>>, paragraph 3.
We do not sell or exchange names or any other information about our online customers with third parties.

AAFES gave my personal information to Zoomerang. What else do I need to say?

The only glimmer of light is your personal apology.

| I apologize if it offended you that we shared your name with this trusted contactor.

Thanks. Unfortunately, I wasn't asking for your personal apology. I'm trying to get AAFES to admit that they violated their own privacy policy. I'd like AAFES to admit that they gave away the personal information of over 50,000 customers. This is worse than theft of data. Here was intentional release of personal information to a third party. Only by admitting that they made a mistake will AAFES be able to move forward and take corrective action to prevent future violations of their privacy policy.

| If you don't want to take the survey, that is your prerogative.

In light of the facts, I would not and did not take part in the survey. If 'AAFES' had asked me (Instead of Zoomerang pretending to be AAFES) to participate in the survey I would have.

In either case, this is irrelevant to the real issue at hand. AAFES gave my personal information to a third party. AAFES directly violated their own publicly posted privacy policy.

| In summary, AAFES did not violate our promise to you that we would not share your personal information.

Yes AAFES did. They shared my personal information with a third party. Come on, you've got to be kidding. How can you say that AAFES didn't share my personal information? Did Zoomerang steal the information? Did they get my information (which is uniquely tagged to indicate its source) from a different source altogether? How can you actually claim that AAFES did not give my information to Zoomerang? The evidence is overwhelming and incontrovertible. As a matter of fact, you even admit that AAFES gave my information to Zoomerang.

| we shared your name with this trusted contactor.

AAFES shared more than my name, they shared my email address as well. If AAFES hadn't give my name and email address to Zoomerang, they wouldn't have been able to conduct this survey. Your claim that AAFES didn't share my personal information is patently absurd. This statement pretty much sums up the entire problem. AAFES is unable to admit that they gave my information to a third party.

To do so would be tantamount to admitting that they violated their own privacy policy. Despite the fact that you are the IG, it's rather apparent that you will do and say whatever is necessary to vindicate, justify and indemnify the actions of AAFES in this matter. You have no interest in showing AAFES to be 'in the wrong'.

If AAFES didn't give my personal information to Zoomerang, why was a non-disclosure agreement necessary?

You also stated that Zoomerang "deleted the contact info." What contact info were you talking about? Perhaps you were talking about some totally unrelated contact information. It certainly seems clear to me that you were talking about 'My contact info'.

| We used your personal information to conduct a survey to ensure we were offering you the best service possible.

That's not true. AAFES gave my personal information to a third party, and they conducted the survey. AAFES could have conducted the survey themselves. There are plenty of survey scripts, programs and options available in order to conduct online surveys. If AAFES didn't have the expertise to configure the necessary scripts and or software in order to conduct the survey entirely in house, they could have hired a contractor to configure the necessary scripts and software for them, while still 'conducting' the survey in house.

Instead, AAFES chose to contract a third party in order to 'conduct' the survey. AAFES then provided this third party contractor with the personal information of over 50,000 customers.

| Zoomerang was contracted, as an employee of AAFES, to perform that task. This is a common practice in retail.

So here you attempt to justify the violation of federal laws (and AAFES violation of their own privacy policy) by labeling Zoomerang as an AAFES employee. Most spammers are hired by someone else in order to send solicitations (spam). The spammer sends the solicitation on behalf of the guy who's selling the cut rate pharmaceuticals. You have just led me to describe the AAFES - Zoomerang relationship in an equivalent light.

Sure, hiring a contractor to perform a task that you can't accomplish is common practice in retail. Giving my personal information to a third party is still a direct violation of the contract AAFES had with me.

Once again I find that I must reference the AAFES privacy policy <<http://www.aafes.com/docs/privacy.htm>>, paragraph 3. *We do not sell or exchange names or any other information about our online customers with third parties.*

AAFES gave my personal information to Zoomerang.

Despite your claims to the contrary, Zoomerang is not AAFES. Even if they were hired by AAFES, they are still not AAFES, and the fact that they were hired by AAFES does not justify AAFES violation of their publicly posted privacy policy.

I provided my personal information to AAFES in full expectation that AAFES would not give my personal information to a third party. AAFES gave my personal information to a third party.

| If you are contacted by Zoomerang again for business other than AAFES business, feel free to let us know and we will review that contact.

I'm not expecting them to contact me, but that's irrelevant to my concerns. I'm more upset with AAFES than I am with Zoomerang. Zoomerang didn't have a contract with me. AAFES did. Zoomerang didn't violate any contract with me, AAFES did.

Once again thanks for the reply, but no further response is necessary.

I get it. We disagree. I can clearly see how AAFES violated their own privacy policy when they gave my information to Zoomerang.

You on the other hand, think that AAFES can do anything they want with that personal information. All you have to do is justify it by saying 'we hired them, therefore they are AAFES employees, therefore they are us, therefore we didn't give away your personal information.' Your circular logic is impeccable but corrupt.

Contacting you hasn't been a total waste of time, through our email conversation you have made it clear that AAFES has no interest in protecting the privacy of their customers, and you've helped me clarify my objections to this violation of policy. You've also convinced me that I cannot expect the AAFES IG to seriously consider any issue which might find AAFES to be in the wrong.

I'll look for other avenues to express my concerns. Maybe there's someone in the government who cares about this willful violation of privacy policy. I'll have to do some research.

Good day

- Robert Vaessen

On Jun 14, 2006, at 08:15, Blair, Robert J., Lt Col, USAF wrote:

| I understand your concerns. Clearly, I am a consumer as well and have dealt with businesses that have sold my email address. As a Fraud Investigator, I am careful to whom I give out my email address. As you have done for this complaint, I set up a separate address to order stuff online so it doesn't interfere with my personal emails.