

# FTC settles with Eli Lilly over disclosure of client e-mail addresses

Report by Eugene Oscapella

**T**HE US FEDERAL TRADE COMMISSION (FTC) has announced a settlement with Eli Lilly and Company over a case in which the privacy of its anti-depressant drug clients was compromised.

The case highlights serious risks in sending e-mail messages out to multiple recipients. The problem arose because of a simple mistake that is very common in many businesses – listing the e-mail addresses of all recipients in the “To:” line of the message, instead of listing the addresses in the “Bcc:” line.

The FTC announced on January 18th that Eli Lilly and Company had agreed to settle FTC charges over the unauthorised disclosure of sensitive personal information collected from consumers through its Prozac.com website. As part of the settlement, Lilly will take appropriate security measures to protect consumers’ privacy.

## BACKGROUND

From early-2000 until mid-2001, Lilly offered consumers its “Medi-messenger” e-mail reminder service.

Consumers who used Medi-messenger could design and receive personal e-mail messages to remind them to take or refill their medication. Once a consumer registered for the service, the reminder messages were automatically sent by Lilly to the subscriber at the e-mail address provided, and according to the schedule requested. These reminders were individualised e-mails and did not identify any other subscribers to the service.

However, on June 27th a Lilly employee sent subscribers an e-mail message announcing the termination of the Medi-messenger service. The message included all of the recipients’ e-mail addresses within the “To:” line of the message, thereby unintentionally disclosing to each subscriber the addresses of all 669 Prozac users signed up to the Medi-messenger service. This

mistake could have been avoided simply by placing the e-mail addresses within the “Bcc:” line of the message.

The proposed settlement would bar misrepresentations about the extent to which Lilly maintains and protects the privacy or confidentiality of any personal information held on consumers. Lilly would also be required to implement a four-stage information security program designed to establish and maintain reasonable and appropriate administrative, technical, and physical safeguards to protect consumers’ personal information against any reasonably anticipated threats or hazards to its security, confidentiality, or integrity, and to protect such information against unauthorised access, use, or disclosure.

*Further information can be found at [www.ftc.gov/opa/2002/01/elililly.htm](http://www.ftc.gov/opa/2002/01/elililly.htm)*



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