

Before the
FEDERAL TRADE COMMISSION
Washington, DC 20580

In the Matter of)
)
Complaint and Request for Investigation of)
Doctor's Associates, Inc.'s Violation of the)
Children's Online Privacy Protection Act in)
Connection with SubwayKids.com)

COMPLAINT AND REQUEST FOR INVESTIGATION

Submitted by

**Center for Digital Democracy
American Academy of Child and Adolescent Psychiatry
Berkeley Media Studies Group
Campaign for a Commercial-Free Childhood
Center for Media Justice
Center for Science in the Public Interest
Children Now
Consumer Action
Consumer Federation of America
Consumer Watchdog
ChangeLab Solutions
Global Action Project
Media Literacy Project
Privacy Rights Clearinghouse
Public Citizen
Public Health Advocacy Institute
Rudd Center for Food Policy & Obesity at Yale**

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August 22, 2012

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The Center for Digital Democracy (“CDD”), by its attorneys, the Institute for Public Representation (“IPR”), joined by American Academy of Child and Adolescent Psychiatry, Berkeley Media Studies Group, Campaign for a Commercial-Free Childhood, Center for Media Justice, Center for Science in the Public Interest, Children Now, Consumer Federation of America, Consumer Watchdog, ChangeLab Solutions, Global Action Project, Media Literacy Project, Privacy Rights Clearinghouse, Public Citizen, Public Health Advocacy Institute (“PHAI”), and Rudd Center for Food Policy & Obesity at Yale (collectively, “Children’s Privacy Advocates”), ask the Federal Trade Commission (“FTC”) to investigate and bring an action against Doctor’s Associates, Inc. for operating the website SubwayKids.com in violation of the Children’s Online Privacy Protection Act (“COPPA”). SubwayKids.com is a website directed at children under age 13 that collects personal information from children without giving clear and understandable notice to parents and without even attempting to obtain verifiable parental consent.

I. Background

Doctor’s Associates, Inc. owns and franchises the Subway chain of sandwich shops. Subway is the world’s largest submarine sandwich franchise and the second-largest restaurant

franchise in the world.¹ It is also the world's largest quick-service restaurant chain, recently surpassing McDonald's.² DAI was founded in 1965 and is headquartered in Milford, Connecticut.³

SubwayKids.com is a sophisticated interactive website promoting the Subway brand, clearly geared to children under the age of 13. The site offers "advergames"—online video games and other child-oriented activities that incorporate Subway products. The website not only encourages children to spend time playing in the Subway-branded environment, but it encourages them to facilitate viral marketing by supplying the email addresses of their friends, so that Subway can send the friends emails urging them to visit the website and play the advergames as well.

This complaint is based on research performed by CDD, IPR, and PHAI from February through May of 2012. Since then, the features available on the SubwayKids.com website have been replaced with games and activities based on the Disney film *Brave*. Because the *Brave* promotion is temporary, we remain concerned about the site features upon which this complaint is based.

II. DAI's Child-Directed Website SubwayKids.com Fails to Comply with the Children's Online Privacy Protection Act

COPPA makes it unlawful for any operator of a website directed to children to collect personal information from a child unless it complies with certain requirements. These

¹ Doctor's Associates, Inc., *Student and Educator Resource Guide 3* (2010), available at <http://www.subway.com/ContactUs/StudentGuideEdits.pdf>.

² Yahoo! Finance, Doctor's Associates, Inc. Company Profile, <http://biz.yahoo.com/ic/40/40450.html> (last visited August 21, 2012).

³ Businessweek, Company Overview of Doctor's Associates, Inc., <http://investing.businessweek.com/research/stocks/private/snapshot.asp?privcapId=246718> (last visited August 19, 2012).

requirements include providing notice of the information collection and obtaining “verifiable parental consent for the collection, use or disclosure of personal information from children.”⁴

A. The SubwayKids.com Website Is Directed to Children Under the Age of 13

A company is subject to COPPA if it operates a website directed to children, defined as “an individual under the age of 13.”⁵ SubwayKids.com is clearly directed to children under age 13. Indeed, the very name of the website indicates that it is directed to children.

The main page of SubwayKids.com lists two ways to enter the site: one for “Grown Ups” and the other for “Kids.”⁶ When a child enters the kids’ portal, she is invited to “Choose a kid to hang out with.”⁷ The Subway Kids are animated characters explicitly identified as under the age of thirteen. For example, “Herb” is 12 and “Apple” is 8.

The child has to play child-oriented advergames to win “energy points” for the Subway Kid she has selected. Available games include “Triple Play,” in which the child controls a swinging baseball bat and wins points for hitting a subway sandwich, and “Veggie Vault,” in which the child controls a vegetable launcher and wins points for launching the veggies onto her favorite subway sandwich.

B. Subway Collects Personal Information from Children on SubwayKids.com

Games on SubwayKids.com collect personal information from children. To illustrate how these games collect personal information, IPR took screenshots of our experience testing the Pants Dance game, in which a child controls animated pants and wins points for catching falling items—including Subway sandwiches—in the pants.⁸ Whimsical music plays in the background.

⁴ 15 U.S.C. § 6502.

⁵ 16 C.F.R. 312.2-3.

⁶ See Appendix A at Figure 1.

⁷ See Appendix A at Figure 2.

⁸ See Appendix A at Figure 3.

Upon finishing playing Pants Dance, the child is presented with three options: “play again,” “save your score,” or “send to a friend.” If she selects the third option, a popup window appears asking her to provide her first name, her friend’s first name, and her friend’s email address.⁹ However, we were able to enter simulated full names, “Coppa Research” and “Coppa Researchtwo.”¹⁰ After the child clicks “submit,” the recipient child receives an email from SubwayKids.com stating, “Hey Coppa Researchtwo, Coppa Research says: Check out SUBWAYKids.com! You can play the Pants Dance game, pick your own controller and meet the SUBWAY Kids. Cool stuff!”¹¹

The tell-a-friend form collects personal information from children. The COPPA Rule defines “collects” as “the gathering of any personal information from a child by any means, including but not limited to . . . [r]equesting that children submit personal information online.”¹² An operator need not store the information it receives to “collect” it. As the Commission explained in its Statement of Basis and Purpose, “the definition of collects or collection has been modified to cover any request by the operator that children submit information online.”¹³

The COPPA Rule defines “personal information” as “individually identifiable information about an individual collected online.”¹⁴ This includes “an e-mail address or other online contact information, including but not limited to an instant messaging user identifier, or a screen name that reveals an individual’s e-mail address.”¹⁵ Email addresses thus indisputably constitute personal information under the rule.

⁹ See Appendix A at Figure 4.

¹⁰ *Id.*

¹¹ See Appendix A at Figure 5.

¹² 16 C.F.R. § 312.2(a).

¹³ Children’s Online Privacy Protection Rule: Final Rule, 64 Fed. Reg. 59,888, 59,889 (1999).

¹⁴ 16 C.F.R. § 312.2.

¹⁵ 16 C.F.R. § 312.2 (c).

C. Subway’s Collection of Children’s Personal Information Does Not Comply with the COPPA Rule

Under COPPA, collecting personal information from a child constitutes unfair and deceptive trade practice in violation of Section 5 of the Federal Trade Commission Act unless the site operator complies with the notice and consent provisions set forth in the COPPA Rule.

1. SubwayKids.com Fails to Comply with COPPA’s Notice Requirements

The COPPA Rule requires that any website directed to children that collects personal information from children provide notice “of what information it collects from children, how it uses such information, and its disclosure practices for such information.”¹⁶ All notices must be clearly and understandably written, be complete, and must contain no unrelated, confusing or contradictory materials. Further, the COPPA Rule specifies that the website operator “must post a link to a notice of its information practices with regard to children on the home page . . . and at each area on the website . . . where personal information is collected from children.”¹⁷

The SubwayKids.com homepage includes a link to the site’s privacy policy. That privacy policy states in relevant part:

A Note to Parents/Guardians—Additional Information About Children’s Privacy¹⁸

At SFAFT [Subway Franchisee Advertising Trust Fund], children’s privacy is important to us. Therefore, we take additional measures to help children protect their privacy while online including not asking them to disclose more personally identifiable information than is necessary for them to participate in an activity and encouraging them to use non-personally identifiable screen names rather than their real names.

¹⁶ 16 C.F.R. § 312.3-4.

¹⁷ 16 C.F.R. § 312.4(b).

¹⁸ <http://subwaykids.com/PrivacyPolicy.aspx> (last visited August 19, 2012). The full text of the privacy policy is attached as Appendix B.

Children can participate in many of our features without providing personally identifiable information. However, to enable their participation in certain of our interactive features, we may ask children to provide us with personally identifiable information. The types of information we may request include first name as well as child's, parent's, or friend's e-mail addresses. We use a child's e-mail address to respond to a specific request to participate in an activity (e.g., participate in a contest or sweepstakes, respond to their question, enable them to subscribe to a newsletter). A friend's e-mail address may be used to send them an electronic greeting card or a forward-to-a-friend message.

The notification that the website may collect a child's friend's email address "to send them an electronic greeting card or a forward-to-a-friend message" does not provide a complete or accurate description of what information it collects from children, how it uses such information, or its disclosure practices. Nor does it disclose that the site uses children's email addresses to send marketing messages. Moreover, the policy is confusing and contradictory because it claims that "children's privacy is important to us," but in fact, it uses its child-oriented website to collect children's email addresses and send them marketing messages without adequate notice or verifiable parental consent.

SubwayKids.com also fails to post a link to the privacy policy at each point at which it collects personal information. As can be seen in the screenshots recorded during our investigation, the site provides no notice of its privacy policy when it collects email addresses in the tell-a-friend form accessed from each game.¹⁹ This is a clear violation of Rule 312.4(b)(1).

Finally, the tell-a-friend form makes no mention at all of parents. This violates COPPA Rule 312.4(c), which requires a website operator to "make reasonable efforts . . . to ensure that a *parent* of a child receives notice of the operator's practices with regard to the collection, use, and/or disclosure of the child's personal information" (emphasis added).

¹⁹ See Appendix A at Figure 4.

2. SubwayKids.com Fails to Comply with COPPA’s Requirement that it Obtain Verifiable Parental Consent Before Collecting Personal Information From a Child

COPPA Rule 312.5 requires the website operator to “[o]btain verifiable parental consent prior to any collection, use, and/or disclosure of personal information from children.”

SubwayKids.com makes no attempt to obtain parental consent before collecting a child’s personal information.

3. SubwayKids.com’s Collection of Email Addresses Is Not Exempt Under COPPA’s One-Time Contact Exception

SubwayKids.com’s collection of children’s personal information without giving notice to parents and obtaining verifiable parental consent does not fall within any of the COPPA exceptions. COPPA Rule 312.5(c) sets forth five exceptions to the consent requirement, only one of which arguably has any relevance here.²⁰ COPPA Rule 312.5(c)(2) provides that verifiable parental consent is not required “[w]here the operator collects online contact information from *a child* for the sole purpose of responding directly on a one-time basis to a specific request from *the child*, and where such information is not used to recontact *the child* and is deleted by the operator from its records.”²¹

It is clear from the language that the terms “a child” and “the child” refer to the same child. The FTC anticipated that this exception would apply when a child requested homework help or a copy of a document.²² When SubwayKids.com collects the email address of a child’s friend for the purpose of sending marketing messages to that friend, the child’s friend has not requested

²⁰ The other exemptions are for collecting the parent’s address for purposes of obtaining consent, or where disclosure is necessary to protect the safety of the child.

²¹ 16 C.F.R. § 312.5(c)(2) (emphasis added).

²² Children’s Online Privacy Protection Rule: Final Rule, 64 Fed. Reg. 59,888, 59,902 (1999).

that Subway send her anything. Thus, SubwayKids.com's collection of email addresses is not exempt under the plain language of §312.5(c)(2).

4. SubwayKids.com's Collection of Personal Information Does not Follow the Guidance in the FTC's Frequently Asked Questions

The FTC's website has a document entitled "Frequently Asked Questions about the Children's Online Privacy Protection Rule" (FAQ) that is intended to supplement other compliance materials on the FTC website. Only one question, Question 44, addresses practices similar to the tell-a-friend function utilized by SubwayKids.com.

44. My child-directed website wants to offer electronic post cards and the ability for children to forward items of interest on my site to their friends. Can I take advantage of one of the email exceptions to parental consent?

It depends on how you design your e-card or forward-to-a-friend system. Any system providing the opportunity to reveal any personally identifiable information (PII) other than the recipient's email address requires you to obtain heightened verifiable consent from the sender's parent, and does not fall within one of COPPA's limited exceptions. This means that if your e-card/forward-to-a-friend system permits PII to be disclosed in either the "from" or "subject" lines, or in the body of the message, then you must notify the sender's parent and obtain parental consent using one of the more reliable methods to obtain verifiable consent enumerated in the Rule *before* collecting any PII from the child.

In order to take advantage of COPPA's one-time contact exception for your e-cards, your webform may only ask for recipient's email address (and, if desired, sender and/or recipient's first name and last initial). Your e-card system must not permit the sender to enter her full name, her email address, or the recipient's full name. In addition, you may not provide users with the ability to freely type messages in either the subject line of the e-card or in any text fields.

Finally, you should immediately send the e-card, and then automatically delete the recipient's email address after sending. If you choose to retain the recipient's email address until some point in future (*e.g.*, until e-card is opened by the recipient, or if you allow the sender to indicate a date in the future when the e-card

should be sent), you must collect the sender's parent's email address and provide notice and opt-out to sender's parent *before* the e-card is sent. *See* Statement of Basis and Purpose, 64 Fed. Reg. 59888 *et seq.*, available at www.ftc.gov/os/1999/10/64fr59888.pdf, p. 59902, n.222

This guidance may not apply to SubwayKids.com at all. It refers to “e-cards” and “forward to a friend features,” suggesting that the guidance was intended to allow children to send birthday cards and holiday greetings to their friends, or to forward an article of interest—not to allow children to be used for viral marketing.²³

Even if the guidance applies here, DAI has failed to follow its restrictions. FAQ 44 specifies that “your webform may only ask for recipient’s email address (and, if desired, sender and/or recipient’s first name and last initial). Your e-card system must not permit the sender to enter her full name, her email address, or the recipient’s full name.” Even though the SubwayKids.com web form asks only for the child’s first name, nothing stops the child from entering both a first and last name, as our investigation discovered.²⁴

²³ According to the FAQ, Question 44 was revised on October 7, 2008. CDD has not been able to find any additional information about the purpose of the question or the revision.

²⁴ *See* Appendix A at Figure 4.

III. Conclusion

For the foregoing reasons, Children's Privacy Advocates respectfully request that the FTC take prompt action against DAI for its collection of personal information from children in violation of COPPA. By failing to comply with its obligation to provide notice of its privacy practices and obtain verifiable consent from parents before collecting personal information from children, SubwayKids.com endangers children's privacy, exposes children to intrusive marketing behind parents' backs, and violates the FTC's regulations.

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August 22, 2012

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Figure 1
Kids' Portal



Figure 2
Choose a Kid to Hang Out With



Figure 3
The Pants Dance Game

The image shows a 'Tell a Friend' form from Subway Kids. The form is set against a dark red background with a yellow speech bubble icon and the text 'TELL A FRIEND'. It contains four input fields: 'FRIEND'S FIRST NAME' (Coppa Researchtwo), 'FRIEND'S EMAIL ADDRESS' (copparesearch2@yahoo.com), 'YOUR FIRST NAME' (Coppa Research), and 'YOUR EMAIL ADDRESS' (copparesearch@yahoo.com). Below these is a 'MESSAGE' field with the text: 'Check out SUBWAYKids.com! You can play the Pants Dance game, pick your own controller and meet the SUBWAY® Kids. Cool stuff!'. A disclaimer at the bottom states: 'Hey kids, the information you supply on this page will only be used to send this e-mail to your friend. We will not save this information.' At the bottom are two buttons: 'SUBMIT' and 'DONE'.

Figure 4
Tell-a-Friend Form

Appendix A: SubwayKids.com Screenshots

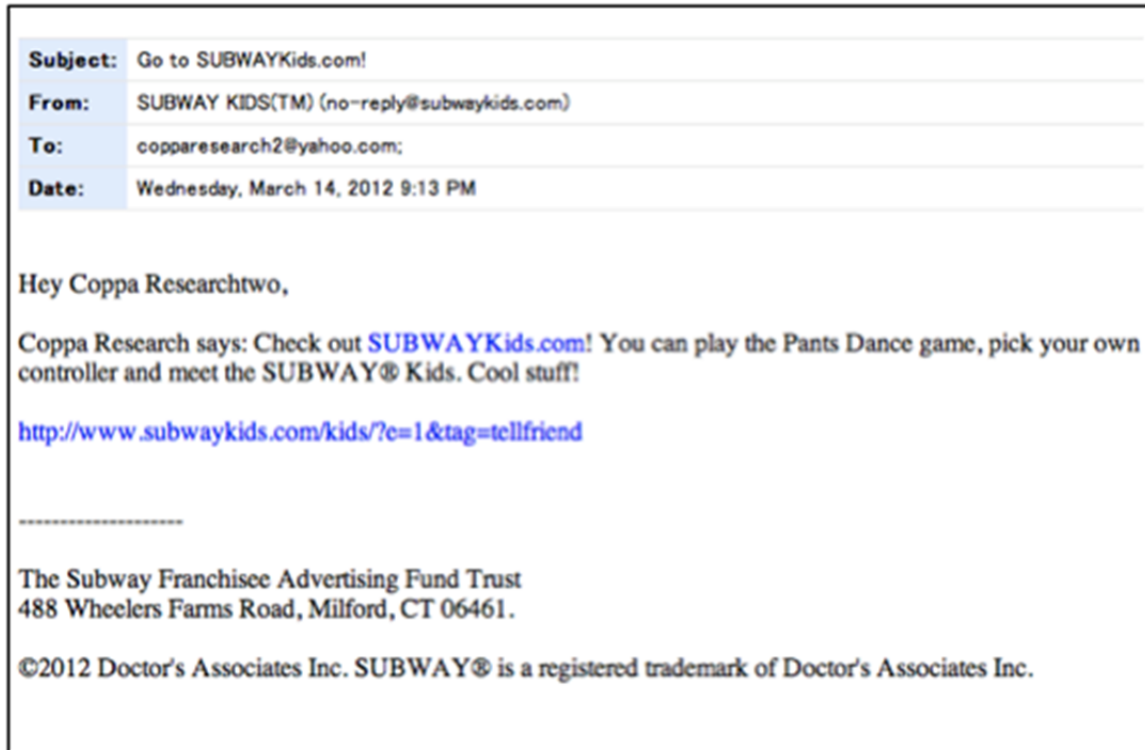


Figure 5
Recipient Email

PRIVACY POLICY²⁵

This is the Internet Privacy Policy for websites owned and operated by SFAFT. You can write to us at SFAFT, 488 Wheelers Farms Road, Milford, CT 06461. We can be reached by email at privacyofficer@sfaft.org.

The Subway Franchisee Advertising Fund Trust ("SFAFT") is the sponsor of web sites covered by this policy, which include without limitation www.subwaykids.com. SFAFT values privacy, and we want to give our web site visitors the opportunity to know what information we collect about them and how SFAFT collects, protects, uses, discloses and otherwise manages the information gathered, in conformance with applicable law.

This Privacy Policy applies to the collection of Personal Information at SFAFT Web sites. Different privacy policies and procedures may apply to the collection of Personal Information by Doctor's Associates Inc. ("DAI"), to the independently owned and operated SUBWAY® restaurants; and to other web sites. You should check the privacy policy at the site you are visiting to determine the particular practices.

Collection and Use of Personal Information

Certain areas of our sites require visitors to register or complete an online form. The types of Personally Identifiable Information we may collect include name, address, contact information (e.g., e-mail, address, home and mobile telephone numbers) and/or other Personal Information (e.g., information about your interest in and use of our products and offerings) in order to participate in site activities such as: enter a SUBWAY® sweepstakes; participate in a survey or other online activity; request a SUBWAY® coupon; or ask for tips on healthy eating from Jared. We also may collect payment data, such as credit or debit card information. You may choose not to provide Personal Information and you will still be able to visit most of the web site, although you may not be able to participate in certain interactive activities.

We may also collect limited Personal Information about others from you including, but not limited to, name and email address.

We may use this Personal Information for one of several different purposes, for example:

- to administer your participation in a contest or sweepstakes and for other purposes stated on the entry form, such as to allow us to contact you notification of a potential prize you may have won;
- to allow us to send you the specific information or materials that you have requested, such as a coupon, newsletter, or other materials;
- to fulfill your orders;
- to enable you to communicate with friends, for example, to send an electronic greeting card or a notice about a promotion, or to respond to an email or other inquiry or request; and

²⁵ Current as of August 19, 2012. Available at <http://subwaykids.com/PrivacyPolicy.aspx>.

Appendix B: SubwayKids.com Privacy Policy

- to help improve our web site and our services, or to customize your experience at our web site.

We may combine this information with other generally or publicly available information to help us identify our visitors' preferences or interests.

You can choose not to allow us to use your Personally Identifiable Information for direct marketing purposes by indicating your preference at the time of collection, by responding to the promotional email in the manner provided for or by contacting our Privacy Officer at privacyofficer@sfaft.org. If you have not opted-out of receiving marketing materials, we may also use your Personal Information to promote and market additional goods, services and special offers from us and our affiliates. At any time you may "opt out" of future contacts by unsubscribing from our contact list through the unsubscribe link available on the website or in an e-mail to privacyofficer@sfaft.org.

We sometimes use the non-Personally Identifiable Information that we collect to improve the design and content of our site and to enable us to personalize your Internet experience. We may use this information in the aggregate (grouped with information from other users) to analyze site usage, as well as to offer you products, programs, or services.

Sharing of Personal Information

We may share Personal Information with agents, or service providers who act for or on behalf of SFAFT in connection with the business of SFAFT, or for further processing in accordance with the purpose(s) for which the data were originally collected, e.g., third party maintenance of secure listing databases or prize fulfillment in connection with a contest or sweepstakes. We require our agents and service providers to agree in writing to maintain the confidentiality and security of Personal Information they maintain on behalf of SFAFT and not to use it for any purpose other than the purpose for which we retained them. SFAFT may also share statistical or demographic information in aggregate form with service providers for marketing or research purposes. This aggregate data will not contain any information that personally identifies you.

We may share Personal Information within the Subway Family, e.g., with Doctor's Associate's Inc., affiliates, related entities and independently owned and operated Subway restaurants to enable us to provide you with additional product and service opportunities we believe would be of interest to you.

If you opt in to receive email communication from us, we may from time to time share your contact information with third parties engaged by us (e.g., other marketers) to enable them to offer you additional product or service opportunities.

We may need to disclose Personally Identifiable Information in certain limited circumstances, such as: (1) to comply with a judicial proceeding, a court order, or subpoena, or as otherwise may be required by law or consistent with legal requirements; (2) to enforce our policies or contracts, or to collect amounts owed to us; (3) to protect users of our sites and our sites from fraudulent or abusive use; (4) to protect DAI's and SFAFT's rights or property (including without limitation in the event of a bankruptcy, merger, acquisition, or transfer of control or assets or

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other business venture involving DAI, SFAFT, or any of the business or assets of DAI or SFAFT); (5) during emergencies when safety is at risk, as determined by SFAFT, or (6) otherwise where necessary for the establishment, exercise or defense of legal claims. The Personally Identifiable Information you provide is considered a company asset and may be included among transferred assets if SFAFT, DAI or any or all of their subsidiaries or affiliates or any of their assets is ever acquired by a third party. In addition, from time to time, server logs may be reviewed for security purposes; for example, to detect unauthorized activity on the web site. In such cases, server log data, containing IP addresses, would be shared with law enforcement bodies in order that they may identify users in connection with their investigation of the unauthorized activities.

Cookies and Other Information Collected Using Technology

When you visit SFAFT sites, we may collect some information about the software or other technology you are using. For instance, when you come to our site your IP address is collected so that we know where to send information you are requesting. An IP address is often associated with the place from which you enter the Internet like your ISP (Internet service provider), your company, or your school. The following information is logged by our web servers during visits to the web site: IP addresses, type of operating system, time and duration of visit, web pages visited and browser type. We do not link server log information to any other information in a way that would enable the identification of visitors to the web site. We may analyze server log information in order to improve the web site and to customize the web site for users.

When you visit our web site, we place a text file called a "cookie" in the browser directory of your computer's hard drive. Cookies are pieces of information that a web site sends to your computer while you are viewing the web site. These pieces of information allow the web site to remember important information that will make your use of that site more useful. Internet companies use cookies for a variety of purposes.

We use cookies to help improve your future visits. We may also track data such as the total number of visits to our web site and the number of visitors to each page of our web site. We may use this information, in aggregate form, for system maintenance and to better understand how our visitors use our site and services so that we can make them better. You can choose to have your computer warn you each time a cookie is being sent, or you can choose to turn off all cookies. You do this through your browser (like Netscape Navigator or Internet Explorer) settings. Each browser is a little different, so look at your browser Help menu to learn the correct way to modify your cookies. If you turn cookies off, you won't have access to many features that make your experience on our web site more efficient and some of our services will not function properly.

Our websites may also use small pieces of software code called "web beacons" or "clear gifs" to collect anonymous and aggregate advertising matrix, such as counting page views, promotion views, or advertising responses. A web beacon is an electronic image called a single-pixel or clear GIF. Web beacons can recognize certain types of information, such as a user's cookie number, time and date of a page view, and description of the page where the web beacon is placed. You may render some web beacons unusable if you choose to reject their associated

cookies. These web beacons may be used to deliver cookies that conform with our cookie policy above.

Banner Advertisements, Links to Other Sites, and Collection of Information by Third Party Sites

This Privacy Policy applies only to SFAFT sites and does not include third-party web sites. Our site may include banner advertisements or contain links to other sites operated by third parties whose information practices may be different than those at this site. Other Internet sites you visit may have their own privacy policies or no policy at all. Other web sites might use Personal Information differently than our policy permits. SFAFT does not guarantee the standards of any web site not related to this site. SFAFT is not responsible for the content, practices, or password information practices of the web sites operated by these third parties. In addition, these banner advertisements and links do not constitute sponsorship, endorsements, or approval by SFAFT of the content, policies, or practices of these web sites.

Please note that the privacy policies of affiliates and/or third party web sites, including but not limited to, www.subway.com and the Subway Online Store may differ from those of SFAFT. You should carefully review the relevant third party web site's privacy policy and terms of use in order to understand its policies and practices regarding the collection and use of Personally Identifiable Information before providing any Personal Information.

On this site, we sometimes offer content that is sponsored by or co-branded with identified third parties (e.g., competitions, sweepstakes, or promotions). These third parties may obtain Personal Information that you voluntarily submit to them to provide you with such content. We are not responsible for the collection and use of your personal information by these third parties. However, you will be informed, at the point of collection of such Personal Information, if these third parties will obtain such information.

A Note to Parents/Guardians—Additional Information About Children's Privacy

At SFAFT, children's privacy is important to us. Therefore, we take additional measures to help children protect their privacy while online including not asking them to disclose more personally identifiable information than is necessary for them to participate in an activity and encouraging them to use non-personally identifiable screen names rather than their real names.

Children can participate in many of our features without providing personally identifiable information. However, to enable their participation in certain of our interactive features, we may ask children to provide us with personally identifiable information. The types of information we may request include first name as well as child's, parent's, or friend's e-mail addresses. We use a child's e-mail address to respond to a specific request to participate in an activity (e.g., participate in a contest or sweepstakes, respond to their question, enable them to subscribe to a newsletter). A friend's e-mail address may be used to send them an electronic greeting card or a forward-to-a-friend message.

We use parents' e-mail addresses to obtain their consent or notify them of their child's online activities and enable the parent to unsubscribe the child from a newsletter or other similar

Appendix B: SubwayKids.com Privacy Policy

activity.

We also may collect additional information such as computer information, gender, state/province, zip/postal code, and country, and we may ask additional questions regarding preferences on various topics through surveys.

We do not share children's personally identifiable information with outside third parties not bound by this Privacy Policy. Sometimes, we use agents or contractors to help us conduct a contest or sweepstakes, send prizes to winners, or provide customer service related to activities on the site. In these cases, we require the agent or contractor to keep the information confidential and to use it only for the specific services they are performing.

If you would like to review any personally identifiable information that we have collected online from your child, have this information deleted, and/or request that there be no further collection or use of your child's information, or if you have questions about these information practices, you may e-mail, write or phone us at:

privacyofficer@sfaft.com,

Attn: Privacy Officer SFAFT
488 Wheelers Farms Road
Milford, CT 06461

1-800-992-6141

Data Integrity and Security

We strive to keep the personally identifiable information you provide secure, and we also require our agents, and service providers to do so. We have implemented technical and organizational measures designed to help secure your Personally Identifiable Information from theft, accidental loss, and from unauthorized access, use, alteration, disclosure or destruction.

SFAFT takes reasonable steps to ensure that data is reliable for its intended use, accurate, complete, and current.

To provide you with an increased level of security online, access to your Personal Information on certain of our web sites may be protected with a password you select. We strongly recommend that you do not disclose your password to anyone. We will never ask you for your password in any unsolicited communication.

International Visitors

While we operate internationally, the servers that will host, store and process information relating to SFAFT are currently based in the United States. , Data submitted at our sites may be processed by us in the United States, where data protection and privacy regulations may not offer the same level of protection as in other parts of the world. By providing Personally Identifiable Information to us you authorize the transfer of such Personally Identifiable Information to the

Appendix B: SubwayKids.com Privacy Policy

United States and its storage and use as specified herein, which includes the use of cookies as described above.

Changes

SFAFT will maintain Personal Information in accordance with this Privacy Policy. In the future, we may modify this Privacy Policy. If we decide to materially change our Privacy Policy, we will post those changes to this Privacy Policy. We will use information in accordance with the Privacy Policy under which the information was collected. However, if we are going to use Personally Identifiable Information in a manner different from that stated at the time of collection we will notify users by email. Users will have a choice as to whether or not we use their information in this different manner.

How You Can Access, Control and Update Information About You

We want to be sure that we keep accurate and up-to-date Personal Information in our records. Therefore, whenever you believe that your Personal Information needs to be updated, you can email us at privacyofficer@sfaft.org to update your contact information.

To protect your privacy, we will take reasonable steps to help verify your identity before granting access or making changes.

Contact Us

If you have any questions or complaints, please contact the Privacy Officer. by telephone at: 1-800-992-6141; by email at: privacyofficer@sfaft.org, or contact us at the following mailing address:

SFAFT
Attn: Privacy Officer SFAFT
488 Wheelers Farms Road
Milford, CT 06461

This Privacy Policy was last updated on January 22, 2009.