

Comments of PRIVO  
Project No. P-135419  
kidSAFE Application for Approval as Safe Harbor

Privacy Vaults Online, Inc. d/b/a PRIVO, an authorized Safe Harbor provider under the Children's Online Privacy Protection Act ("COPPA") hereby responds to the Commission's request for public comments on any or all of the provisions in the proposed guidelines" included in the application for approval of the kidSAFE Seal Program as an approved Safe Harbor as follows:

The kidSAFE and kidSAFE+ programs have been operating for some time now. The dual seals allow for a free seal "kidSAFE" and a paid for seal "kidSAFE+". The difference is supposed to represent that the operator is and has been certified as COPPA compliant. I would argue that an operator who presents a seal that states to a parent the site or app is "kidSAFE" must also be COPPA compliant. You cannot have safety in the absence of privacy protection. The use of dual seals is confusing to industry and might suggest that you can have a safe site without COPPA protections.

The Center for Digital Democracy (CDD) noted the same stating "Indeed, kidSAFE acknowledged this by boldface emphasizing in its application that: "For the sake of clarity, we are seeking Safe Harbor status for the 'kidSAFE+' aspect of our program only."6 If those who are reviewing this application need to be alerted to this distinction, what will give normal online users sufficient warning of the difference?"

In conclusion, at minimum a provider of a certification seal should indeed have to certify the operator and if they do not then it would not make sense to use a seal that is so similar it is not easy to distinguish or recognize the true meaning.

Respectfully submitted,

PRIVACY VAULTS ONLINE, INC. d/b/a PRIVO

By:         /s/    
Denise Tayloe, CEO

Dated: November 4, 2013