



United States of America  
FEDERAL TRADE COMMISSION  
WASHINGTON, D.C. 20580

Office of the Secretary

February 11, 2014

Shai Samet, Esq.  
Founder and President  
kidSAFE Seal Program  
122 N. Orange Drive  
Los Angeles, CA 90036

Re: Application of kidSAFE Seal Program For Approval of Its Children's Online Privacy Protection Rule Safe Harbor Program

Dear Mr. Samet:

This letter is to inform you that the Federal Trade Commission has approved the application of kidSAFE Seal Program ("kidSAFE") to serve as a safe harbor program for purposes of implementing the Children's Online Privacy Protection Rule.<sup>1</sup>

As you know, the Rule includes a provision enabling industry groups or others to submit self-regulatory guidelines to the Commission for approval as a safe harbor program.<sup>2</sup> Pursuant to this provision, kidSAFE submitted an application for Commission approval of its kidSAFE+ self-regulatory guidelines ("KSP Program") on August 15, 2013. The Commission announced kidSAFE's application in the Federal Register on September 18, 2013 and received public comment on the application through November 4, 2013.

The Commission received 11 comments addressing kidSAFE's application.<sup>3</sup> Eight of the comments support Commission approval of the KSP Program. Three others raise concerns regarding aspects of the KSP Program, including the potential for consumer confusion regarding the meaning of the different kidSAFE self-regulatory programs and kidSAFE's ability to evaluate and enforce member compliance. To address these concerns, as well as those raised by the Commission and Commission staff, kidSAFE has agreed to modify its KSP Program seal and has redesigned sections of its consumer complaint mechanism. The Commission believes these changes adequately address the various concerns.

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<sup>1</sup> 16 C.F.R. § 312.

<sup>2</sup> 16 C.F.R. § 312.11.

<sup>3</sup> The Commission received a twelfth comment from an individual consumer that supports greater control over child-directed websites but does not address the kidSAFE application.

For Commission approval, self-regulatory guidelines must include: (1) a requirement that participants in the safe harbor program implement substantially similar requirements that provide the same or greater protections for children as those contained in the Rule; (2) an effective, mandatory mechanism for the independent assessment of the safe harbor program participants' compliance with the guidelines; and (3) disciplinary actions for noncompliance by safe harbor participants.<sup>4</sup> The Commission has determined that kidSAFE's application for status as a safe harbor program and its KSP Program satisfy these three criteria.

The Commission therefore is pleased to approve kidSAFE's application as a COPPA safe harbor program. This program will help expand the implementation of the recently amended COPPA Rule, and we look forward to working with kidSAFE and the other safe harbor programs to provide important protections for children's online privacy. The Commission reserves the right to revoke this approval if at any time it determines that the approved self-regulatory guidelines and their implementation do not, in fact, meet the requirements of the Rule.

By direction of the Commission.

Donald S. Clark  
Secretary

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<sup>4</sup> 16 C.F.R. § 312.11(b).