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 "Questions on the Proposed Guidelines" in connection with the application for approval of Safe Harbor Application filed by the Internet Keep Safe Coalition ("iKeepSafe"). Specifically, PRIVO addresses Question 6:

6. Does iKeepSafe have the capability to run an effective safe harbor program?

As iKeepSafe notes in its application, iKeepSafe has been involved in online safety education for at least the past decade. Under the Federal Communications Commission's e-Rate funding program, eligible schools and libraries can receive discounts for communications services, Internet access and internal connection services for educational use. Since 2001, in connection with their receipt of funding, recipients must certify that they have implemented and enforce Internet safety policies that include filtering mechanisms to protect against access by adults and minors to visual depictions that are obscene or are child pornography, and against access by minors to material that is harmful to children through facilities funded by the program.[1] In addition, pursuant to the Protecting Children in the 21st Century Act[2] and FCC regulations implementing it adopted in 2011,[3] school recipients must certify that they educate minors regarding appropriate online behavior, including interacting with others via social media and cyberbullying awareness and response.

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[1] 47 U.S.C § 254(h). See also *FCC Consumer Guide, Children's Internet Protection Act (CIPA)*, available at http://transition.fcc.gov/cgb/consumerfacts/cipa.pdf.

[2] Protecting Children in the 21st Century Act, Pub. L. No. 110-385, Title II, 122 Stat. 4096 (2008).

[3] 47 C.F.R. §§ 54.520(c)(1)(i), 54.520(c)(2)(i). See also *Schools and Libraries Universal Service Support Mechanism, A National Broadband Plan for Our Future*, CC Docket No. 02-6, GN Docket No. 09-51, Report and Order, 26 FCC Rcd 11819 (2011).

iKeepSafe provides online resources and training materials to assist schools in making these certifications. The iKeepSafe website is divided into nine major sections: BEaPRO, Parents, Educators, Communities, Youth, Prevent & Detect, About Us, Partnerships, and Videos. Under the Parents heading, iKeepSafe presents its six pillars of online safety: Balance, Ethics, Privacy, Reputation, Relationships, Online Security. If the parent is logged into their Facebook account, they can take a quiz regarding each pillar. Under the Privacy pillar, the parent is asked whether they have in the past year (1) Taught their children the importance of creating user names and screen names that protect privacy and build a positive reputation; (2) Discussed with their children that apps they download can access their personal information and the impact their privacy; (3) Reviewed their children's online contacts and are aware of comments their children have posted and received; (4) Turned off features that tell apps and website their location; (5) Understand the privacy policy of the online sites their children visit: (6) Educated their family about how to prevent becoming a victim of identity theft; (7) Changed their own and children's privacy setting on social media sites to control access and visibility; (8) Talked with children about protecting personal information such as birthday, address, phone number and school online; and (9) Encouraged their children to tell an adult if they are uncomfortable or feel threatened by anything that occurs online. While these are excellent ways for parents to be proactive about their children's media use, there is no mention of COPPA, the special protections to which children under 13 (U13s) are entitled, the additional legal rights that parents of U13s have to preview privacy policies, permission access, and request deletion of the children's information, or how to do so. Indeed, it is not clear what age "children" are covered by the questions, leaving parents of younger children who are not yet involved in social media without

an understanding of the special issues facing them. Thus, while Privacy is one-sixth of iKeepSafe's pillars, it does not encompass COPPA compliance, and the remaining five-sixths focus on the important issues dictated by the Protecting Children in the 21st Century Act, rather than COPPA.

Also under the Parent tab, parents can access iKeepSafe's 2012 publication "A Parent's Guide to Facebook."[4] In connection with U13s, the Guide simply notes that Facebook prevents U13s from registering for "legal reasons," without taking the opportunity to provide any explanation of those reasons or the protections US law provides. While the publication encourages children not to lie about their age, it does not highlight any of the problems that doing so can cause.[5] For example, if a nine year old child lies and states that s/he is really 13, then an Internet identity that is four years too old is created. When the child is 14, he or she may appear to be 18 and be vulnerable to online behaviors and marketing appropriate for that age, but not for a 14 year old. The same issue will recur at 17 when the child could appear to be 21. More importantly, though, while the publication is appropriately realistic about the fact that many U13s are on Facebook, it provides tips and suggestions for parents, not one of which is to suggest that the parent delete the child's account. This is another missed opportunity for iKeepSafe to have educated parents that they have a legal right to demand that Facebook delete their U13 child's account, if they so wish.

Under the Educator's tab, iKeepSafe provides resources for schools to craft Bring Your Own Device policies, an Incident Response Tool, and something called "Digital Compliance and

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[4] See http://www.connectsafely.org/pdfs/fbparents.pdf.
[5] Id. at p. 6.

Student Privacy: A Roadmap."[6] This Roadmap mentions both COPPA and FERPA as risk

assessment factors early on. However, in Section IIIB, under the topic of what educators should

be trained in, only FERPA is mentioned. As the Commission is aware, there are significant

concerns around individual teachers signing U13s up for technology in the classroom that should

be addressed in this section. Similarly, under the section "Protecting Personal Information",

there is no mention of COPPA. Under the Generation Safe link, which iKeepSafe refers to as its

flagship program in its application, the landing page and content revolve almost exclusively

around how schools should respond to an online incident.

Finally, under the Prevent & Detect tab, iKeepSafe provides resources and information

about nine important topics: Dating Violence, Depression, Drug & Alcohol Abuse, Eating

Disorders, Gang Recruitment, High Risk Sexual Activity, Sexual Violence, Suicide and Self

Harm, and Youth Violence. In combination with the BEaPro, Parent and Educator sections of

the website, it is clear that the vast bulk of the site's resources are directed to other issues with

online media, while relatively little is devoted to COPPA.[7] While these issues are important, it

does not appear that the privacy issues of U13s has ever been a focus of iKeepSafe.

In this regard, PRIVO was surprised to see that iKeepSafe will essentially outsource the

compliance function of the safe harbor, the core function of the safe harbor, to a third party,

given that the FTC previously rejected iSafe's safe harbor application, in part, for merely

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[6] http://storage.googleapis.com/iks/Roadmap.pdf .

[7] Other examples also exist. Under the BEaPRO tab, a section called "Teaching privacy in the internet age" focuses
on keeping emotions private before even addressing keeping information private. That later section includes a
discussion of blocking sharing of information, but never mentions the parent's right to refuse to allow data
collection and require deletion of their U13's data. See http://www.ikeepsafe.org/be-a-pro/privacy/teaching-
privacy-in-the-Internet-age/.

outsourcing the complaint resolution function.[8] The outsourced nature of this relationship lends

credence to the idea that COPPA compliance is not a major focus for iKeepSafe. While

iKeepSafe characterizes the outsourcing as providing the compliance function with independence

from iKeepSafe's donors, PRIVO would encourage the Commission to use its access to the

redacted financial/business plan information that it has and PRIVO does not, to examine whether

that independence is really in place. PRIVO notes that iKeepSafe has a number of "affiliate

marketing" like relationships with iDefend and LifeFile[9] on its website or Facebook page.

Therefore, it is important to determine whether such a financial relationship could exist, and if it

does exist, whether it impacts the Commission's decision as to whether to approve the safe

harbor application.

In sum, while iKeepSafe's activities in this space have focused on important issues and

provided many with education in online safety, COPPA compliance has not be its focus or the

source of its expertise.

Respectfully submitted,

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

By: ___/s/_____
Denise Tayloe, CEO

Dated: April 21, 2014

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[8] See Letter to Dennis R. Shaw from Donald S. Clark, June 2, 2010.
[9] http://www.ikeepsafe.org/filelife/.