

Open Commission Meeting of the Federal Trade Commission

May 19, 2022

Public Submissions

1. Bree Aronoff
2. Carlos Villagrana
3. Cheri Kiesecker
4. Jon Wickizer
5. Kristen Bedrosian
6. Laxman Singh
7. Melody Brand
8. Steve Smith
9. Tia Christian

From: [OpenMeeting](#)
To: [OpenMeeting](#)
Subject: Registration and Public Comment Submission Form for May 19, 2022 Open Commission Meeting
Date: Thursday, May 12, 2022 8:16:45 PM

Submitted on May 12, 2022 | 8:16PM

Submitted by: Anonymous

Submitted values are:

First Name

Bree

Last Name

Aronoff

Affiliation

Non-affiliated

Full email address

[REDACTED]

Telephone

[REDACTED]

FTC Related Topic

Competition

Register to speak during meeting

No

Submit written comment

Biden signed the Executive Order on Promoting Competition in the American Economy in July 2021. This order directed the FTC to monitor and regulate anti-competitive business practices.

The FTC has the rule making authority to limit non-competes federally.

What steps has the FTC taken to limit non-compete agreements?

From: [OpenMeeting](#)
To: [OpenMeeting](#)
Subject: Registration and Public Comment Submission Form for May 19, 2022 Open Commission Meeting
Date: Thursday, May 12, 2022 10:17:43 PM

Submitted on May 12, 2022 | 10:17PM

Submitted by: Anonymous

Submitted values are:

First Name

Carlos

Last Name

Villagrana

Affiliation

Register ftc COVID 19

Full email address

[REDACTED]

Telephone

[REDACTED]

FTC Related Topic

FTC Operations

Register to speak during meeting

No

Link to web video statement

CA

Submit written comment

Ftc register

From: [REDACTED]
To: [OpenMeeting](#)
Subject: Written public comment for May 19, 2022 commission meeting
Date: Tuesday, May 17, 2022 12:27:32 PM
Attachments: [REDACTED]

Please see attached my submission for public comment on [May 19, 2022 Commission meeting](#) on COPPA policy.

Thank you.

Respectfully,
Cheri Kiesecker, parent
[REDACTED]

Cheri Kiesecker, FTC COPPA rule /comment

Respectfully, the FTC should revisit their pandemic edtech COPPA response that says schools do not have to get parent consent for edtech, which completely removes accountability for the edtech company. FTC should reinstate 2014 guidance and require transparency and better define terms. Student data collection and edtech use is often mandatory, and as such, is unfair. Vast amounts of data (hundreds of thousands of data points) are collected about students, and oftentimes the data are very sensitive (discipline, citizenship, income, behavior, abuse, criminal history, disability, personality) and are used to predict children in harmful ways.

[FTC 2020 COPPA guidance on edtech should be refined.](#)

"Does COPPA apply to ed tech services used for remote learning? At the outset, we want to stress that COPPA is not a barrier to schools providing robust remote learning opportunities through ed tech services. COPPA generally requires companies that collect personal information online from children under age 13 to provide notice of their data collection and use practices and obtain verifiable parental consent. In the educational context, however, schools can consent on behalf of parents to the collection of student personal information — but only if such information is used for a **school-authorized educational purpose** and for **no other commercial purpose**. This is true whether the learning takes place in the classroom or at home at the direction of the school." <https://www.ftc.gov/news-events/blogs/business-blog/2020/04/coppa-guidance-ed-tech-companies-schools-during-coronavirus>

The problem with this 2020 pandemic guidance is parents and schools have NO transparency, and edtech has no accountability; if consumers cannot see the data collected, how used, if further disclosed or repurposed, or sold— there is no way to know if the operator is in compliance. Even when parents AND schools request this information, edtech operators often don't comply. (ie: [Naviance/ PowerSchool /Vista Equity](#) <https://themarkup.org/machine-learning/2022/01/13/college-prep-software-naviance-is-selling-advertising-access-to-millions-of-students>)

We know testing surveillance apps like Proctorio, Examity etc are invasive, biased, can incorrectly flag tics and disabilities---however, edtech operators are collecting, profiling and selling hugely invasive and predictive data on school children everyday. Zoom/Teams/Meet videos of K-12 students or online companies like PowerSchool/Naviance can predict and profile and even sell advertisers access to student data. We also know edtech operators often passively track students across the internet and share data with third parties. (Passive tracking of a child online is covered information under COPPA.)

<https://studentprivacymatters.org/google-lawsuit-coppa-and-investigating-and-blocking-ad-trackers-in-childrens-apps/>

<https://themarkup.org/pixel-hunt/2022/04/28/applied-for-student-aid-online-facebook-saw-you>

<https://www.adexchanger.com/data-exchanges/60-of-school-apps-are-improperly-sharing-student-data-with-third-parties/>

FTC should define Commercial Purpose.

Commercial purpose is not defined in COPPA; but language should be clarified to prohibit ANY monetization of children's data and prohibit ANY ads being served to children based on their data gathered or generated through use of online websites or services. Ads do not serve an educational purpose. (Educational purpose is also not defined in FERPA.)

- Definition of commercial purpose should include using student or children's data for product development purposes as a commercial purpose.
- Definition of commercial purpose should prohibit monetization of generated data, inferred data, and metadata about a child or student.
- See CCPA recent guidance saying that generated inferred data that a business holds- regardless whether it was generated from internal or external sources- can infer a person's identity and is considered covered information under CCPA. <https://oag.ca.gov/system/files/opinions/pdfs/20-303.pdf>

"Under the California Consumer Privacy Act, does a consumer's right to know the specific pieces of personal information that a business has collected about that consumer apply to internally generated inferences the business holds about the consumer from either internal or external information sources?"

Yes, under the California Consumer Privacy Act, a consumer has the right to know internally generated inferences about that consumer, unless a business can demonstrate that a statutory exception to the Act applies."

FTC should define school-authorized legitimate educational interest, and include in this definition limits on access, sharing, and uses of such data.

Neither COPPA or FERPA define authorized legitimate educational interest, but could be defined via rule. Since COPPA guidance uses this term, FTC should define it, and should set data minimization as a priority.

See NCES on suggested FERPA definition: https://nces.ed.gov/pubs2004/privacy/section_4b.asp

"However the law does not say specifically who those persons are, nor does it stipulate how to determine the limits of a legitimate educational interest, although the U.S. Department of Education could rule...

Identifying a person as a "school official" does not automatically grant him or her unlimited access to education records. The existence of a legitimate educational interest may need to be determined on a case-by-case basis. A sample policy statement of what constitutes legitimate educational interest might include substantiation such as the following:

- The information requested is necessary for that official to perform appropriate tasks that are specified in his or her position description or by a contract agreement.
- The information is to be used within the context of official agency or school business and not for purposes extraneous to the official's areas of responsibility or to the agency or school.
- The information is relevant to the accomplishment of some task or to a determination about the student.
- The information is to be used consistently with the purposes for which the data are maintained.

Having access to education records or the information within the records does not constitute authority to share this information with anyone not given access through the written policy. **This is particularly critical if the data are to be used away from the agency or school by contractors or consultants.** See [section 6](#) for more information on releasing information outside an agency.

After the policy defines school officials with a legitimate educational interest, a list of authorized positions or persons and records or specific data elements to which they **may** have access could be created. **This is particularly important if the system is automated.** -[NCES Guide to Legitimate educational interest](#)

FTC should reinstate (and update) the transparency requirement in the deleted COPPA guidance posted on July 2014.

*"Whether the operator gets consent from the school or the parent, the operator must still comply with other COPPA requirements. For example, the operator must provide the school with all the required notices, as noted above, and must provide parents, upon request, a description of the **types** of personal information collected; an opportunity to review the child's personal information and/or have the information deleted; and the opportunity to prevent further use or online collection of a child's personal information."*

From FTC, *Complying with COPPA: Frequently Asked Questions*, July 2014; archived at <https://web.archive.org/web/20150311194001/https://www.ftc.gov/tips-advice/business-center/guidance/complying-coppa-frequently-asked-questions>

- In addition to reinstating the blue underlined wording about transparency, rather than **types** of data, operators should be required to **show data elements** collected and used. All operators (including edtech) should be required to provide to the parents/students (ie: on the school or district website) what data elements are being collected, how they are being secured, the purpose for the collection, and with whom (affiliate, processor, third party) each data element is further disclosed and for what purpose.
- This level of data elements collected and use by first and third party transparency is doable. Colorado HB16-1423 has required this level of transparency for contracted edtech vendors since 2016. IL and NY later passed similar transparency requirements.

CO—[2016 Student Data Transparency Act requirements and definitions](#)

IL—<https://parentology.com/new-illinois-law-helps-protect-student-data-privacy/>

NY—<http://www.nysed.gov/data-privacy-security/bill-rights-data-privacy-and-security-parents-bill-rights>

Compliance:

If companies are found to be illegally using student / children's data, the company must destroy the data and the algorithms built with the deceptively gathered data. Similar to recent FTC actions.

<https://www.protocol.com/policy/ftc-algorithm-destroy-data-privacy>

Safe Harbor:

Eliminate Safe Harbor. It is a pay for play, unaccountable, nontransparent program which largely exempts companies from agency enforcement action. I agree with Commissioner Chopra's 2019 remarks:

"To be clear, this means that the Federal Trade Commission is blessing a private organization with developing rules, monitoring for compliance, and disciplining those that break those rules.

In exchange, these private organizations earn fees, and companies get extremely favorable treatment under the law.." <https://www.ftc.gov/public-statements/2019/04/prepared-remarks-commissioner-rohit-chopra-common-sense-media-truth-about>

From: [REDACTED]
To: [REDACTED] [OpenMeeting](#)
Subject: Fwd: back on [REDACTED]
Date: Saturday, May 14, 2022 3:19:35 PM
Attachments: [REDACTED]

Silence as an indicator.

I view both John and Kip as friends. Not hearing from them in several months is an indication of other influences being involved beyond what I was aware of. This email was explaining the motivation behind why they would steal my technology. I could provide proof of the massive insurance fraud that was going on in the industry.

That being said, this email was shortly after my IP was stolen. They were helping me to get it back. I was slated to be the Risk Manager for Wildburro and can provide documents that show that as well as information that my experience was used in various loan proposals. Additionally, I have contributed critical IP to their process process. You can see that in the attached tweet. I do not want to be any more specific than that at this moment. Additionally, I have vast experience in mining and more importantly to this process working with and around Electric Arc Furnaces. This is important for their process.

It would be interesting to discuss if my contributions have been included in their patent and how I would go about assigning my portion of the critical contribution. Please contact me so that I can also discuss that Intellectual property

John is a good man as well as his wife Jill. I do not know what other complexities they may be involved in but they would be honest in sharing what I shared with them. I do believe and hope.

I have many more documents concerning wildburro and Mellinia Inc. I do not know if you want me to share those or not.

Thank you,

Jon

Sent from ProtonMail for iOS

----- Forwarded message -----

From: Jon Wickizer [REDACTED]
Date: On Sat, May 14, 2022 at 12:27 PM
Subject: Fwd: back on [REDACTED]
To: [REDACTED]
CC:

Sent

Begin forwarded message:

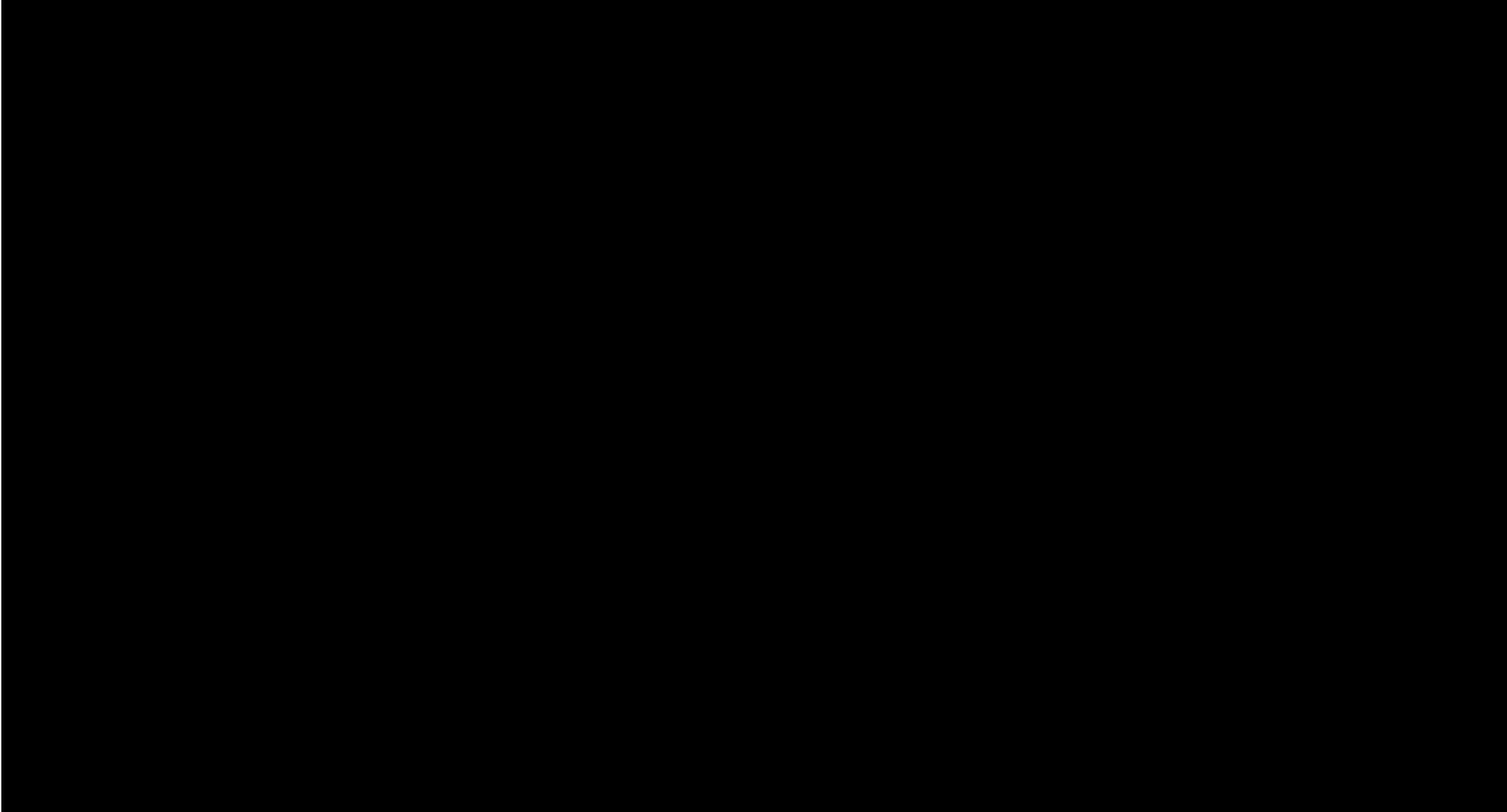
From: Jon Wickizer [REDACTED]
Date: February 15, 2021 at 1:12:28 PM MST
To: [REDACTED]
Subject: back on jonwickizer@gmail.com

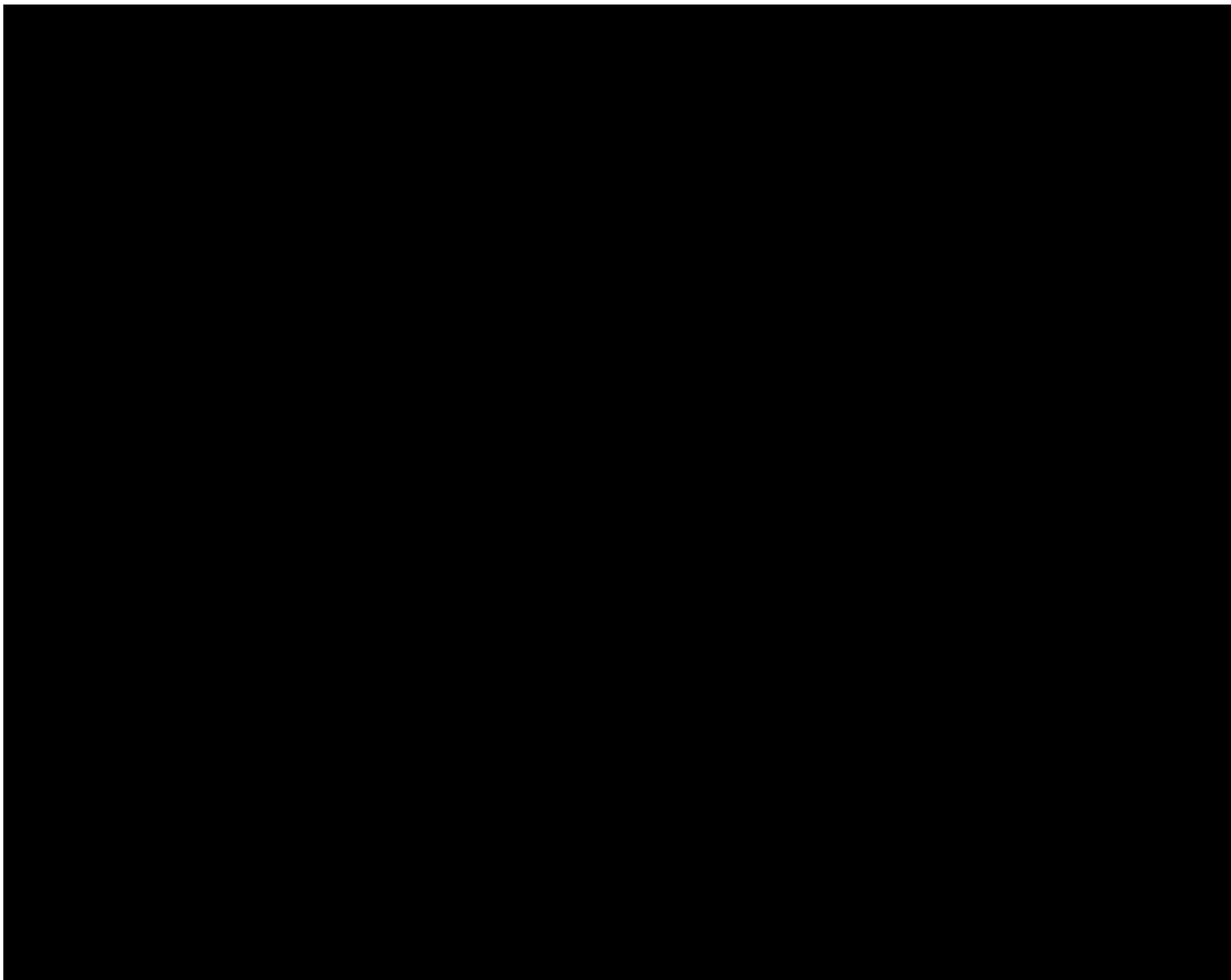
Gentlemen,

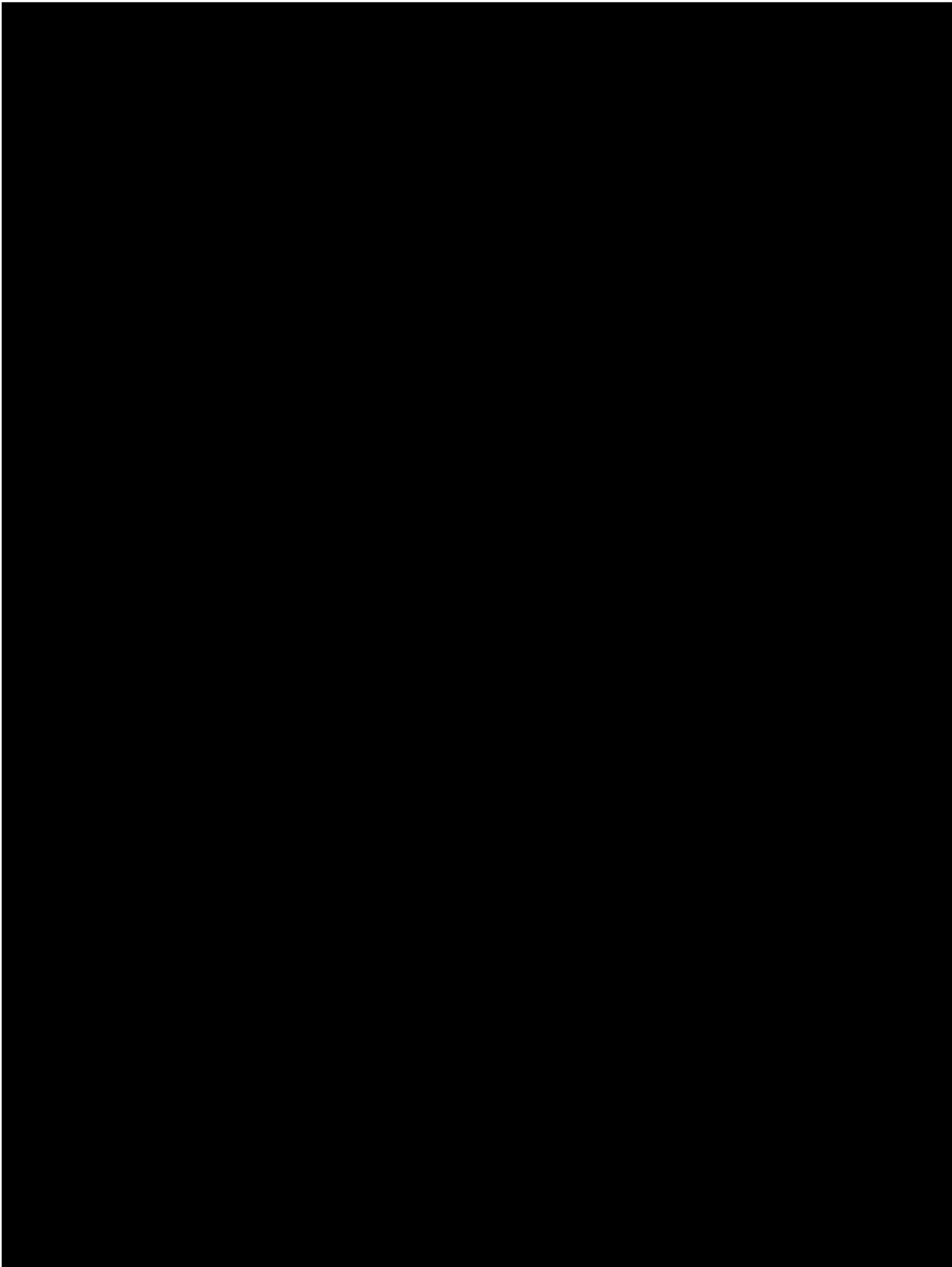
Please know that I highly doubt this to be a secure email. I am sending you a couple of documents that we can then go over. You made mention of "follow the money." Yes, I do believe I have discovered a big part of that and I can explain it to you while using the attached documents.

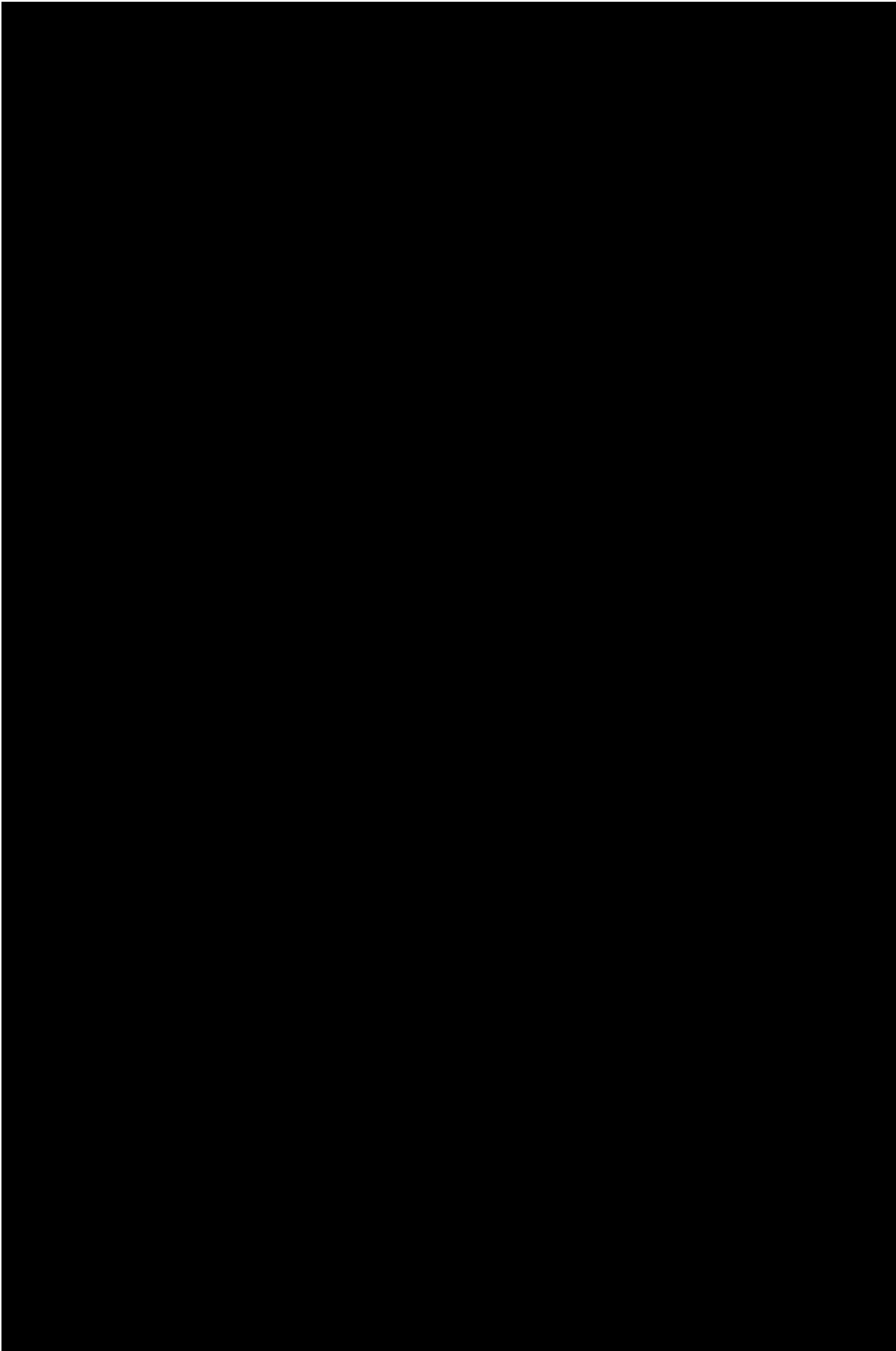
thanks,

Jon



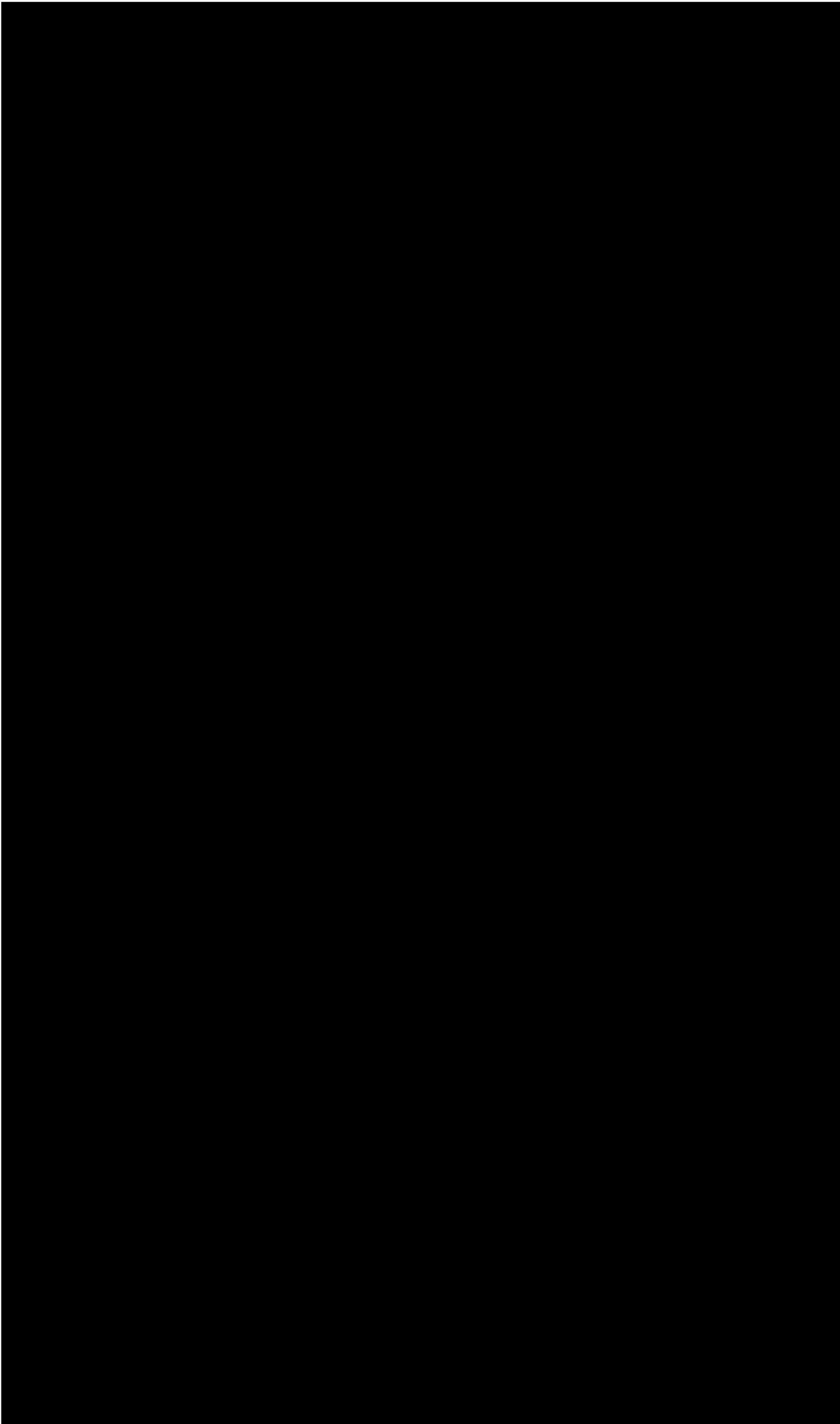


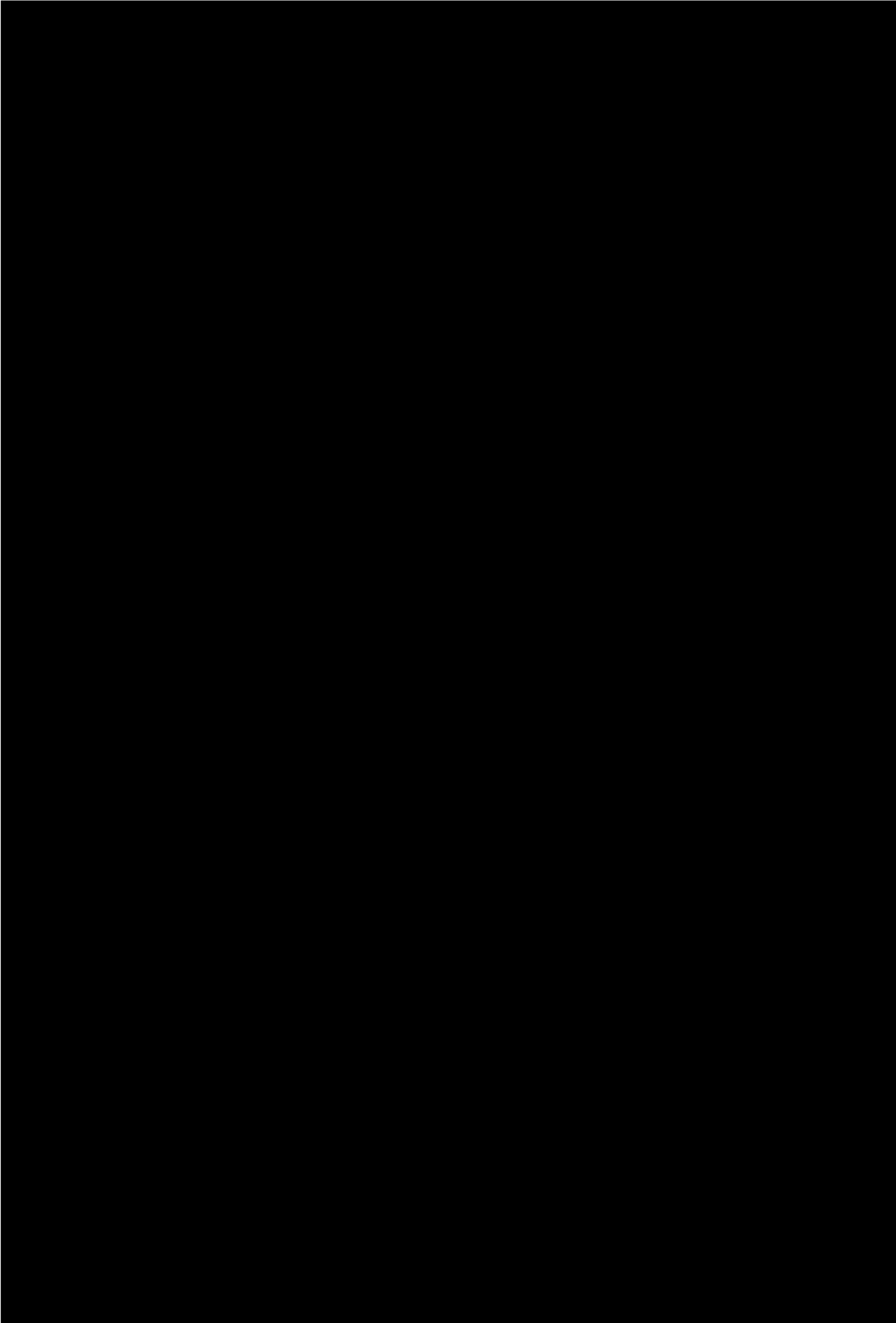




[Redacted]

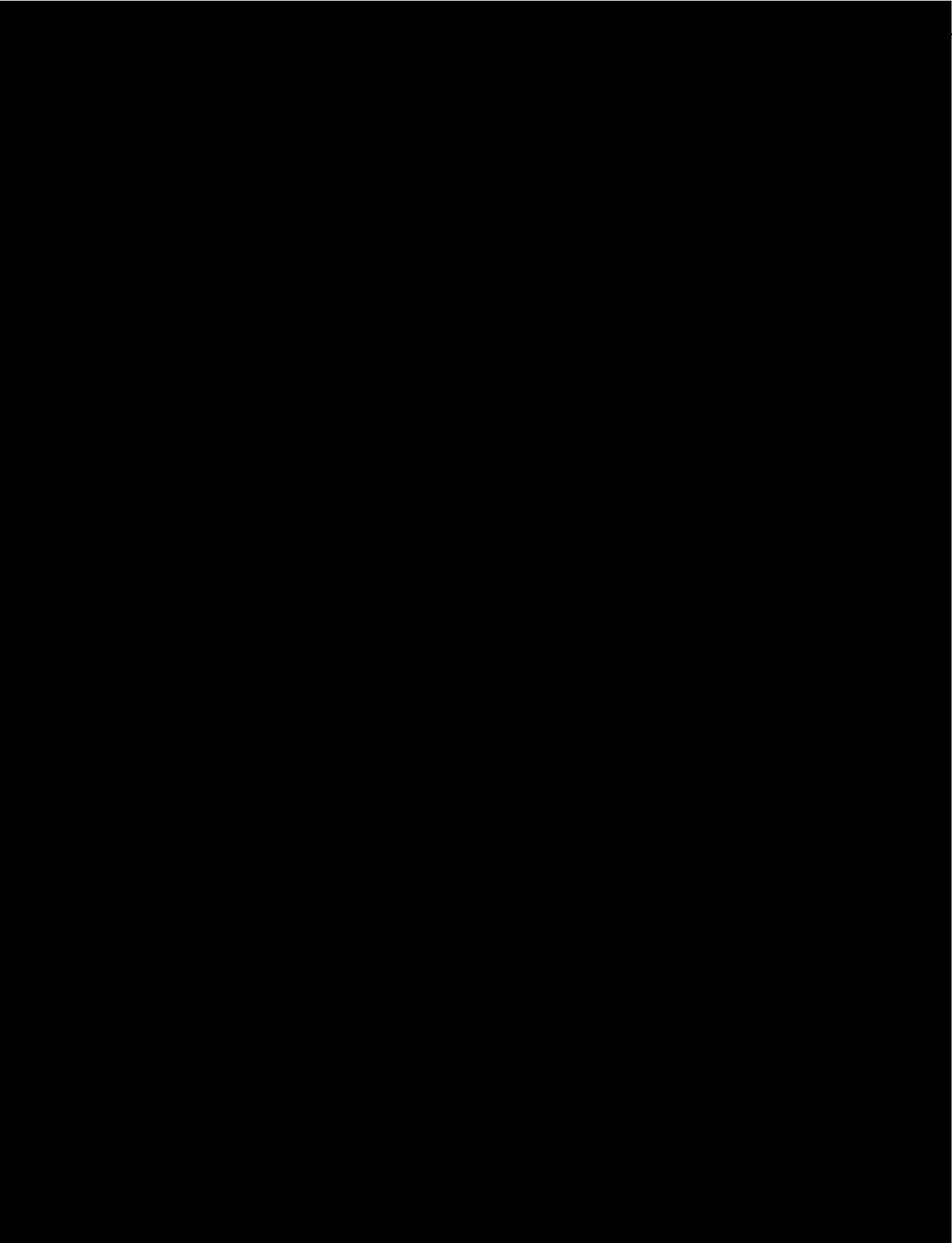
B

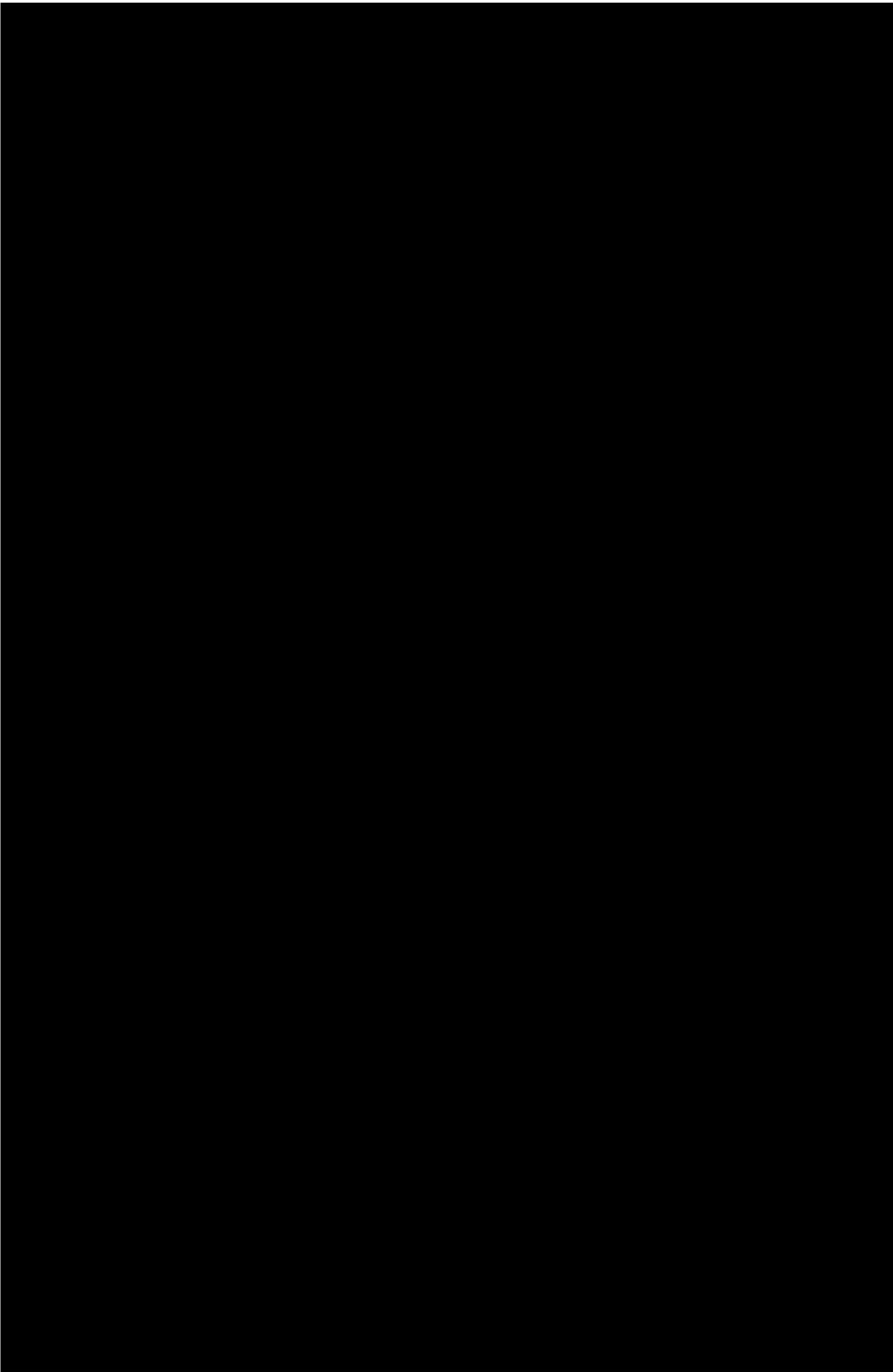


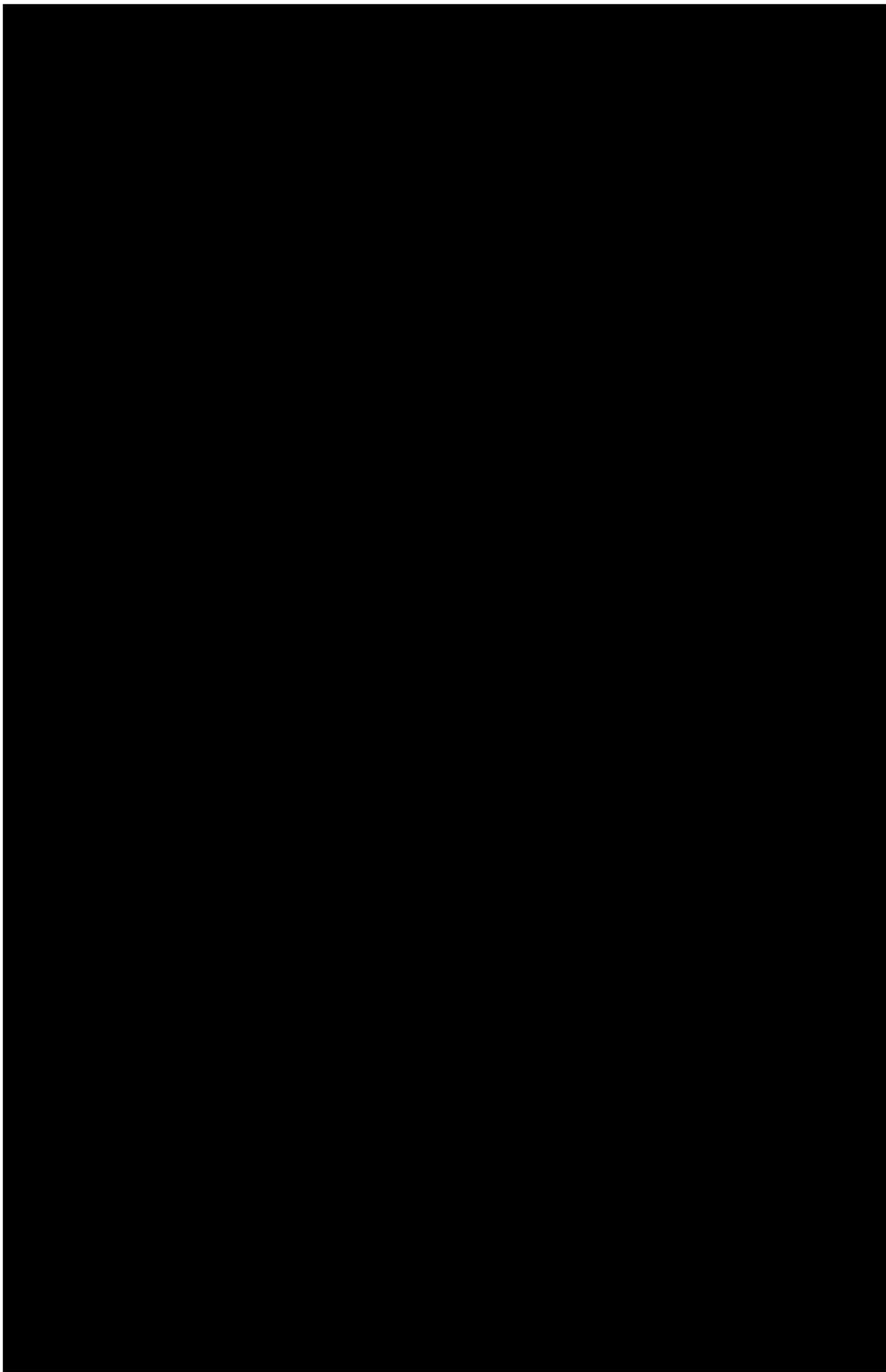


[Redacted]

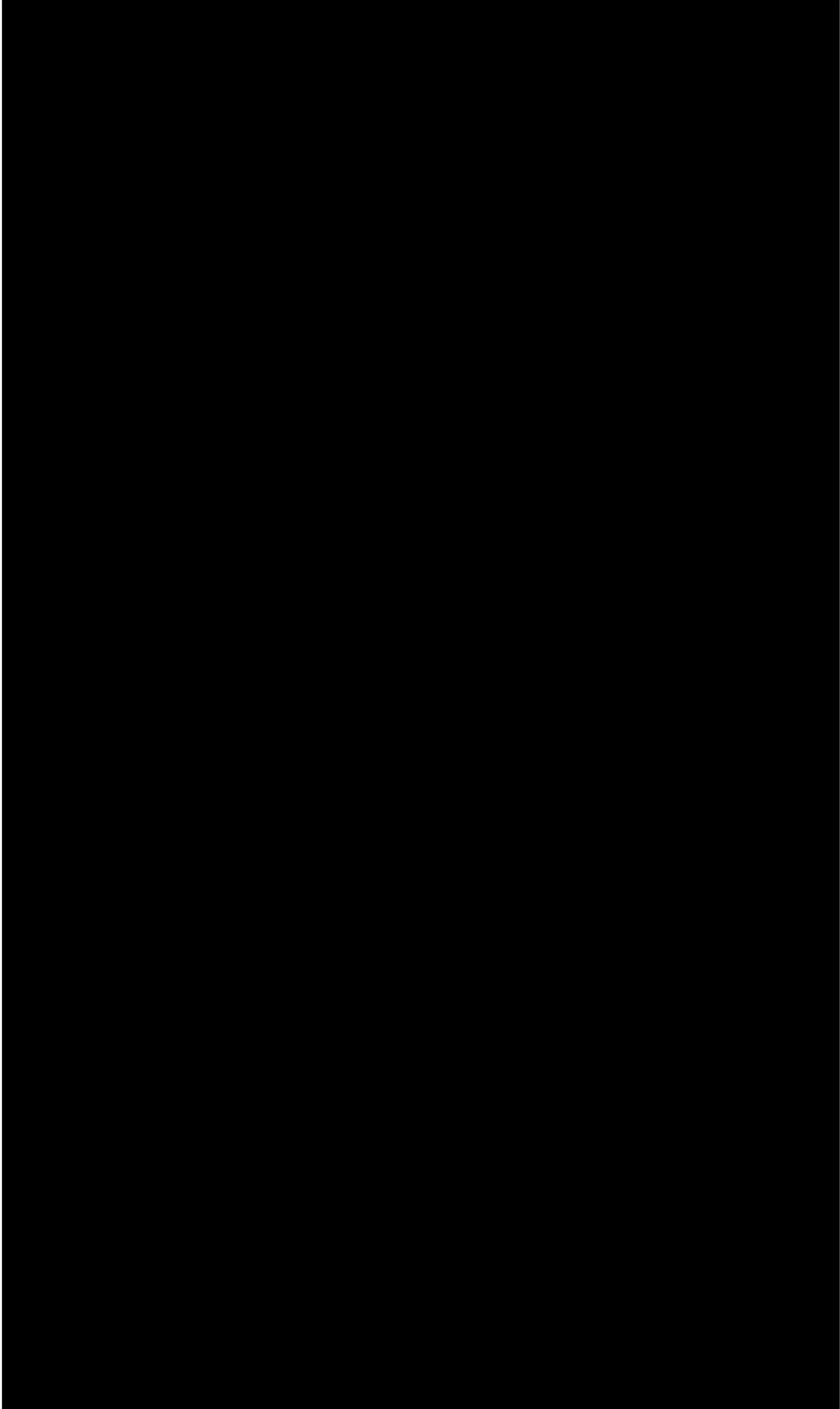
D

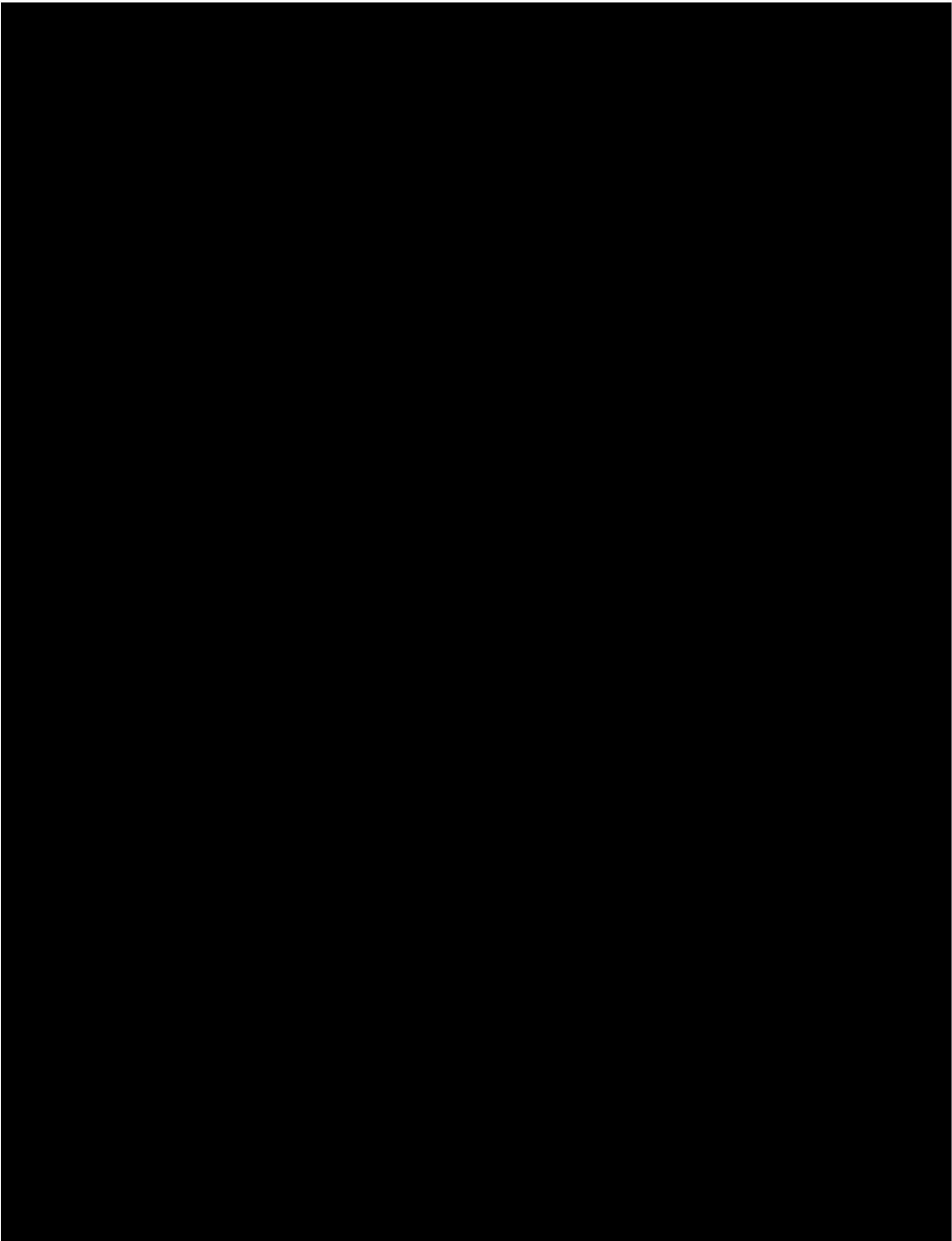






[Redacted]







Jon Wickizer he/him [redacted] · 2d ...

Replying to [@elonmusk](#)

Lesson: Elon, I see how your aspirations have lead you to mining. Gold perchance? Please understand and you can ask JK1 and JK2 that my ideas are included in that process as well. Enhancement of the **sample** purity to bring higher yields was my instruction to JK1.



Cost Per Man-Hour,
Per Year, Per Group.

Manhours for the Company & \$ Losses Paid out (Calendar year)

BGI

Cost Per Man-hour, Per Year

BGI

Cost Per Man-hour, Per year.

JTT

Cost Per Man-hour, Per Year

JTT

Cost per man-hour, per year.

JTT and BGI

Cost per man-hour comparison

Annual Total Cases vs. Current Open Cases at 12/31

From: [OpenMeeting](#)
To: [OpenMeeting](#)
Subject: Registration and Public Comment Submission Form for May 19, 2022 Open Commission Meeting
Date: Friday, May 13, 2022 10:50:49 PM

Submitted on May 13, 2022 | 10:50PM

Submitted by: Anonymous

Submitted values are:

First Name

Kristen

Last Name

Bedrosian

Affiliation

Interested in trading stocks 4 water

Full email address

[REDACTED]

Telephone

[REDACTED]

FTC Related Topic

Competition

Register to speak during meeting

No

Link to web video statement

California

Submit written comment

Recently I came across some special restricted stock in big pharma industry. And I would like to include all of the commercial airliners just like I did all of the pharmaceutical companies and this is something that's going on until like May 31st at special rule with the NASDAQ and because of my disability I'm not allowed to get married or with respect to my disability insurance not allowed and so I thought it would be a good idea for me to have the title of proposing rules to the security exchange commission and so I actually also would like to treat common stock as a package deal with water to foreign countries instead of just selling it to them I am opening an account with the [REDACTED] Bank if there's any other necessary steps I need to take if you could please let me know that would be great thanx happy Friday the 13th also social security number [REDACTED] my mom has been deceased for quite some time now and I'm taking out a loan on stock a gentleman by the name of [REDACTED] is doing it if you touch it please expedite it that would be great no signatures necessary he said happy Friday 13th also the zooliner r railway in Oregon they funded the railway which was used for the postal service off of the kids going to school selling stock in school so is that an option still for the children

please consider and respond immediately or at the earliest convenience or leisure

From: [OpenMeeting](#)
To: [OpenMeeting](#)
Subject: Speaker Request: Speaker Registration and Public Comment Submission Form for May 19, 2022 Open Commission Meeting
Date: Monday, May 16, 2022 2:36:22 PM

Submitted on May 16, 2022 | 2:36PM

Submitted by: Anonymous

Submitted values are:

First Name

Laxman

Last Name

Singh

Affiliation

Jaipur

Full email address

[REDACTED]

Telephone

[REDACTED]

FTC Related Topic

Competition

Register to speak during meeting

Yes

Link to web video statement

Badaseccssls

Submit written comment

Naya jamane ka naya business

From: [OpenMeeting](#)
To: [OpenMeeting](#)
Subject: Speaker Request: Speaker Registration and Public Comment Submission Form for May 19, 2022 Open Commission Meeting
Date: Thursday, May 12, 2022 8:29:37 PM

Submitted on May 12, 2022 | 8:29PM

Submitted by: Anonymous

Submitted values are:

First Name

melody

Last Name

Brand

Affiliation

asset owner

Full email address

[REDACTED]

Telephone

[REDACTED]

FTC Related Topic

FTC Operations

Register to speak during meeting

Yes

Link to web video statement

Ca

Submit written comment

[REDACTED]

From: [OpenMeeting](#)
To: [OpenMeeting](#)
Subject: Registration and Public Comment Submission Form for May 19, 2022 Open Commission Meeting
Date: Saturday, May 14, 2022 7:09:06 AM

Submitted on May 14, 2022 | 7:08AM

Submitted by: Anonymous

Submitted values are:

First Name

Steve

Last Name

Smith

Affiliation

Cambridge Public Schools & the Student Data Privacy Consortium

Full email address

[REDACTED]

Telephone

[REDACTED]

FTC Related Topic

Consumer Protection

Register to speak during meeting

No

Submit written comment

I apologize that I cannot attend the event on 5/19/22 as I will be traveling. Please accept my written comments and know that I wish I could attend in person as I see this as a very important issue to address.

As both CIO of Cambridge Public Schools and Co-Founder of the Student Data Privacy Consortium I have prepared the following comments on the educational technology (Edtech) and Children's Online Privacy Protection Act (COPPA).

I have spent the last 15 years of my career as a K12 technology administrator focusing on student data privacy concerns. As a result I have developed an in-depth knowledge and experience in the operational issues surrounding the protection of student level data in today's school environment where technology is prevalent. For the majority of schools in the U.S., who are struggling with resources, addressing privacy concerns adequately is a very real issue. For this reason I founded the Student Data Privacy Consortium (SDPC), which is charged with providing tangible tools, resources and solutions to privacy operational issues for both schools and marketplace providers. The SDPC now has Alliances in 33 U.S. states, Canada, Australia and New Zealand. The SDPC is having a large impact on schools' and vendors' abilities to

meet operational privacy requirements.

Through my work promoting the SDPC, I have presented to thousands of K12 school personnel around the country on privacy issues in today's classrooms. Consistently I am asked to clarify the confusion between COPPA & FERPA. Clarifying what exactly is required when an online tool that falls under COPPA jurisdiction is being used for children under 13 years of age in a school setting is urgently needed. Also ensuring that both school staff and marketplace providers all understand the new protocol moving forward is very important. Any ambiguity would simply cause additional frustration and stress when the majority of stakeholders in this space are truly trying to do the right thing in providing great tools to support teaching and learning while also protecting the privacy of our students.

The pandemic has only exacerbated an issue that was already present. As technology's use increased, so did parent awareness and privacy concerns. I received many more questions about the use of online tools and the SDPC saw an increase in school district membership. In recent months as the pandemic is subsiding the SDPC is seeing a large increase in vendor membership as well. Everyone is looking for ways to streamline the adoption of Edtech tools while ensuring all privacy requirements are being met.

As we all know, the major issue around COPPA with Edtech is the need for parental consent. Parents rightfully feel the need to have control over their child's use of online tools such that they can ensure their safety and privacy. Allowing schools to consent on their behalf feels as though they are giving up some of that control or ability to protect their child. This can be very scary - the feeling of handing over your child's protection and safety to a stranger may be one of the hardest things to do. Every parent feels this way the first time they put their child on the school bus to kindergarten, or drop them off at the school. At the same time, parents do allow their children to go on that bus, or walk into the school on their own with their new clothes and backpack, because they know they are entrusting their child to trained professionals that care for many children and make informed decisions around the safety of children all day every day.

Schools are entrusted with the protection of our children every day. This protection begins when the child steps onto the bus, is dropped off at the playground or walks into the front door of the school, and does not end until the child is returned safely to the parents. This includes being safe in the classrooms, hallways, bathrooms, playground, on the bus, field trips etc. We can all think back to the fun, and maybe dangerous, science experiments we all did in school. Were our parents concerned for our safety? Probably, but they also knew that the science teacher would ensure that every student took the proper precautions before using that Bunsen burner to make a chemical reaction; goggles, gloves, and other protective gear.

Have today's classrooms changed since I was in elementary school? In some ways, no, but in other ways - absolutely! Technology has, and is having a major impact on our educational system. Access to devices and the internet, along with the pandemic, have changed the paradigm of today's classroom. The classroom is no longer confined to the resources within the four walls or available on the occasional field trip. The world can be brought into the classroom and the classroom extended into the home. Does this also bring safety concerns? Yes of course, but remember, professional educators are entrusted with protecting children. Educators/schools can also make informed decisions about student safety online. In fact some would say that well trained school personnel may be able to make more informed decisions about online safety than many parents that may not know what to look for. Terms of Service,

Privacy Policies, and vendor practices can be very difficult to vet and evaluate to make informed decisions.

The mechanics of obtaining parental consent for Edtech tools used is just not manageable or realistic. Nearly every piece of curriculum used in today's K-12 classrooms have an online component. The administrative burden put upon teachers, administrators, data managers and schools as a whole to manage the tracking of parental consent for literally hundreds of applications per student is unachievable. Not to mention the need to ensure there is an alternative curriculum delivery method for each application for those parents that do not consent or opt in. Expecting teachers to keep track of which applications could be used by which students on a 1 to 1 basis is just unrealistic and not feasible. Do the math - 25 4th grade students, each with their own Chromebook and throughout the year the curriculum utilizes 125 applications. This is 3,125 (25X125) data points that the teacher will need to adhere to and adjust for every single opt out. Extrapolate this out to the 250 K-5 teachers in an average school size would be 781,250 data points. Parental consent for online curricular tools just does not work in schools!

What is the alternative? I propose officially designating the FERPA School Official Exception as the path for schools to vet and approve online tools for children under 13. The safeguards built into the School Official Exception are very adequate to ensure that the students' data and privacy are protected. These protections include the fact that the school must maintain direct control over the "school official" in respect to the student data. In order to ensure this control, the SDPC has established model data privacy agreements (DPAs) that are in use across the country now. The use of these DPAs to ensure schools have direct control over the providers has become the standard of practice across the U.S.

Incorporating the FERPA school official into the accepted practice to meet COPPA for EdTech tools would acknowledge that schools are entrusted with making sound decisions around the safety of children every day, leverage an existing practice of vetting outside organizations/providers, and support the use of very powerful tools to support teaching and learning without adding undue burden to teachers and schools who are already under resourced.

What would this mean for the vendor community? Currently providers are required to obtain parental consent for children under the age of 13. When these children are students and a school or teacher is using the application (EdTech) the requirement to obtain consent is often pushed to the school staff. Thus creating the burden described above as well as confusion over who is actually responsible to obtain consent. The alternative of allowing the FERPA School Official Exception to be leveraged in lieu of parental consent in this case, would clarify the confusion and make the requirements to vet, approve and meet COPPA requirements much clearer in schools. This would also streamline the onboarding process for those marketplace providers targeting schools.

The pandemic has only heightened the need for clarity around operational and legal requirements at the intersection of COPPA and FERPA. My recommendation is for COPPA to be adjusted to formally acknowledge the FERPA School Official Exception as an alternative for parental consent for EdTech in schools.

Thank you,
Steve Smith
Chief Information Officer

Founder, Student Data Privacy Consortium
[REDACTED] | www.cpsd.us

From: [OpenMeeting](#)
To: [OpenMeeting](#)
Subject: Speaker Request: Speaker Registration and Public Comment Submission Form for May 19, 2022 Open Commission Meeting
Date: Sunday, May 15, 2022 10:49:33 PM

Submitted on May 15, 2022 | 10:49PM

Submitted by: Anonymous

Submitted values are:

First Name

Tia

Last Name

Christian

Affiliation

State of Tennessee Naeja Civil Rights Organizations Chairwoman

Full email address

[REDACTED]

Telephone

[REDACTED]

FTC Related Topic

Consumer Protection

Register to speak during meeting

Yes

Submit written comment

I want to know how complaints filed with the Federal Trade Commission are handled , the channels of submission, and the actions taken and how is the consumer notified.