Joseph J. Simons   Rohit Chopra   Christine S. Wilson
Chairman   Commissioner   Commissioner

Noah Joshua Phillips   Rebecca Kelly Slaughter
Commissioner   Commissioner

Re: Request for Public Comment on the Federal Trade Commission's Implementation of the Children's Online Privacy Protection Rule

Dear Chairman Simons and Commissioners:

Campaign for a Commercial-Free Childhood and Center for Digital Democracy are pleased to submit this letter requesting that the FTC use its 6(b) authority to conduct a study on companies collecting data from children, and another on ed tech companies that collect children's data from them in schools. We are heartened by the agency's commitment to children's privacy, as reflected by its examination of the COPPA rules. At the same time, we must once again urge it not to take steps that could undermine strong protections for children's privacy without full information about a complex data collection ecosystem.[1] We have provided two lists of questions—one pertaining to ed tech data collection and one on children's data collection outside of schools—the answers to which we believe would help fill in the gaps.

As the Commission's early Request for Comment reflects, children's privacy is under siege more than ever, and such studies are long overdue. No federal entity has conducted a detailed and compulsory study of industry practice regarding contemporary children's data collection practices across the digital landscape or ed tech. We recognize that the FTC is conducting a 6(b) study regarding internet service provider data collection practices generally,[2] but that inquiry does not address children's privacy specifically in the context of broadband network providers, and we believe children's unique vulnerabilities present particularly serious privacy concerns and distinct legal questions. FTC staff investigated children's app disclosures,[3] which

---

[1] Comments by Campaign for a Commercial Free Childhood, et al., COPPA Rule Review (advocating for the Commission to conduct 6(b) investigations into children's data collection practices).

[2] *FTC Seeks to Examine the Privacy Practices of Broadband Providers*, FTC (Mar. 26, 2019), https://www.ftc.gov/news-events/press-releases/2019/03/ftc-seeks-examine-privacy-practices-broadband-providers.

[3] FTC Staff Report, *Mobile Apps for Kids: Current Privacy Disclosures are Disappointing* (Feb. 2012), https://www.ftc.gov/sites/default/files/documents/reports/mobile-apps-kids-current-privacy-disclosures-

focused only on apps, and did not elicit imperative confidential information because it was not conducted via the FTC's 6(b) authority. Finally, Senators Durbin, Markey, and Blumenthal sent letters[4] to 42 ed tech companies and 15 data brokers expressing many of the concerns we have articulated in this letter. Their findings[5] were informative, but do not provide the substantive and representative analysis of the child-directed data-driven marketplace, without which the FTC should not undergo a revision of the current rules that have provided strong protections for children's privacy. This analysis will help the Commission ensure that the public and the agency will have meaningful transparency into actual marketplace practices impacting COPPA, including effective enforcement.

Ed tech also presents distinct concerns from broader children's privacy risks. The distinct consent paradigm, the overlapping involvement of schools in addition to parents, children, and companies, and the fact that an investigation would involve enough different companies and business models all support a separate focus. Children are being illegally tracked at home, they're being illegally tracked at school, and the FTC must investigate both.

Children's privacy is of wide and acute concern, and we are encouraged by the FTC's focus on this important issue. The 170,000 stakeholder comments filed in December 2019, and children's privacy investigations conducted by the FTC, FTC staff, and Senators raise many questions that require a response based on the facts that can be generated by a 6(b) inquiry. Meanwhile, the call for further investigation, specifically

---

are-disappointing/120216mobile_apps_kids.pdf; FTC Staff Report, *Mobile Apps for Kids: Disclosures Still Not Making the Grade* (Dec. 2012), https://www.ftc.gov/sites/default/files/documents/reports/mobile-apps-kids-disclosures-still-not-making-grade/121210mobilekidsappreport.pdf.

[4] Valerie Strauss, *Legislators Ask 50-Plus Firms to Explain How They Use the "Vast Amount of Data" They Collect on Students*, WASHINGTON POST (Aug. 20, 2019, 7:00 A.M.), https://www.washingtonpost.com/education/2019/08/20/legislators-ask-plus-firms-explain-how-they-use-vast-amount-data-they-collect-students-which-ones-facebook-google-blackboard-etc/.

[5] The Senators received responses from 37 ed tech companies and 3 data brokers. The Senators found that millions of students' data have been collected, including student names, contact information, date of birth, gender, ethnicity, home address, grade, parents' income, hobbies, career and academic interests, voting records, scholastic course enrollment, work, and assessments. Most companies claimed they retain the information in identifiable form until the data is no longer relevant to provide the service; at that point, they anonymize the data and retain the derivative data in aggregate form. Several stated they obtained additional data from third parties like National Student Clearinghouse or social media sites, and many stated they work with third-party contractors or vendors to provide services in connection with their software or courseware (and include contracts prohibiting personal data from being used for any purpose other than providing services specific to those programs). Many companies stated that they do not disclose data collection to parents or entertain requests to delete or correct data because they understand that to be the schools' responsibility. Finally, many companies said they store information on cloud-based servers, and only four companies said the students' data is encrypted.

via 6(b), is growing.[6] The FTC must use this powerful tool to investigate how companies are tracking children, and ensure that it is basing any potential Rule revisions on all the facts, not a skewed selection of them.

Respectfully Submitted,

_____

Laura Moy
Lindsey Barrett[*]

Institute for Public Representation
Georgetown University Law Center
600 New Jersey Ave NW, Suite 312
Washington, DC 20001
lmm258@georgetown.edu
(202) 662-9547

Counsel for
Campaign for a Commercial-Free Childhood
Center for Digital Democracy

---

[6] *See* Comments by Campaign for a Commercial Free Childhood, et al., COPPA Rule Review (articulating the need for 6(b) investigations in the children's privacy sphere); Comments by Parent Coalition for Student Privacy, COPPA Rule Review (Oct. 17, 2019) (requesting 6(b) to investigate whether ed tech data is used for a "school purpose"); Comments by The Pokémon Company International, Inc., COPPA Rule Review (articulating a "range of issues that could benefit" from the FTC's 6(b) analysis, including methods of verifiable parental consent, transparency of the COPPA Safe Harbor program, and ways in which content creators are adapting to the YouTube settlement); *see also* Comments by the Center for Information Technology Policy at Princeton University, COPPA Rule Revision (advocating for more research); https://www.nytimes.com/2019/10/10/opinion/coppa-children-online-privacy.html.
[*] Drafted with the considerable and able assistance of Celia Calano, a student attorney with the Institute for Public Representation.

UNITED STATES OF AMERICA
BEFORE THE FEDERAL TRADE COMMISSION

COMMISSIONERS: **Joseph J. Simons, Chairman**
Noah Joshua Phillips
Rohit Chopra
Rebecca Kelly Slaughter
Christine S. Wilson

FTC Matter No.   **[MATTER NUMBER]**

ORDER TO FILE A SPECIAL REPORT

Pursuant to a resolution of the Federal Trade Commission ("FTC" or "the Commission") dated [**DATE**], entitled "[**TITLE**]," a copy of which is enclosed, [**COMPANY NAME**], hereinafter referred to as the "Company," is ordered to file with the Commission, no later than 45 days after date of service, a Special Report containing the information and Documents specified herein.

The information provided in the Special Report will assist the Commission in compiling a study of the privacy and data practices of companies and related entities as they relate to Children, including the method and manner by which the providers collect, retain, use, and disclose information about Children and their devices.

The Special Report must restate Each item of this Order with which the corresponding answer is Identified. Your report is required to be subscribed and sworn by an official of the Company who has prepared or supervised the preparation of the report from books, records, correspondence, and other data and material in Your possession. If any question cannot be answered fully, give the information that is available and explain in what respects and why the answer is incomplete. The Special Report and all accompanying documentary responses must be Bates-stamped.

Confidential or privileged commercial or financial information will be reported by the Commission on an aggregate or anonymous basis, consistent with Sections 6(f) and 21(d) of the FTC Act. Individual submissions responsive to this Order that are marked "confidential" will not be disclosed without first giving the Company ten (10) days' notice of the Commission's intention to do so, except as provided in Sections 6(f) and 21 of the FTC Act.

SPECIFICATIONS

Please produce the following information, Documents, and items:[7]

1. **Identification of Report Author:** Identify the full name, business address, telephone number, and title of the person(s) who has prepared or supervised the preparation of the Company's response to this Order and Describe in Detail the steps taken by the Company to respond to this Order. For Each specification, Identify the individual(s) who assisted in preparation of the response. Produce a list of the persons (Identified by name and corporate title or job description) whose files were searched and Identify the person who conducted the search.

2. **Company Information:**
    a. State the Company's complete legal name and all other names under which it has done business, its corporate mailing address, all addresses from which it does or has done business, and the dates and states of its incorporation.

    b. Describe the Company's corporate structure, and state the names of all Parents, subsidiaries, divisions, branches, joint ventures, franchises, operations under assumed names, and websites over which it exercises supervision or control. For Each such entity, Describe in Detail the nature of its relationship to the Company and the date it was created, acquired, sold, or otherwise changed ownership or control. Produce organizational charts sufficient to detail the Company's corporate structure.

    c. Identify each individual or entity having an ownership interest in the Company, as well as their individual ownership stakes and their positions and responsibilities within the Company.

3. **Data Collection, Retention, Deletion, and Accuracy**
    a. Describe in Detail all data assets or data collection for persons under 18.

        i.   List the specific ages or age ranges (1-3, 4-8, 9-11, 12-14, 13-17, 18 or over, or any other age groupings the Company relies on) of Each type of data collection.

        ii. List the data elements and list all inferences or categories drawn or created. Include all kinds of data, including but not limited to name, email address, phone number, user demographics (gender, age, race, disability, etc.), usage data (access time, originating web page, next URL, web pages accessed during a user's visit, interaction with content and/or advertising), IP address, geolocation and adjacent

---

[7] Should a "definitions" section be of use, CCFC and CDD would be happy to provide one.

information (address, zip code, school district, city, county, state, country, etc.), error and performance data, search queries, posted content, private messaging content, photos or videos, audio, correspondence with Your Company, user preferences or interests (e.g., favorite color), avatars, scores, Device information (hardware model, browser type, operating system, mobile Device identifier or other unique identifiers, etc.), biometric or health data.

    iii. State whether Each data collection relates to a family, household, or Device, and Describe in Detail how the Company determines family or household status.

    iv. Describe in Detail the kinds of data You, Your advertisers, or other Third Parties collect, including data that permit inferences about behavioral and psychological traits.

b. Document Your process to determine whether Your practices fall under the COPPA statute, and what determinations You made.

c. Describe in Detail the various datasets and analytic processes used, including automated systems and human review, to comply with the COPPA statute and Rule, including identifying any automated processes and human review for detecting Child users and Child-Directed content.

d. State under what circumstances the Company obtains Verifiable Parental Consent for the data it collects from Children under 13. Describe in Detail the method(s) of Verifiable Parental Consent the Company relies on.

e. State the circumstances under which the Company collects data from Children under the age of 13 without obtaining Verifiable Parental Consent (such as for internal operations purposes or from publicly available information).

    i. State how You define "internal operations" internally and provide examples.

    ii. Please list any Third Parties who receive Children's data for internal operations and Describe in Detail what those Third Parties do with that data.

    iii. State the proportion of Your customer data and revenue from this source per month over the last 12 months.

f. State how all data collected (by Your Company or by Third Parties) and used is described in a notice; how it is reviewable by the Guardian; and how it is reasonably necessary to participate in the site's or service's offerings. Provide a copy of the notice.

g. List and Describe in Detail all of Your sources of data.

    i. Identify the categories of "first party" and "Third Party" data You receive from outside entities, including advertisers, marketing agencies, marketing clouds and other entities, and how these data are used for any Child accessible content.[8]

        1. List the Third Party data sources.

        2. To the extent known, state the Third Parties' sources of data.

        3. State the proportion of first party data and of Third Party data.

    ii. State whether You use or allow the operation of Third Party trackers (via cookies, other persistent identifiers, or other methods of tracking) on Your own platform or on Third Party platforms and state their purposes and whether You link previous activity with current and/or future visits and/or across Devices.

    iii. Describe in Detail Your governance model over these Third Party trackers, including how You determine whether to give Guardians notice and obtain their consent prior to the trackers' collection of Personal Information from Children.

    iv. State whether You engage in data append or on-boarding practices and whether it is used for cross-Device marketing or other communications.[9]

    v. State whether companies "disclose," "sell," or "transfer," data to you. This includes renting, releasing, disclosing, disseminating, making available, sharing, licensing, or otherwise communicating (orally, in writing, electronically, or by other means) a consumer's Personal

---

[8] *First- and Third- Party Audience Segments*, GOOGLE SUPPORT: AD MANAGER HELP (last visited Mar. 18, 2020), https://support.google.com/admanager/answer/2990419?hl=en; Wayne Friedman, *Disney Debuts Luminate, Advanced Ad Group*, MEDIAPOST (May 10, 2018), http://bit.ly/2Vg5ECi; *1st Party Data, 2nd Party Data, 3rd Party Data: What Does it All Mean?*, LOTAME (Aug. 19, 2019) https://www.lotame.com/1st-party-2nd-party-3rd-party-data-what-does-it-all-mean/.

[9] *How to Maximize Your Data Onboarding Investment with Digital Targeting*, LIVERAMP (Aug. 2, 2018), https://liveramp.com/blog/digital-targeting-maximize-data-onboarding-investment/.

Information to You for any purpose, including but not limited to commercial purposes or in exchange for monetary or other valuable consideration. Describe in Detail what information You glean from this shared information

      vi. State how Your Company internally defines "disclose," "sell," "transfer," or related terms, and explain whether other entities "disclose," "sell," or "transfer" data to You under Your definitions of these terms. Describe in Detail what information You glean from this shared information.

     vii. Identify if and how You use machine learning to make decisions regarding content Children may view, including for advertisements, ad formats, recommendations and program offerings.[10]

h. List all data collection and user targeting and measurement practices You employ to collect Children's information, including data "cloning," "lookalike modeling," user "acquisition," audience segmentation, identifying "lifetime value," "user level insights," and "mediation," data append techniques used for either internally-based or external digital marketing (e.g., programmatic platforms). State the proportion of Your advertising efforts that relies on programmatic advertising.

i. State whether You collect "aggregated," "de-identified," "anonymized," or some equivalent type of data. Describe in Detail how You define that term, and whether You are able to infer other information from the "aggregated" or "anonymized" data. List all information You are able to infer.

j. List any user hardware, software, services, or applications Your Company, service, or product may obtain access to, and how consent is or is not obtained. State the purpose of this access and whether You collect any information from this access.

k. State whether You collect and retain voice data from Children. State:

---

[10] *Putting Machine Learning into the Hands of Every Advertiser*, GOOGLE SUPPORT: ADS HELP (July 10, 2018), http://bit.ly/32lhDAh; Robert Williams, *YouTube's New 'Bumper Machine' Automates 6-Second Ad Production*, MOBILE MARKETER (May 14, 2019), http://bit.ly/2I3clQF; *Audience Understanding*, DISNEY RESEARCH STUDIOS (last visited Mar. 18, 2020), http://bit.ly/39Y554i; John Honeycutt, *How Viacom Modernized its Intelligent Content Discovery Platform with Google Cloud*, GOOGLE CLOUD: BLOG (Apr. 10, 2019); http://bit.ly/2uqjtmJ; Ryan Joe, *Disney's Data Honcho Discusses its Unique Approach to Audiences, The Disney ID and Integrating Fox*, AD EXCHANGER (Jun. 20, 2019, 12:55 A.M.), http://bit.ly/2VjFEGq.

      i.   State how long You save this data and Describe in Detail any deletion procedures.

      ii.   State for what purposes You collect this information.

      iii.   Describe in Detail the kind of information You are able to infer from this information.

l. State how long You retain Each type of data and Describe in Detail Your process for deleting collected information, including from general audience products.

      i.   Describe in Detail Your deletion schedule, and whether You delete by list category or another factor.

      ii.   State whether and how You respond to requests for data deletion from Guardians.

      iii.   Describe in Detail any mechanisms for Children or their Guardians to correct, delete, or acquire a copy of any data that has been retained by Your Company.

      iv.   State how many requests for data deletion Your Company has received from Guardians or Children over the last 5 years.

m. Explain how data would be treated in the event of a merger, acquisition, bankruptcy, or dissolution of Your Company. State whether Children and their Guardians have the option to cease data collection or request deletion prior to a change in Company ownership. If so, Describe in Detail any processes that users must undergo and provide a copy of the disclosure policy.

n. Describe in Detail how the collection of data of Children and teens is implicated in over-the-top media or "smart TV" tracking.

o. List all data sources available internally and to partners, how they are used, and how those practices are in compliance with COPPA, specifically with the consent requirement.

p. Describe in Detail all sales or marketing "performance" data related to Child users that You generate. State all information You share with advertisers, agencies, and content providers.

4. **Use of Data, Sharing, and Disclosure**

a. Identify all the divisions of the Company whose work is integrated or connected when serving the Child audience, and Identify their role or contribution. Also list all outside partners that also engage in this activity and Describe their roles in Detail. This would include cloud computing, analytics, marketing sales, data management platforms, data and marketing science, ad exchanges, etc.[11]

b. Describe in Detail all purposes of collecting and retaining Children's data, including data used for advertising purposes, hosted on a Third Party platform, or otherwise shared with or sold to Third Parties, including subcontractors, subsidiaries, or data brokers. Explain what safeguards are in place to ensure that both Your internal division and Third Parties' use of this data is limited and the purpose for Each party's access.

c. Describe in Detail Your policy regarding data use for personalized content (other than personalized ads), including search. Describe in Detail all content and design features that are personalized, the purpose of personalizing (e.g., engagement, convenience, marketing, choice architecture, data analysis, classifications, in-gaming content modification, etc.), and what data were used to personalize those features.[12]

d. State whether You "disclose," "sell," or "transfer" Children's data. This includes renting, releasing, disclosing, disseminating, making available, sharing, licensing, or otherwise communicating (orally, in writing, electronically, or by other means) a consumer's Personal Information to You for any purpose, including but not limited to commercial purposes or in exchange for monetary or other valuable consideration.

  i. State whether Your Company internally has different definitions of "disclose," "sell," "transfer," or related terms. If so, state those definitions, and explain whether You "disclose," "sell," or "transfer" Children's data to other entities under Your definitions of these terms.

---

[11] THE WALT DISNEY COMPANY, *The Walt Disney Company: Bringing Winnie-The-Pooh's Hundred Acre Wood to Life*, GOOGLE CLOUD, http://bit.ly/2STJLqP; WARNERMEDIA STAFF, *Turner and Xander: Partners for a New Generation of Advertising*, WARNERMEDIA (Jan. 9, 2019), http://bit.ly/38UMQNd; Max Willens, *How Viacom Uses Artificial Intelligence to Predict the Success of its Social Campaigns*, DIGIDAY (Jun. 13, 2018), http://bit.ly/2SWWoSi; NIELSEN MARKETING CLOUD: SOLUTIONS, https://www.nielsen.com/us/en/solutions/capabilities/nielsen-marketing-cloud/.

[12] Arunesh Mathur, et al., *Dark Patterns at Scale: Findings from a Crawl of 11K Shopping Websites*, 3 PROC. ACM HUM.-COMPUT. INTERACTION 81 (Nov. 2019), https://arxiv.org/pdf/1907.07032.pdf.

      ii.   List all entities to whom You sell or share Children's data. Describe in Detail the kind of data You provide to Each entity and the conditions under which You disclose the data.

      iii. State which data You sell or share is identifiable and which is de-identified, and with whom You share Each type of data. Explain what purpose You share Each for.

e. State whether and what personal and associated data are distributed via programmatic ad platforms, whether you're aware of outside parties that are able to access the Company's data through ad auctions, via the placement of private bids, or external measurement applications, how they are able to access it, and any strategies the Company has to ensure this data cannot be used by other parties.[13]

f. Describe in Detail the data sets (size, classification, identifiability, etc.) that are shared, distributed, or matched via a neutral (Third Party) "black box" for matching (or other purposes) of consumer/user data sets with another party's data sets.[14]

      i.   Describe in Detail the matching process.

      ii.   List the purposes of the matches.

      iii. State whether these practices are disclosed in Your privacy policy. If not, explain why not.

      iv. State any contractual limitations placed on the involved parties.

g. State any safeguards You have in place to ensure that data You disclose to Third Parties and their service providers is being used in a manner consistent with Your own policies and practices, and all actions You have taken to address use by such parties in a manner inconsistent with Your policies and procedures.

h. State whether, in the case of "de-identified" or "anonymized" data, You prevent the Third Party from re-identifying the data, and explain why or why not.

---

[13] Greg Sterling, *Complaint Alleges that Google is Circumventing GDPR with RTB Personal Data Sharing*, MARKETING LAND (Sep. 4, 2019, 12:33 P.M.), https://mklnd.com/38UNXMT.

[14] Laurie Sullivan, *Samba TV Works with Amazon to Create New Attribution Model*, MEDIAPOST: COMMENTARY (Feb. 10, 2020), http://bit.ly/32ll9KZ.

i.   Describe in Detail whether and how Third Parties can obtain preferential access to Your customers via special treatment in search, ad placements, or otherwise via, for example, editorial content or design interface changes.

5. **Notice, Consent, and Choice**

a.   Please provide any sales literature and correspondence connected or related to Children using Your services (e.g., platform, apps, content, etc.).

b.   Describe in Detail all categories in which Your services are offered on platforms, stores, or Third Party sites.

c.   Describe in Detail how You make Children and/or their Guardians aware that You use, retain, or disclose Children's data. Produce any relevant Documents.

d.   Provide the privacy policies, disclosures, notices, and consent forms provided to Guardians whose Children are the subject of Your data collection.

e.   Describe in Detail the methods of Verifiable Parental Consent You require (i.e., photo identification, credit card, etc.).

f.   State whether a user who wants to use Your services or products must create an account and provide information and what information is requested. Describe in Detail how a user's experience is affected if they choose not to create an account.

g.   Describe in Detail how a Guardian or Child could opt out of data collection if desired, and how this would affect the Child's experience with Your service or product.

h.   State the default setting for Each type of data collection from Children.

i.   List any incentives offered to a Guardian to provide consent.

6. **Advertising techniques**

a.   List and explain all advertising techniques You use when advertising to Children, including but not limited to tracking, cross-Device identification, ad attribution, "persona"-based techniques, artificial intelligence, augmented reality, virtual reality, and "playable" ads.

i. Describe in Detail any advertising techniques You recently implemented or are considering implementing, such as Personal IDs tied to a person or ultrasonic beacons.

ii. Describe in Detail any research You conducted and/or considered regarding the impact of these advertising methods and others, such as facial coding, neuromarketing, and emotion analytics, on Children's psychosocial development.

iii. Describe in Detail how You conduct measurement analysis for attribution, including the composition of any "marketing mix model." Explain what "touchpoints" You include in the analysis. If You conduct measurement experiments, please provide data on how they are operationalized. Please Identify whether any Child 12 and under is included in such modeling analysis.

b. State the actual amount and percentage of total revenue from advertising to Children under 13, and from advertising to teens under 18.

c. List and explain which data are collected for attribution purposes, how You define "internal operations," and whether these data are collected under the internal operations exception. Describe in Detail any safeguards, such as specific ad policies, that You incorporate when delivering programming and marketing to Children under 13. Explain whether there are different policies or restrictions for different age groups.

d. Describe in Detail any "brand safety" measures the Company relies on, including when applied for content applicable to Children.[15]

i. List the content categories identified specifically.

ii. Explain how You operationalize such ratings classifications, including measuring outcomes.

iii. Describe in Detail Your process, current state of capabilities, likely future capabilities, Third Party involvement, inferences drawn, purpose, and identified privacy risks.

---

[15] DOUBLEVERIFY: PINNACLE, (last visited Mar. 18, 2020), https://www.doubleverify.com/pinnacle/; *Kids Content & YouTube Brand Safety*, OPENSLATE (Apr. 3, 2019), http://bit.ly/2wIUNqs; *IAS and YouTube Brand Safety and Suitability Solution Now Available for Advertisers*, INTEGRAL AD SCIENCE (Dec. 13, 2018), http://bit.ly/2vc2d58.

e. State the proportion of Your ads that are served based on geolocation. Describe in Detail all the internal and external elements used for geolocation related marketing, including data elements, techniques used, and measurement. Explain how the use of geolocation affects the cost and the ad itself.

f. Describe in Detail how the price of ad placements is determined. State the key factors. State the actual amount and proportion of total ad revenue by these factors/categories of ads, such as location targeted ads.

g. Identify the algorithmic and non-data generated processes, and sources of data, used to deliver personalized content and recommendations to Children. Explain how these systems impact the structure of the content available to Children.[16]

h. Identify the process elements used to analyze narrative content and marketing accessible to Children to promote engagement, including the measures used to evaluate its efficacy, such as BrandLift, Ad Recall, Purchase Intent, Quality Watch Time, etc. [17]

i. Identify which standardized IAB ad formats You utilize on content accessible for Children, via all Devices. Explain how You determine click-thru and viewability, if applicable.[18]

j. Describe in Detail the data processes, including sources, method, and outcomes, in the development of "affinities," "customer match," or "lookalike modeling," that is generated for Child-Directed content. Describe in Detail the "affinities" or classifications created. State whether the data are used to create scores of its users, such as "lifetime values." If so, Describe in Detail the scores and their applications.[19]

---

[16] *Continuing Our Work to Improve Recommendations on YouTube*, YOUTUBE: OFFICIAL BLOG (Jan. 25, 2019), http://bit.ly/2Vf5Z8t; Low Lai Chow, *Never Mind the Algorithms, Optimise Video for User Satisfaction,* WARC (Dec. 2019), http://bit.ly/2HNlwV8.

[17] *Why You Remembered that YouTube Ad*, GOOGLE: THINK WITH GOOGLE (last visited Mar. 18, 2020), http://bit.ly/2ViUa0Q; *WarnerMedia Unveils a Smarter Way for Advertisers at First-Ever, All-In Upfront*, WARNERMEDIA: NEWSROOM (May 15, 2019), http://bit.ly/3a1nBbU; *DoubleVerify Launches Authentic Performance, A New Paradigm for Ensuring Digital Ad Effectiveness*, DOUBLEVERIFY: NEWSROOM (Jan. 8, 2020), http://bit.ly/3c3mCdd.

[18] *IAB New Ad Portfolio*, IAB (last visited Mar. 18, 2020), https://www.iab.com/newadportfolio/; Deborah Powsner, *3 Ways Brands are Using Data and Technology to Turbocharge Their Marketing*, GOOGLE: THINK WITH GOOGLE (Oct. 2018), http://bit.ly/2uq4MQC.

[19] Hilary Givens, *What's the Deal with Lookalike and Similar Audiences?*, SALESFORCE (Jan. 18, 2017), https://sforce.co/2vfgLAO.

k. Describe in Detail the Company's best practices for increasing engagement, including first or Third Party research (and describe the relevant methods), qualitative and/or quantitative methods, or other methods.

l. Certain neutral-seeming attributes can function as a proxy for protected characteristics, such as: zip code, linguistic characteristics, name, or family income for race or ethnicity; preferences, name, or interests for gender; accessibility feature use or health care use for disability; and zip code, family income, familial status, number of Children, or race for socioeconomic status. Describe in Detail:[20]

  i. What data are collected related to these proxies or indicators;

  ii. How these data or inferences are used and for what purpose;

  iii. Whether Your Company is aware of how proxies can function in algorithmic decision-making, any research You rely on in making decisions that may raise concerns in this area, and any policies You employ to mitigate these negative effects;

  iv. Which classifications You use and in which contexts You use them;

  v. How many Children fall into Each classification;

  vi. Whether You use an algorithm to determine which demographics will receive which marketing efforts, and how the program is trained;

  vii. Which demographics are excluded or targeted for which kinds of marketing efforts;

  viii. Which datasets and applications are used to specifically target Children of color;

  ix. Any steps You take to avoid the unintentional discrimination of ads targeting students, including avoiding biases in algorithms and discriminatory marketing (e.g., marketing unhealthy foods and beverages on a discriminatory basis); and

  x. Any discrimination stemming from Your services or products that You are aware of, whether intentional or unintentional, how You

---

[20] Oliver Rollins and Benjamin Wiggins, *Proxies for Race: A Catalog*, U. OF PA. PRICE LAB FOR DIGITAL HUMANITIES (Apr. 2017), https://pricelab.sas.upenn.edu/projects/proxies-race-catalogue.

remedied the situation, and what changes You have made to Your practices and algorithms.

m. State whether You use Contextual Advertising.[21]

  i. State the proportion of total revenue from Contextual Advertising, and what percentage of that is attributable to advertisements to Children under 13.

  ii. State whether You have considered changing any of Your Behavioral Advertising practices to Contextual Advertising.

  iii. State the proportion of total revenue from Behavioral Advertising, and what percentage of that is attributable to advertisements to Children under 13.

  iv. Identify how You operationalize Contextual Advertising, including any role that machine learning and semantic analysis plays in the construction and delivery of advertising.[22]

  v. If You use or plan to use Contextual Advertising, please Describe in Detail how such a system will generate and deliver ads and marketing communications to both under and older than seven years old.

n. List the categories of advertisers/brands that are advertising to Children and teens on Your website or service.

  i. State the proportion of total revenue for Each program or service that these ads constitute.

---

[21] Ben Plomion, *Back to the Future: How AI-Enhanced Contextual Targeting May Help Marketers in the Post-Cookie Era*, WARC (Feb. 2020), https://www.warc.com/content/paywall/article/bestprac/back-to-the-future-how-ai-enhanced-contextual-targeting-may-help-marketers-in-the-post-cookie-era/131320.

[22] *Brand Safety and Contextual Classification Technology Made Easy*, GUMGUM: VERITY (last visited Mar. 18, 2020), https://gumgum.com/verity-engine; Derek Wise, *The Five Changes Shaping the Future of Contextual Advertising*, THEDRUM (Nov. 21, 2019, 2:44 P.M.), http://bit.ly/3c3BNDg; Paul Sawers, *YouTube Taps Machine Learning to Serve the Best Contextual Ads for Each User*, VENTUREBEAT (Sep. 23, 2019, 3:40 A.M.), http://bit.ly/2Tf3ZKE; *DoubleVerify Launches Semantic Science Division to Bolster Brand Safety & Performance Solutions*, DOUBLEVERIFY: NEWSROOM (Sep. 18, 2019), http://bit.ly/2ViWN2I; Daniel Oakins, *Contextual Targeting is Leagues Beyond its Legacy, Here's Why*, ADVERTISING WEEK 360 (Feb. 2020; last visited Mar. 18, 2020), http://bit.ly/2v3V1rQ; *AdSmart*, NBCUNIVERSAL (last visited Mar. 18, 2020), https://together.nbcuni.com/n/adsmart/.

16

  ii. State the proportion of total revenue for the Company overall that these ads constitute.

  iii. State what options for advertising to Children and teens that You offer.

7. User Detection

 a. Provide an analysis of Your customers as is typically shared in internal reports, with breakdowns by category.

 b. Describe the following in Detail, and state the frequency of Each event:

  i. How You detect Children and Child-Directed content on general audience platforms, including whether You use age-gating and content classifiers. If You use age-gates, state whether You have processes in place to identify whether a Child-user may be trying to register again as over 13. State whether and how the percentage of users that self-identify as under 13 changed over the last 5 years.

  ii. When You identify a user as a Child.

  iii. How Third Parties detect Children and Child-Directed content on general audience platforms.

  iv. How You detect when adults engage with Child-Directed content on general audience platforms.

 c. State whether You are or have worked with a Child-Directed site or a general audience site that is known to have Children on its platform or service. If so, state when senior managers knew that Children were being reached. Please provide any internal correspondence related to Your relationship to the Child audience in the context of marketing, advertising, and data practices.

 d. If You operate a general audience platform, list and explain any signals Your platform receives when a user arrives at Your site to determine whether the person is an adult or a Child.

 e. If You ask users to state their own age, provide a screenshot of the page when they are asked to provide this information.

f. State Your policy for determining whether a Device is shared by adults and Children alike. Explain how You handle Children's data in such a case. Explain how You differentiate between Each user, including:

  i. Whether and how audience recording technology (e.g., smart TVs and smart speakers) affects Your ability to detect Children and adults; and

  ii. How You handle the collection of Children's information from connected Devices (including smart toys) when the data collected is from a Child who is not a member of the family who owns that Device.

g. Describe in Detail what You do with the data collected to detect Children versus adults (i.e., state whether You use that data in other contexts, and if so, which contexts).

h. Please Describe in Detail all internal methods used to identify and characterize content that Children may view.

8. **Impact on Children**

a. Describe in Detail how You identify and define privacy and safety risks created by Your product or service, including whether risks are defined differently for teens versus Children under 13.

b. State whether You conduct any privacy or other related risk impact assessment of Your data practices. If so, Describe in Detail the results and produce the risk assessment. Explain how You mitigate the identified risks.

c. State when and how often impact assessments are conducted.

  i. State the individuals who are informed about the privacy and/or other related risk impact assessments within the organization. Explain Your governance process.

  ii. State whether risks are defined differently for different demographic groups. Describe in Detail any assessments conducted with regard to disparate impact for people of color, of low income, or with disabilities and/or those community groups as a whole. Describe the findings in Detail.

d. Describe in Detail any research You have commissioned or acquired that discusses the impacts of cross-Device content (mobile, over-the-top media, gaming, etc.) on young people.[23]

e. Describe in Detail any research, analysis or testing done that involves the use of metrics reflecting emotional state, changes in cognitive processes, the psychology of the individual. Specify whether such efforts have involved or applied to Children. Include information derived from outside research panels, focus groups, etc.[24]

f. State whether You use strategies to extend user engagement or screen time, also known as "sticky" features, such as reward loops, continuous scrolling, notifications, or auto-play features. Describe in Detail when and how You use those strategies.

g. Describe in Detail all communications and other materials You have received from Guardians requesting information on Your Company's data and marketing practices to Children. If concerns were raised about privacy or ad practices, state whether senior management was informed and what actions were taken.

9. **Security**

a. Describe in Detail Your actions and procedures to protect the data You collect.

b. List and Describe in Detail any data breaches that have occurred on Your online servers or databases, or those of any of Your subsidiaries or subcontractors.

    i. Describe in Detail how many Children were affected, what types of data were included in the breach, whether the data were Personally Identifiable, and whether this breach was disclosed to all stakeholders in writing.

---

[23] *Cross-Media Effects Differ by Market*, WARC: NEWS (Jan. 31, 2020), http://bit.ly/32nhPid.

[24] AFFECTIVA (last visited Mar. 18, 2020), https://www.affectiva.com/; Consumer Neuroscience, NIELSEN: SOLUTIONS (last visited Mar. 18, 2020), https://www.nielsen.com/us/en/solutions/capabilities/consumer-neuroscience/.

[24] INFORMATION COMMISSIONER'S OFFICE, *Age Appropriate Design: A Code of Practice for Online Services*, Consultation Document 37 (2019), https://ico.org.uk/media/about-the-ico/consultations/2614762/age-appropriate-design-code-for-public-consultation.pdf.

  ii. Provide all reports to federal and state authorities pursuant to data breach laws and Describe in Detail any and all disciplinary or remedial actions taken by such authorities and remedial measures taken in response to action by those authorities.

10. COPPA Safe Harbor

  a. State whether any of Your services or products participates in a safe harbor program, and which one.

  b. List any times the safe harbor enforced its requirements. Describe in Detail how it enforced its requirements and resolved complaints.

Child Data Collection Study: Suggested Companies

- McDonald
- BK
- Jack in Box
- KFC
- Coke
- Pepsi
- Disney
- Viacom
- Hasbro
- Mattel
- Spinmaster
- Google
- Apple
- Microsoft
- TikTok
- Snap
- Facebook
- Comcast
- AT&T
- Publicis
- WPP
- Dentsu
- Omnicon
- Roblox
- Jam City
- Zynga
- Peak Games
- Glu
- Pocket Gems
- Kiloo
- Epic Games
- Applovin
- Fyber
- Ironsource
- Tapjoy

UNITED STATES OF AMERICA
BEFORE THE FEDERAL TRADE COMMISSION

COMMISSIONERS: **Joseph J. Simons, Chairman**
Noah Joshua Phillips
Rohit Chopra
Rebecca Kelly Slaughter
Christine S. Wilson

FTC Matter No.   [**MATTER NUMBER**]

ORDER TO FILE A SPECIAL REPORT

Pursuant to a resolution of the Federal Trade Commission ("FTC" or "the Commission") dated [**DATE**], entitled "[**TITLE**]," a copy of which is enclosed, [**COMPANY NAME**], hereinafter referred to as the "Company," is ordered to file with the Commission, no later than 45 days after date of service, a Special Report containing the information and Documents specified herein.

The information in the Special Report will assist the Commission in studying the practices of Educational Technology companies, including marketing tactics, consent requirements, use in schools, relationships between school districts and companies, and effects on Children's psycho-social development.

The Special Report must restate Each item of this Order with which the corresponding answer is Identified. Your report is required to be subscribed and sworn by an official of the Company who has prepared or supervised the preparation of the report from books, records, correspondence, and other data and material in Your possession. If any question cannot be answered fully, give the information that is available and explain in what respects and why the answer is incomplete. The Special Report and all accompanying documentary responses must be Bates-stamped.

Confidential or privileged commercial or financial information will be reported by the Commission on an aggregate or anonymous basis, consistent with Sections 6(f) and 21(d) of the FTC Act. Individual submissions responsive to this Order that are marked "confidential" will not be disclosed without first giving the Company ten (10) days' notice of the Commission's intention to do so, except as provided in Sections 6(f) and 21 of the FTC Act.

SPECIFICATIONS

Please produce the following information, Documents, and items:[25]

1. **Identification of Report Author:** Identify the full name, business address, telephone number, and title of the person(s) who has prepared or supervised the preparation of the Company's response to this Order and Describe in Detail the steps taken by the Company to respond to this Order. For Each specification, Identify the individual(s) who assisted in preparation of the response. Produce a list of the persons (Identified by name and corporate title or job description) whose files were searched and Identify the person who conducted the search.

2. **Company Information:**
   a. State the Company's complete legal name and all other names under which it has done business, its corporate mailing address, all addresses from which it does or has done business, and the dates and states of its incorporation.

   b. Describe the Company's corporate structure, and state the names of all Parents, subsidiaries, divisions, branches, joint ventures, franchises, operations under assumed names, and websites over which it exercises supervision or control. For Each such entity, Describe in Detail the nature of its relationship to the Company and the date it was created, acquired, sold, or otherwise changed ownership or control. Produce organizational charts sufficient to detail the Company's corporate structure.

   c. Identify each individual or entity having an ownership interest in the Company, as well as their individual ownership stakes and their positions and responsibilities within the Company.

3. **Products and Product Promotion**
   a. List and Describe in Detail any online courseware offerings, software, or electronic Devices for K–12 that You have offered to the public since Your Company was founded.

   b. List and Describe in Detail any additional offerings, software, or electronic Devices that You have put in production and that are used in a K-12 setting, whether or not that is the primary or intended setting.

   c. Describe in Detail the kinds of data You, Your advertisers, or other Third Parties collect, including data that permit inferences about behavioral and psychological traits.

   d. Describe in Detail all of Your sources of data, including external sources and internal collection practices. List any products or services You sell or offer

---

[25] Should a "definitions" section be of use, CCFC and CDD would be happy to provide one.

that make use of data collected through courseware, software, or electronic Devices offered by Your Company.

e. Describe in Detail all data You receive from the FERPA exception for directory information, the FERPA school official exception, and the FERPA research and evaluation exception.

f. Describe in Detail all other collection practices and all data You gather from those practices. For example, state whether You ask students to fill out a survey, create a login, or disclose Personal Information to use Your products, including to view Your Terms of Service or End User License Agreement.

g. Describe in Detail Your policies regarding data use for personalized content (other than personalized ads). Describe all content and design features that are personalized, the purpose of personalizing (e.g., engagement, convenience, marketing, choice architecture, etc.), what data is used to personalize those features, how it is collected, and how consent is obtained for collection and use, including the terms of any relevant privacy policy or terms of service Documents.[26] If Your policies have changed, Describe in Detail all previous policies as well, and the dates they were in place.

h. List all entities (schools or otherwise) that use Your products or services, and which products or services Each entity uses.

i. Describe in detail any guidance, training, documentation, etc. You provide to school staff in using Your apps or programs.

j. List Your techniques for promoting Your products or services in schools. Describe in Detail any incentives You provide to school districts, individual schools, school administrators, and/or teachers to choose Your product over another, including monetary incentives, free or discounted products or services, social media promotions, meals, or other incentives.[27]

k. State whether You collect email addresses from Guardians and whether You send them marketing communications, information about new or existing products, or information about upgraded or premium versions of the service.

4. **Product Introduction and Integration at School**

---

[26] Arunesh Mathur, et al., *Dark Patterns at Scale: Findings from a Crawl of 11K Shopping Websites*, 3 PROC. ACM HUM.-COMPUT. INTERACTION 81 (Nov. 2019), https://arxiv.org/pdf/1907.07032.pdf.

[27] *See* Natasha Singer, *Silicon Valley Courts Brand-Name Teachers, Raising Ethics Issues*, N.Y. TIMES (Sep. 2, 2017), https://www.nytimes.com/2017/09/02/technology/silicon-valley-tEachers-tech.html (discussing "teacher influences"); *see also* Campaign for a Commercial Free Childhood, et al., Comment Letter on Proposed Rule to Revise the Children's Online Privacy Protection Rule (Dec. 5, 2019), 5.

a. Provide the privacy policies, disclosures, notices, and consent forms You provide to students, Guardians, schools, and/or other individuals or entities whose data You collect, use, retain, disclose, sell, transfer, share, etc., including whether Guardians are involved in any of these steps. For Each product or service, state:

    i. The type of individual from whom You require consent (i.e., school district, teacher, Guardian, etc.) and

    ii. The name and position of the individual providing consent on behalf of the Child, including whether that person is a principal, teacher, Guardian, etc.

b. Whether the consenting (adult) individual has received any benefit from Your Company, whether direct or indirect, including free or discounted products, monetary incentives, etc. If so, please Describe such benefit in Detail.

c. State whether any consenting individual has provided favorable reviews or participated in a brand ambassador program in exchange for free or discounted products or services. If so, please Describe such arrangements in Detail.

d. Produce any Vendor Agreements or contracts with schools that You are a part of.

    i. Describe in Detail whether, and if so, how, any Vendor Agreements or contracts change the terms of any public privacy policy You have.

    ii. Describe in Detail any practices and policies You have in place for data deletion when the contract with a school or district lapses. State whether You delete the data automatically, whether You wait for the school or district to specifically request deletion, or some other protocol. Describe this protocol in Detail.

5. **User Experience**

a. State the age range of students using Your courseware, software, or electronic Devices. Specify by product or service.

b. Describe in Detail any mechanisms for students, Guardians, or school personnel to correct, delete, or acquire a copy of any student data that has been retained by Your Company. Describe in Detail Each request made by students, Guardians, or school personnel, and Describe in Detail Your responses to such requests.

c. Describe in Detail if and how You group students into labels, categories, or lists according to any personal attributes, and whether and how students,

Guardians, educational institutions, or other Third Parties are given access to these labels or categories.[28]

     i. List and Describe in Detail the data You collect to determine how students are categorized.

     ii. List and Describe in Detail any student lists that You offer for sale and include the labels or categories for Each list. Explain how Your Company uses data to group students into labels or categories for marketing solicitations.

     iii. State how many students lists You have sold over the last five years.

     iv. State the actual amount and total revenue derived from selling these lists.

     v. List the parties with whom You have shared or sold this information.

d. State how long You retain Each type of data and Describe in Detail Your process for deleting collected information.

     i. Describe in Detail Your deletion schedule, and whether You delete by list category or another factor.

     ii. State whether and how You respond to requests for data deletion from Guardians, schools, or students.

     iii. Describe in Detail any mechanisms for Guardians, schools, or students to correct, delete, or acquire a copy of any data that has been retained by Your Company.

     iv. State how many requests for data deletion You have received from Guardians, schools, or students over the last 5 years.

     v. Describe in Detail Your Company's policy for receiving and responding to data deletion requests.

e. Describe in Detail how a student or their Guardians could opt out of data collection or the use of Your technology in the classroom. Describe in Detail if and how a student could participate in the classroom activity Your product is intended to facilitate if that student (or his/her Guardians) chose to opt out.

f. State whether and how You notify Guardians, schools, or districts if You change Your privacy policy or terms of service.

g. State the default setting for Each type of data collection (i.e., opt in, opt out, or universally applied with no possibility of opting in or out).

---

[28] *See, e.g., Student Direct Mail Lists and Email Marketing Lists*, DATAMASTERS (last visited Mar. 18, 2020), https://www.datamasters.org/mailing-lists/student-database-mailing-lists/.

h. Describe in Detail what steps a student (or his/her Guardian) can take to protect their privacy on Your technology.

6. **Definitions**

   a. State how You define "Personal Information" or "Personally Identifiable Information" internally.

   b. State how You define "educational purpose" internally.[29] For Each service or product You provide, list all educational purposes (i.e., related to provision of the service requested by the school).

   c. State how You define "commercial purpose" internally. For Each service or product You provide, list all commercial purposes, including Behavioral Advertising or building user profiles.

   d. State how You define using data to "improve products and services." For Each service or product You provide, list all the ways in which You use data that You collect for this purpose, and list all improvements You have made based on data You have collected from or about students.

7. **Products and Services in Other Sectors; Efficacy and Monetization**

   a. State whether Your Company offers products or services that collect data outside of the Ed Tech context. If so:

      i. List the other products or services and Describe them in Detail.

      ii. State whether that data is combined with the data You collect from school settings (as other companies have allegedly done),[30] or if it is kept separate.

   b. State how Each service or program Your Company offers is financed (i.e. by revenue from Behavioral Advertising, revenue from Contextual Advertising, subsidization from other more lucrative products or services offered by the Company, subscription fees, "freemium" models, or other methods), and Describe in Detail. Provide the proportions of Each source of revenue. If there are any products Your Company provides free of cost or for alternative forms of consideration, (i.e., social media posts, ratings, testimonials or awareness efforts, or some other model,) include them and Describe them in Detail.

---

[29] *Complying With COPPA*, FEDERAL TRADE COMMISSION (Mar. 20, 2015), https://www.ftc.gov/tips-advice/business-center/guidance/complying-coppa-frequently-asked-questions.

[30] Press Release, New Mexico Attorney General, Attorney General Balderas Sues Google for Illegally Collecting Personal Data of New Mexico Students (Feb. 20, 2020), https://www.nmag.gov/uploads/PressRelease/48737699ae174b30ac51a7eb286e661f/AG_Balderas_Sues_Google_for_Illegally_Collecting_Personal_Data_of_New_Mexican_School_Children.pdf.

   i. State Your annual net profit from actual sales of Ed Tech products and services.

   ii. State Your annual net profit from all activities related to Ed Tech, including data use, lease, sale, or transfer, and projected future monetary benefits.

 c. Provide any research, metrics or data on the educational utility of Your products or services, including any added benefits in comparison to analog pedagogical methods. Describe in Detail any research You conduct to support marketing claims about the efficacy of Your product.[31]

 d. Explain how data would be treated in the event of a merger, acquisition, bankruptcy, or dissolution of Your Company. State whether Children and their Guardians have the option to cease data collection or request deletion prior to a change in Company ownership. If so, Describe in Detail how this looks in practice.

8. Advertising

 a. List and explain all advertising techniques You use when advertising to Children, including but not limited to tracking, cross-Device identification, ad attribution, "persona"-based Techniques, artificial intelligence, augmented reality, virtual reality, and "playable" ads.

   i. Describe in Detail any advertising techniques You recently implemented or are considering implementing, such as Personal IDs tied to a person or ultrasonic beacons.

   ii. Describe in Detail any research You conducted and/or considered regarding the impact of these advertising methods and others, such as facial coding, neuromarketing, and emotion analytics, on Children's psychosocial development.

   iii. Describe in Detail how You conduct measurement analysis for attribution, including the composition of any "marketing mix model." Explain what "touchpoints" are included in the analysis. If You conduct measurement experiments, please provide data on how they are operationalized. Please Identify whether any Child 12 and under is included in such modeling analysis.

 b. State percentage of total revenue from advertising to Children under 13, and from advertising to teens under 18.

---

[31] *See, e.g.,* Faiza Patel, et al., *School Surveillance Zone*, BRENNAN CENTER FOR JUST. (Apr. 30, 2019), https://www.brennancenter.org/our-work/research-reports/school-surveillance-zone.

c. List and explain which data is collected for attribution purposes, how You define "internal operations," and whether this data is collected under the internal operations exception.

d. Describe in Detail any safeguards, such as specific ad policies, that You incorporate when delivering programming and marketing to Children under 13. Sate whether You have different policies or restrictions for different age groups.

e. State and Describe in Detail any safeguards, such as specific ad policies, that You incorporate when delivering programming and marketing to Children under 13. State whether there are different policies or restrictions for different age groups, and if so, what the differences are.

f. State the proportion of Your ads that are served based on geolocation. Describe in Detail all the internal and external elements used for geolocation related marketing, including data elements, techniques used, and measurement. Explain how the use of geolocation affects the cost and the ad itself.

g. Describe in Detail how the price of ad placements is determined. State the key factors. State the proportion of total ad revenue by these factors/categories of ads, such as location targeted ads.

h. Identify the algorithmic and non-data generated processes, and sources of data, used to deliver personalized content and recommendations to Children. Explain how these systems impact the structure of the content available to Children.[32]

i. Describe in Detail the data processes, including sources, method, and outcomes, in the development of "affinities," "customer match," or "lookalike modeling," that are generated for Child-Directed content. Describe in Detail the "affinities" or classifications created. State whether data is used to create scores of its users, such as "lifetime values." If so, Describe in Detail the scores and their applications.[33]

j. Certain neutral-seeming attributes can function as a proxy for protected characteristics, such as: zip code, linguistic characteristics, name, or family income for race or ethnicity; preferences, name, or interests for gender; accessibility feature use or health care use for disability; and zip code, family

---

[32] *Continuing Our Work to Improve Recommendations on YouTube*, YOUTUBE: OFFICIAL BLOG (Jan. 25, 2019), http://bit.ly/2Vf5Z8t; Low Lai Chow, *Never Mind the Algorithms, Optimise Video for User Satisfaction,* WARC (Dec. 2019), http://bit.ly/2HNlwV8.

[33] Hilary Givens, *What's the Deal with Lookalike and Similar Audiences?*, SALESFORCE (Jan. 18, 2017), https://sforce.co/2vfgLAO.

income, familial status, number of Children, or race for socioeconomic status. Describe in Detail:[34]

   i.   What data are collected related to these proxies or indicators;

   ii. How these data or inferences are used and for what purpose;

   iii. Whether Your Company is aware of how proxies can function in algorithmic decision-making, any research You rely on in making decisions that may raise concerns in this area, and any policies You employ to mitigate these negative effects;

   iv. Which classifications You use and in which contexts You use them;

   v.   How many Children fall into Each classification;

   vi. Whether You use an algorithm to determine which demographics will receive which marketing efforts, and how the program is trained;

   vii. Which demographics are excluded or targeted for which kinds of marketing efforts;

   viii. Which datasets and applications are used to specifically target Children of color;

   ix. Any steps You take to avoid discrimination, whether intentional or unintentional, in ads targeting students, including avoiding biases in algorithms and discriminatory marketing (e.g., marketing unhealthy foods and beverages on a discriminatory basis); and

   x.   Any discrimination stemming from Your services or products that You are aware of, whether intentional or unintentional, how You remedied the situation, and what changes You have made to Your practices and algorithms.

k. State whether You use Contextual Advertising.[35]

   i.   State the actual amount and the proportion of total revenue from Contextual Advertising, and what percentage of that is attributable to advertisements to Children under 13.

   ii. State whether You have considered changing any of Your Behavioral Advertising practices to Contextual Advertising.

---

[34] Oliver Rollins and Benjamin Wiggins, *Proxies for Race: A Catalog*, U. OF PA. PRICE LAB FOR DIGITAL HUMANITIES (Apr. 2017), https://pricelab.sas.upenn.edu/projects/proxies-race-catalogue.

[35] Ben Plomion, *Back to the Future: How AI-Enhanced Contextual Targeting May Help Marketers in the Post-Cookie Era*, WARC (Feb. 2020), https://www.warc.com/content/paywall/article/bestprac/back-to-the-future-how-ai-enhanced-contextual-targeting-may-help-marketers-in-the-post-cookie-era/131320.

iii. State the actual amount and the proportion of total revenue from Behavioral Advertising, and what percentage of that is attributable to advertisements to Children under 13.

iv. Identify how You operationalize Contextual Advertising, including any role that machine learning and semantic analysis plays in the construction and delivery of advertising.[36]

v. If You use or plan to use Contextual Advertising, please Describe in Detail how such a system does or will generate and deliver ads and marketing communications, with specific information on application to users under the age of seven and users aged seven and older.

l. List the categories of advertisers/brands that have advertised to Children and teens on Your website or service.

i. State the actual amount and the proportion of total revenue for Each program or service that these ads constitute.

ii. State the actual amount and the proportion of total revenue for the Company overall that these ads constitute.

iii. State what options for advertising to Children and teens that You offer.

9. **Security**

a. Describe in Detail Your actions and procedures to protect the data You collect.

b. List and Describe in Detail any data breaches that have occurred on Your online servers or databases, or those of any of Your subsidiaries or subcontractors.

i. Describe in Detail how many Children were affected, what types of data were included in the breach, whether the data were Personally Identifiable, and whether this breach was disclosed to all stakeholders in writing.

---

[36] *Brand Safety and Contextual Classification Technology Made Easy*, GUMGUM: VERITY (last visited Mar. 18, 2020), https://gumgum.com/verity-engine; Derek Wise, *The Five Changes Shaping the Future of Contextual Advertising*, THEDRUM (Nov. 21, 2019, 2:44 P.M.), http://bit.ly/3c3BNDg; Paul Sawers, *YouTube Taps Machine Learning to Serve the Best Contextual Ads for Each User*, VENTUREBEAT (Sep. 23, 2019, 3:40 A.M.), http://bit.ly/2Tf3ZKE; *DoubleVerify Launches Semantic Science Division to Bolster Brand Safety & Performance Solutions*, DOUBLEVERIFY: NEWSROOM (Sep. 18, 2019), http://bit.ly/2ViWN2I; Daniel Oakins, *Contextual Targeting is Leagues Beyond its Legacy, Here's Why*, ADVERTISING WEEK 360 (Feb. 2020; last visited Mar. 18, 2020), http://bit.ly/2v3V1rQ; *AdSmart*, NBCUNIVERSAL (last visited Mar. 18, 2020), https://together.nbcuni.com/n/adsmart/.

      ii. Provide all reports to federal and state authorities pursuant to data breach laws and Describe in Detail any and all disciplinary or remedial actions taken by such authorities and remedial measures taken in response to action by those authorities.

c. State whether, in the case of a breach, the Company bears the burden of financial losses. If not, explain which party or parties will indemnify it.

d. State and explain any security protections You employ to protect against breaches, such as encryption and two-factor authentication.

Ed Tech Study: Suggested Companies

- Google (including Chromebooks, Chrome, Gmail, Gsuite)
- Amazon (including Cloud Computing, JEE Ready, AWS EdStart)
- Microsoft (including Office 360, Teams)
- Zoom
- Kaplan
- Wiley
- Mind Research Institute
- National Student Clearinghouse
- Accurate Leads
- American Student Marketing
- AmeriList
- ASL Marketing
- Caldwell List Company
- Complete Mailing Lists
- DataMasters
- Scholarships.com
- Newsela
- Dreambox Learning
- Schoology
- Instructure (Canvas)
- Blackboard
- Naviance
- Class Dojo
- Pearson
- Houghton-Mifflin
- Edmodo
- Prodigy
- Gaggle
- Credly
- Scholastic
- Knewton