## Analysis of Proposed Consent Order to Aid Public Comment

## In the Matter of Goldenshores Technologies, LLC, File No. 132 3087

The Federal Trade Commission ("FTC" or "Commission") has accepted, subject to final approval, an agreement containing consent order from Goldenshores Technologies, LLC, and Erik M. Geidl ("respondents").

The proposed consent order has been placed on the public record for thirty (30) days for receipt of comments by interested persons. Comments received during this period will become part of the public record. After thirty (30) days, the Commission will again review the agreement and the comments received, and decide whether it should withdraw from the rd-facing illumination. As of May 2013, users have downloaded the o tens of millions of times.

a's complaint alleges two violations of Section 5(a) of the FTC Act, we and unfair acts or practices in or affecting commerce, by respondents. complaint, respondents represent in the Brightest Flashlight App's privacy d-user license agreement ("EULA") that respondents may periodically as, and use information from users' mobile devices to provide software t, and other services to users related to the Brightest Flashlight App, and nce with respondents' EULA. The complaint alleges that this claim is indents fail to disclose, or adequately disclose, that, when users run the p, the application transmits, or allows the transmission of, their devices' ag with persistent device identifiers to various third parties, including etworks.

plaint alleges that respondents falsely represent in the Brightest onsumers have the option to refuse the terms of the Brightest Flashlight relating to the collection and use of device data, and thereby prevent the o from ever collecting or using their device's data. In fact, regardless of ept or refuse the terms of the EULA, the Brightest Flashlight App transmission of, device data as soon as the consumer launches the hey have chosen to accept or refuse the terms of the Brightest Flashlight

nsent order contains provisions designed to prevent respondents from or practices in the future. Specifically, Part I prohibits respondent from extent to which "covered information" is collected, used, disclosed, or shared and (2) the extent to which users may exercise control over the collection, use, disclosure, or sharing of "covered information" collected from or about them, their computers or devices, or their online activities. "Covered information" is defined as "(a) a first and last name; (b) a home or other physical address, including street name and name of city or town; (c) an email address or other online contact information, such as an instant messaging user identifier or a screen name; (d) a telephone number; (e) a Social Security number; (f) a driver's license or other state-issued identification number; (g) a financial institution account number; (h) credit or debit card information; (i) a persistent identifier, such as a customer number held in a "cookie," a static Internet Protocol ("IP") address, a mobile device ID, or processor serial number; (j) precise geolocation data of an individual or mobile device, including but not limited to GPS-based, WiFi-based, or cell-based location information ("geolocation information"); (k) an authentication credential, such as a username and password; or (l) any other communications or content stored on a consumer's mobile device."

Part II requires respondents to give users of their mobile applications a clear and prominent notice and to obtain express affirmative consent prior to collecting their geolocation information. Part III requires respondents to delete any "covered information" in their possession, custody, or control that they collected from users of the Brightest Flashlight App prior to the entry of the order.

Parts IV, V, VI, VII, and VIII of the proposed order require respondent to keep copies of relevant advertisements and materials substantiating claims made in the advertisements; to provide copies of the order to its personnel; to notify the Commission of changes in corporate structure that might affect compliance obligations under the order; and to file compliance reports with the Commission. Part IX provides that the order will terminate after twenty (20) years, with certain exceptions.

The purpose of this analysis is to facilitate public comment on the proposed order. It is not intended to constitute an official interpretation of the complaint or the proposed order, or to modify the proposed order's terms in any way.