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UNITED STATES OF AMERICA
BEFORE THE FEDERAL TRADE COMMISSION

COMMISSIONERS: Edith Ramirez, Chairwoman

prescribed in Section 2.34 of its Rules, the Commission hereby issues its complaint, makes the following jurisdictional findings and enters the following order:

1. Respondent Red Zone Investment Group, d/b/a ColorTyme (“Red Zone”), is a Texas corporation with its principal office or place of business at 3632 Frankford Road, Suite 200A, Dallas, Texas 75287.

2. The Commission has jurisdiction of the subject matter of this proceeding and of respondent, and the proceeding is in the public interest.

ORDER

DEFINITIONS

For purposes of this order, the following definitions shall apply:

1. Unless otherwise specified, “respondent” shall mean Red Zone and its successors and assigns.

2. “Commerce” shall be defined as it is defined in Section 4 of the Federal Trade Commission Act, 15 U.S.C. § 44.

3. “Computer” shall mean any desktop or laptop computer, handheld device, tablet, telephone, or other electronic product or device that has a platform on which to download, install, or run any software program, code, script, or other content.

4. “Clear(ly) and prominent(ly)” shall mean:

a. In textual communications (e.g., printed publications or words displayed on the screen of a computer or mobile device) the required disclosures are of a type, size, and location sufficiently noticeable for an ordinary consumer to read and comprehend them, in print that contrasts highly with the background on which they appear;

b. In communications disseminated orally or through audible means (e.g., radio or streaming audio), the required disclosures are delivered in a volume and cadence sufficient for an ordinary consumer to hear and comprehend them;

c. In communications disseminated through video means (e.g., television or streaming video), the required disclosures are in writing in a form consistent with subpart (a) of this definition and shall appear on the screen for a duration sufficient for an ordinary consumer to read and comprehend them, and in the same language as the predominant language that is used in the communication;

d. In communications disseminated through video means (e.g., television or streaming video), the required disclosures are in writing in a form consistent with subpart (a) of this definition and shall appear on the screen for a duration sufficient for an ordinary consumer to read and comprehend them, and in the same language as the predominant language that is used in the communication;

II.
USE OF TRACKING TECHNOLOGY LIMITED

IT IS FURTHER ORDERED that respondent, directly through any corporation, partnership, subsidiary, division, or other device, its officers, agents, servants, employees, and all persons or entities in active or participation with it who receive actual notice of this order, by personal service or otherwise, in connection with any covered rent-to-

3. Icons: respondent shall provide that the activation of any geophysical location tracking technology be accompanied by the installation of a clear and prominent icon on the computer on which the technology is installed, such as on the desktop and in the desktop system tray of the computer. Clicking on the icon must clearly and prominently disclose: (1) that geophysical location tracking technology is installed and currently running on the computer; (2) the types of user activity or conduct that is being captured by such technology; (3) the identities or specific categories of entities with whom any data or information that is collected will be shared or otherwise provided; (4) the purpose(s) for the collection, use, or storage of such data or information; and (5) where and how the user can contact someone for additional information.

Provided that respondent may suspend the notice requirements of this Part and activate geophysical location tracking technology if a) the renter reports that the computer has been stolen or respondent otherwise has a reasonable basis to believe that the computer has been stolen, and b) either the renter or respondent has filed a police report stating that the computer has been stolen. Provided further that respondent shall retain documents establishing (a) and (b). For purposes of this Order, "filing of a police report" means the filing of the renter's or respondent's complaint with the police department in any form recognized in the jurisdiction.

III. NO DECEPTIVE GATHERING OF

V.
PROTECTION OF DATA

IT IS FURTHER ORDERED that respondent, directly through any corporation, partnership, subsidiary, division, the name, or other device, its officers, agents, servants, employees, and all persons or entities in active or participation with it who receive actual notice of this order, by personal service or otherwise, shall:

A. Delete or destroy all user data previously gathered using any monitoring or geophysical location tracking technology that does not comply with

VIII.
COMPLIANCE REPORTING

IT IS FURTHER ORDERED that:

A.

B. Are reasonably necessary to demonstrate full compliance with each provision of this order, including but not limited to, all documents obtained, created, generated, or which in any way relate to the requirements, provisions, or terms of this order, and all reports submitted to the Commission pursuant to this order;

C. Contradict, qualify, or call into question respondent's compliance with this order;
or

D. Acknowledge receipt of this order obtained pursuant to Part VII.

X. TERMINATION OF ORDER

This Order will terminate on April 11, 2033, or twenty (20) years from the most recent date that the United States or the Federal Trade Commission files a complaint (with or without an accompanying consent decree) in federal court alleging any violation of the Order, whichever comes later, *provided, however*, that the filing of such a complaint will not affect the duration of:

A. Any Part in this Order that terminates in less than twenty (20) years;

B. This Order if such complaint is filed after the order has terminated pursuant to this Part.

Provided, further, that if such complaint is dismissed under federal court rules that respondent did not violate any provision of the Order, and the dismissal or ruling is either not appealed or upheld on appeal, then the Order will terminate according to this Part as though the complaint had never been filed, except that the Order will terminate between the date such complaint is