





physical address, including street name and name of city or town; (3) an email address or other online contact information, such as an instant messaging user identifier or a screen name; (4) a telephone number; (5) date of birth; or (6) a photograph or video containing an individual's image.

**I.**  
**PROHIBITION ON DISSEMINATION OF**  
**VIDEOS OR PHOTOGRAPHS WITHOUT CONSENT**

**IT IS ORDERED** that Respondent and Respondent's officers, agents, servants, employees, and attorneys, and all other persons in active concert or participation with any of them, who receive actual notice of this order, whether acting directly or indirectly, in connection with the marketing, promoting, or offering for sale of any good or service, is permanently restrained and enjoined from disseminating, through a website or online service, a video or photograph of an individual with his or her intimate parts exposed without:

- A. clearly and prominently disclosing directly to that individual, and not as part of a "privacy policy," "terms of use," or similar document posted on a website or online service, that Respondent will disseminate the video or photograph for

**IT FURTHER ORDERED**

PROHIBITION MISREPRESENTATION

- A. disclosing, using, transferring, or benefitting from personal information obtained prior to entry of this Order in connection with or displayed on any of the Covered Websites; and
- B. failing to destroy such personal information in all forms in Respondent's possession, custody, or control within 30 days after entry of this Order.

*Provided, however,* that such personal information need not be disposed of, and may be disclosed, to the extent requested by a government agency or required by law, regulation, or court order.

#### **IV.**

**IT IS FURTHER ORDERED** that Respondent shall maintain and upon request make available to the Federal Trade Commission for inspection and copying a print or electronic copy of:

- A. affirmative express written consent obtained from each individual whose intimate parts are exposed in a photograph or video shared by Respondent on a website or through an online service;
- B. all representations about Respondent's collection, use, disclosure, or sharing of personal information in connection with marketing, promoting, or offering for sale any good or service that involves the collecting or posting of personal information on a website or online service, including but not limited to the terms of use, frequently-asked questions, and privacy policies of such website or online service, for a period of five (5) years from the date of preparation or dissemination, whichever is later;
- C. all consumer complaints and content removal requests received by or on behalf of Respondent relating to Respondent's collection, use, disclosure, or sharing of personal information, for a period of five (5) years from the date received;
- D. all responses to the complaints and requests set forth in Part IV.C, for a period of five (5) years from the date sent;
- E. copies of all subpoenas and other communications with law enforcement entities or personnel relating to Respondent's collection, use, disclosure, or sharing of personal information in connection with operating a website or online service, for a period of five (5) years from the date received or sent; and
- F. all documents prepared by or on behalf of Respondent that contradict, qualify, or call into question Respondent's compliance with this order, for a period of five (5) years from the date received or created.

**V.**

**IT IS FURTHER ORDERED** that Respondent shall deliver a copy of this order to all current and future employees, agents, and representatives having responsibilities relating to the subject matter of this order. Respondent shall deliver this order to such current personnel within thirty (30) days after service of this order, and to such future personnel within thirty (30) days after the person assumes such position or responsibilities. Respondent must secure a signed and dated statement acknowledging receipt of this order, within thirty (30) days of delivery, from all persons receiving a copy of the order pursuant to this section.

**VI.**

**IT IS FURTHER ORDERED**

Provided, further, that if such complaint is dismissed or a 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 as to such Respondent will terminate according to this Part as though the complaint had never been filed, except that the order will not terminate between the date such complaint is filed and the later of the deadline for appealing such dismissal or ruling and the date such dismissal or ruling is upheld on appeal.

Signed this \_\_\_\_\_ day of \_\_\_\_\_, 2014.

CRAIG BRITTAIN

Dated: \_\_\_\_\_

By: \_\_\_\_\_  
CRAIG BRITTAIN

FEDERAL TRADE COMMISSION

Dated: \_\_\_\_\_

By: \_\_\_\_\_  
MELINDA CLAYBAUGH  
Counsel for the Federal Trade Commission

APPROVED:

---

MARK EICHORN  
Assistant Director  
Division of Privacy and Identity Protection

---

MANEESHA MITHAL  
Associate Director  
Division of Privacy and Identity Protection

---

JESSICA L. RICH  
Director  
Bureau of Consumer Protection