

1
2
3

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

video chat user identifier.

K.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

voice;

- 9. Geolocation information sufficient to identify street name and name of a city or town; or
- 10. Information concerning the child or the parents of that child that the operator

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

another Web site or online service directed to children.

3. A Web site or online service that is directed to children under the criteria set forth in paragraph (1) of this definition, but that does not target children as its primary audience, shall not be deemed directed to children if it:

- a. Does not collect personal information from any visitor prior to collecting age information; and
- b. Prevents the collection, use, or disclosure of personal information from visitors who identify themselves as under age 13 without first complying with the notice and parental consent provisions of 16 C.F.R. Part 312.

4. A Web site or online service shall not be deemed directed to children solely because it refers or links to a commercial Web site or online service directed to children by using information location tools, including a directory, index, reference, pointer, or hypertext link.

ORDER

I. INJUNCTION CONCERNING COLLECTION OF PERSONAL INFORMATION FROM CHILDREN

IT IS ORDERED that Defendant and Defendant’s officers, agents, employees, and attorneys, and all other persons in active concert or participation with any of them, who receive

1 B. failing to post a prominent and clearly labeled link to an online notice of its information
2 practices with regard to children, if any, on the home or landing page or screen of its Web site or
3 online service, *and* at each area of the Web site or online service where personal information is
4 collected from children; and

5 C. failing to obtain verifiable parental consent before any collection, use, or disclosure of
6 personal information from children, including consent to any material change in the collection,
7 use, or disclosure practices to which the parent has previously consented.

8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

1 from the date of entry of this Order, due within six (6) months and twelve (12) months,
2 respectively, of the date of entry of this Order. Defendant shall make all payments required by
3 this paragraph by electronic fund transfer in accordance with instructions previously provided by
4 a representative of Plaintiff. Upon such payments, the remainder of the judgment is suspended,
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

1 and assessment of the sufficiency of any safeguards in place to control these risks. At a
2 minimum, this privacy risk assessment should include consideration of risks in each area of
3 relevant operation, including, but not limited to: (1) employee training and management,
4 including training on the requirements of this Order; and (2) product design, development, and
5 research;

6 C. the design and implementation of reasonable privacy controls and procedures to address
7 the risks identified through the privacy risk assessment, and regular testing or monitoring of the
8 effectiveness of those privacy controls and procedures;

9 D. the development and use of reasonable steps to select and retain service providers capable
10 of appropriately protecting the privacy of covered information they receive from Defendant, and
11 requiring service providers by contract to implement and maintain appropriate privacy
12 protections; and

13 E.
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

- the covered information collected from or about consumers;
- 3. explain how the privacy controls that have been implemented meet or exceed the protections required by Part VIII of this Order; and
- 4. certify that De`O

1 information and all employees, agents, and representatives having responsibilities related to the
2 operation of any website or online service subject to this Order; and (3) any business entity
3 resulting from any change in structure as set forth in the Part titled Compliance Reporting.

4 Delivery must occur within seven (7) days of entry of this Order for current personnel. For all
5 others, delivery must occur before they assume their responsibilities.

6 C. From each individual or entity to which Defendant delivers a copy of this Order,
7 Defendant must obtain, within thirty (30) days, a signed and dated acknowledgment of receipt of
8 this Order.

9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

1
2
3
4

1 The subject line must begin: United States v. InMobi Pte Ltd.

2 **XII. RECORDKEEPING**

3 IT IS FURTHER ORDERED that Defendant must create certain records for twenty (20)
4 years after entry of the Order, and retain each such record for five (5) years. Specifically,
5 Defendant must create and retain the following records:

- 6 A. all records necessary to demonstrate full compliance with each provision of this Order,
7 including all submissions to the Commission;
- 8 B. copies of all consumer complaints relating to Defendant's collection of covered
9 information or personal information, and any response; and
- 10 C. a copy of each materially different version of any software development kit Defendant
11 makes available to developers, and any associated documentation or instructions.

12 **XIII. COMPLIANCE MONITORING**

13 IT IS FURTHER ORDERED that, for the purpose of monitoring Defendant's compliance
14 with this Order:

- 15 A. Within fourteen (14) days of receipt of a written request from a representative of the
16 Commission or Plaintiff, Defendant must: submit additional compliance reports or other
17 requested information, which must be sworn under penalty of perjury; appear for depositions; and
18 produce documents for inspection and copying. The Commission and Plaintiff are also
19 authorized to obtain discovery, without further leave of court, using any of the procedures
20 prescribed by Federal Rules of Civil Procedure 29, 30 (including telephonic depositions), 31, 33,
21 34, 36, 45, and 69.
- 22 B. For matters concerning this Order, the Commission and Plaintiff are authorized to
23 communicate directly with Defendant. Defendant must permit representatives of the Commission
24 and Plaintiff to interview any employee or other person affiliated with Defendant who has agreed
25 to such an interview. The person interviewed may have counsel present.
- 26 C. The Commission and Plaintiff may use all other lawful means, including posing, through
27
28

1 notice. Nothing in this Order limits the Commission’s lawful use of compulsory process,
2 pursuant to Sections 9 and 20 of the FTC Act, 15 U.S.C. §§ 49, 57(b)-1.

3 **XIV. RETENTION OF JURISDICTION**

4 IT IS FURTHER ORDERED that this Court retains jurisdiction of this matter for
5 purposes of construction, modification, and enforcement of this Order.

6
7 **SO ORDERED** this ___ day of _____, 2016.

8
9
10 UNITED STATES DISTRICT JUDGE
11 NORTHERN DISTRICT OF CALIFORNIA
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

1 **SO STIPULATED AND AGREED**
2 **FOR PLAINTIFF UNITED STATES OF AMERICA**

3
4 BENJAMIN C. MIZER
5 Principal Deputy Assistant Attorney General
6 Civil Division

7 JONATHAN F. OLIN
8 Deputy Assistant Attorney General

9 MICHAEL S. BLUME
10 Director
11 Consumer Protection Branch

12 ANDREW E. CLARK
13 Assistant Director

14 /s/ Jacqueline Blaesi-Freed
15 JACQUELINE BLAESI-FREED
16 Trial Attorney
17 Consumer Protection Branch
18 U.S. Department of Justice
19 P.O. Box 386
20 Washington, DC 20044
21 (202) 353-2809
22 jacqueline.m.blaesi-freed@usdoj.gov
23
24
25
26
27
28

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28



