

Analysis of Proposed Consent Order to Aid Public Comment
In the Matter of Residual Pumpkin Entity, LLC and PlanetArt, LLC, File No. 1923209

Summary of Proposed Order with Residual Pumpkin

Part I prohibits Residual Pumpkin from misrepresenting (1) privacy and security measures it takes to prevent unauthorized access to Personal Information; (2) the extent to which Residual Pumpkin is a member of any privacy or security program sponsored by a government, self-regulatory, or standard-setting organization; (3) privacy and security measures to honor

Part XIII contains other requirements related to the Commission's monitoring of Respondent's order compliance.

Part XIV provides the effective dates of the order, including that, with exceptions, the order will terminate in twenty (20) years.

Summary of Proposed Order with PlanetArt

Part I prohibits PlanetArt from misrepresenting: (1) privacy and security measures it takes to prevent unauthorized access to Personal Information; (2) the extent to which PlanetArt is a member of any privacy or security program sponsored by a government, self-regulatory, or standard-setting organization; (3) privacy and security measures to honor users' privacy choices; (4) information deletion and retention practices; and (5) the extent to which it maintains and protects the privacy, security, availability, confidentiality, or integrity of Personal Information.

Part II requires PlanetArt to establish and implement, and thereafter maintain, a comprehensive information security program that protects the privacy, security, confidentiality, and integrity of Personal Information.

Part III requires PlanetArt to obtain initial and biennial data security assessments for years.

Part IV requires PlanetArt to disclose all material facts to the assessor and prohibits PlanetArt from misrepresenting any fact material to the assessment required by Part II.

Part V requires PlanetArt to submit an annual certification from a senior corporate manager (or senior officer responsible for its Security Program) that PlanetArt has implemented the requirements of the order and is not aware of any material noncompliance that has not been corrected or disclosed to the Commission.

Part VI requires PlanetArt to notify the Commission of a Covered Incident within thirty days of discovering such incident.

Part VII requires PlanetArt to provide notice to consumers to inform them of the breach and the settlement with the FTC.

Part VIII requires PlanetArt to submit an acknowledgement of receipt of the order, and reports required by 16 CFR 312.10 (i) and 16 CFR 312.10 (j) to the FTC, including all officers, directors, and employees (c)4 (d)-10 (i)-

Part XI contains other requirements related to the Commission's monitoring of PlanetArt's order compliance.

Part XII provides the effective dates of the order, including that, with exceptions, the order will terminate in 20 years.

The purpose of this analysis is to facilitate public comment on the Proposed Order, and it is not intended to constitute an official interpretation of the compliance Proposed Order, or to modify the Proposed Order's terms in any way.