

This matter concerns alleged misrepresentations about how personal information collected from consumers through the proposed respondent's Web site would be used and alleged unfair practices in connection with proposed respondent's changes to its online privacy policy. The proposed respondent collects personal information from consumers on its Web site, including information from parents who purchase Hooked on Phonics products for their children. Such information includes the parent's first and last name, address, phone number, email address, purchase history, and his or her child's age range and gender. The proposed respondent maintains a privacy policy on its Web site that describes how it handles personal information collected from consumers.

The Commission's complaint charges that the proposed respondent falsely represented that information collected from consumers through its Web site would not be sold, rented, or loaned to third parties and that personal information about children under the age of thirteen would not be provided to any third party for any purpose. In fact, the complaint alleges, proposed respondent rented to third parties information about consumers and the age range and gender of their children. This information was used to send direct mail and make telemarketing calls to consumers.

The complaint also alleges that by posting a revised privacy policy containing material changes to its practices that were inconsistent with its original promise to consumers and retroactively applying such changes to previously-collected information, the proposed respondent engaged in an unfair practice. As alleged in the complaint, the proposed respondent collected personal information under a privacy policy that specifically stated that it did not sell, rent, or loan such information to third parties. It then changed its posted privacy policy to state that it may provide such information to third parties and, without providing any additional notice to consumers, applied this change to information collected under the earlier policy. Thus, without sufficient notice to consumers, the proposed respondent adopted a new policy and practice of sharing information with third parties that directly contradicted the promise made to consumers when the information was collected. The complaint alleges that this retroactive application of proposed respondent's revised privacy policy caused or is likely to cause substantial injury to consumers by subjecting them to

unwanted direct mail and telemarketing calls. Further, such injury is not outweighed by countervailing benefits to consumers or competition and is not reasonably avoidable by consumers.

Lastly, the complaint alleges that the proposed respondent misrepresented that it would notify consumers of material changes to its information practices, when in fact, it did not notify consumers of material changes to its information practices. Instead, the proposed respondent posted a revised privacy policy on its Web site without any indication that the policy had materially changed or what aspects of the policy had changed.

Part I of the consent order prohibits the proposed respondent, in connection with the collection of personal information from or about an individual, from misrepresenting (1) That it will not sell, rent, or loan to third parties such personal information; (2) that it will not provide to any third party personal information about children under the age of thirteen; (3) the manner by which it will notify consumers of changes to its privacy policy; or (4) the manner in which it will collect, use, or disclose personal information.

Part II of the order prohibits the proposed respondent from disclosing to any third party any personal information collected on its Web site prior to the date it posted its revised privacy policy permitting third-party sharing (June 20, 2003), unless it obtains the express affirmative ("opt-in") consent of the consumers to whom such personal information relates. Part III of the order prohibits the proposed respondent, in connection with the posting in the future of any privacy policy that contains a material change from the previous version of the policy, from applying such changes to information collected from or about consumers before the date of the posting, unless it obtains the express affirmative ("opt-in") consent of the consumers to whom such personal information relates. Part IV of the order requires the proposed respondent to pay \$4,608 to the United States Treasury as disgorgement of its profits from renting customer data.

The remainder of the proposed order contains standard requirements that the proposed respondent: maintain copies of privacy statements and other documents relating to the collection, use or disclosure of personally identifiable information and to any efforts to obtain the consent of consumers and documents demonstrating such consent as required by Parts II and III of the order; distribute copies of the order to

certain company officials and employees; notify the Commission of any change in the corporation that may affect compliance obligations under the order; and file one or more reports detailing its compliance with the order. Part IX of the proposed order is a provision whereby the order, absent certain circumstances, terminates twenty years from the date of issuance.

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

The proposed order, if issued in final form, will resolve the claims alleged in the complaint against the named respondent. It is not the Commission's intent that acceptance of this consent agreement and issuance of a final decision and order will release any claims against any unnamed persons or entities associated with the conduct described in the complaint.

By direction of the Commission.

Donald S. Clark,

Secretary.

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DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration on Aging

Agency Information Collection Activities; Submission for OMB Review; Comment Request; Extension of Supplemental Form to the Financial Status Report for All AoA Title III Grantees

AGENCY: Administration on Aging, HHS.

ACTION: Notice.

SUMMARY: The Administration on Aging (AoA) is announcing that the proposed collection of information listed below has been submitted to the Office of Management and Budget (OMB) for review and clearance under the Paperwork Reduction Act of 1995.

DATES: Submit written comments on the collection of information by August 13, 2004.

ADDRESSES: Submit written comments on the collection of information by fax 202.395.6974 or by mail to the Office of Information and Regulatory Affairs, OMB, New Executive Office Bldg., 725 17th St. NW., Rm. 10235, Washington, DC 20503, Attn: Brenda Aguilar, Desk Officer for AoA.

FOR FURTHER INFORMATION CONTACT: Margaret.Tolson@aoa.gov.

SUPPLEMENTARY INFORMATION: In compliance with 44 U.S.C. 3507, AoA has submitted the following proposed collection of information to OMB for review and clearance.

The Supplemental form to the Financial Status Report for all AoA Title III Grantees provides an understanding of how projects funded by the Older Americans Act are being administered by grantees, in conformance with legislative requirements, pertinent Federal regulations and other applicable instructions and guidelines issued by Administration on Aging (AoA). This information will be used for Federal oversight of Title III Projects. AoA estimates the burden of this collection of information as follows: 56 State Agencies on Aging respond semiannually which should be an average burden of 1 hour per State agency per submission.

Dated: July 9, 2004.

Josefina G. Carbonell,

Assistant Secretary for Aging.

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DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

Immediate Relief To Decrease Unsafe Injections in Selected Countries in Africa and the Caribbean Under the President's Emergency Plan for AIDS Relief

Announcement Type: New.

Funding Opportunity Number: 04212.

Catalog of Federal Domestic

Assistance Number: 93.943.

Key Dates:

Application Deadline: August 13, 2004.

Executive Summary: President Bush's Emergency Plan for AIDS Relief has called for immediate action to turn the tide of HIV/AIDS in Africa and the Caribbean. An important aspect of the President's bold vision is to prevent at least seven million HIV infections. This funding opportunity responds to the President's call for rapid, accountable, and sustainable action. An important aspect of the President's Emergency Plan for AIDS Relief (PEPFAR) is the providing of assistance to ensure the elimination of unsafe medical injections and other related unsafe medical practices, including occupational exposure to blood. The focus of this announcement is seven countries in Africa and the Caribbean heavily affected by HIV/AIDS: Botswana, Côte

d'Ivoire, Haiti, Kenya, Rwanda, South Africa, and Tanzania.

Transmission of HIV and hepatitis in the health care setting can occur through unsafe injections and other unsafe medical practices, including occupational exposure to blood. The persons most at risk of infection through unsafe injections are the injection recipients, health care workers through contaminated needles and syringes, and the wider community through exposure to contaminated sharps waste.

Estimates of the global burden of disease from unsafe injections suggests that, in the year 2000, unsafe injections around the world accounted for five percent of HIV infections, 32 percent of hepatitis B virus infections, 40 percent of hepatitis C virus infections, 28 percent of liver cancers, and 24 percent of cirrhosis cases (World Health Organization (WHO), 2003). While such estimates have limitations, the data suggests that injection overuse and unsafe injection practices contribute towards contaminated, and often unnecessary, injections in the formal and informal health sector, and therefore constituting a significant mode of transmission for HIV and hepatitis. Concern about the negative outcomes of unsafe injections, including transmission of blood-borne pathogens, abscess formation, etc., has focused attention on scaling up interventions to stop the inappropriate and unsafe use of injection equipment.

This announcement provides funding to implement a National Injection Safety Plan in each of the seven countries, and expects demonstrable, measurable results within the first year of the award. An additional intent is to develop sustained indigenous capacity to continue these programs after the project ends.

Measurable outcomes of this program will be in alignment with the following performance goal for President Bush's Emergency Plan for AIDS Relief (PEPFAR): Prevent seven million HIV infections in 15 focus countries heavily afflicted by AIDS.

This initiative is a coordinated effort led by the Office of the Global AIDS Coordinator at the Department of State and involves various U.S. Federal Government agencies including the Department of State, Department of Health and Human Services (HHS), Department of Defense, the U.S. Agency for International Development, and the Peace Corps.

I. Funding Opportunity Description

Authority: This program is authorized under Sections 301(a) and 307 of the Public

Health Service Act [42 U.S.C. Sections 241 (a) and 242], as amended, and under Public Law 108-25 (United States Leadership Against HIV/AIDS, Tuberculosis and Malaria Act of 2003) [22 U.S.C. 7601].

Purpose: This announcement is intended to fund the rapid implementation of a safe-injection program that covers the entire population of each country, using each country's National Injection Safety Plan. The focus of this announcement is seven countries in Africa and the Caribbean heavily affected by HIV/AIDS: Botswana, Côte d'Ivoire, Haiti, Kenya, Rwanda, South Africa, and Tanzania. We expect demonstrable, measurable results within the first year of the President's Emergency Plan for AIDS Relief (PEPFAR). The implementation of these National Injection Safety Plans includes management, operations, and monitoring activities. The awardee will work to coordinate activities with the U.S. Government Mission, the Ministry of Health (MOH), and non-governmental organizations (NGOs), as appropriate, in each country.

All applicants should propose and budget for activities in all seven countries. The final determination of country assignment and funding will be determined at the time of award.

This funding announcement is intended to build on work recently performed during the initial rapid implementation of safe-injection activities under PEPFAR. The principal tasks of that rapid implementation phase were as follows:

1. Perform an initial assessment of the current injection practices within each country.

2. Develop a National Injection Safety Plan for the safe and appropriate use of injections.

3. Design and field-test a project to enhance injection safety in selected area(s) of each country that would address improving provider skills, improve procurement and management of safe injection equipment and supplies, increase managers' awareness and skills, and advocate for reducing demand for injections and knowledge about injection safety among the general public.

4. Develop and implement an advocacy strategy for wider public understanding and support for the development of the National Injection Safety Plan.

Measurable outcomes of the program will be in alignment with the priorities of PEPFAR, a five-year initiative to turn the tide in combating the global HIV/AIDS pandemic. The PEPFAR is intended to address the goal of