

UNITED STATES OF AMERICA
FEDERAL TRADE COMMISSION

COMMISSIONERS: Jon Leibowitz, Chairman
J. Thomas Rosch
Edith Ramirez
Julie Brill

_____)
In the Matter of)
)
SHOWPLACE, INC., a corporation,)
also d/b/a Showplace Rent-to-Own)
and Showplace Lease/Purchase.)
_____)

AGREEMENT CONTAINING
CONSENT ORDER

FILE NO. 1123151

AGREEMENT CONTAINING CONSENT ORDER

The Federal Trade Commission has conducted an investigation of certain acts and practices of Showplace, Inc., d/b/a Showplace Rent-to-Own and Showplace Lease/Purchase, ("proposed respondent"). Proposed respondent, through its counsel, is willing to enter into an agreement containing a consent order resolving the allegations contained in the attached draft complaint. Therefore,

IT IS HEREBY AGREED by and between Showplace, Inc., and counsel for the Federal Trade Commission that:

1. Proposed respondent Showplace, Inc., is a corporation with its principal office or place of business at 6111 Belmonte Ave., Marion, Ohio 43302.
2. Proposed respondent admits all the judicial facts set forth in the draft complaint.
3. Proposed respondent waives:
 - a. Any further procedural steps;
 - b. The requirement that the Commission's decision contain a statement of findings of fact and conclusions of law; and

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 communication (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 made through interactive media, such as the Internet, online services, and software, the required disclosures are unavoidable and presented in a form consistent with subpart (a) of this definition, in addition to any audio or video presentation of them; and

e. In all instances, the required disclosures are presented in an understandable language and syntax; in the same language as the predominant language that is used in the communication; and including contrary to, inconsistent with, or in mitigation of any statement contained within the disclosure or within any document linked to or referenced therein.

5. "Geophysical location tracking technology"

6. "Monitoring technology" shall mean any hardware, software, or application utilized in conjunction with a computer that can cause the computer to (1) capture, monitor, or record, and (2) report information about user activities by:

- a. Recording keystrokes, clicks, other user-generated actions;
- b. Capturing screenshots of the information displayed on a computer monitor or screen; or
- c. Activating the camera or microphone function of a computer to take photographs or record audio or visual content through the computer's webcam or microphone.

7. "Covered rent-to-own transaction" shall mean any transaction where a consumer enters into an agreement for the purchase or rental of a computer and the consumer's contract or rental agreement provides for payments over time and an option to purchase the computer.

INJUNCTION

I.

MONITORING TECHNOLOGY PROHIBITED

IT IS HEREBY ORDERED that respondent, directly or 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-own transaction, are hereby permanently restrained and enjoined from using any monitoring technology to gather information or data from any computer rented to a consumer.

II.

USE OF TRACKING TECHNOLOGY LIMITED

B. Installing or activating on

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 CONSUMER INFORMATION

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 involvement or participation with it who receive actual notice of this order, by personal service or otherwise, in connection with any covered rent-to-own transaction, are hereby permanently restrained and enjoined from making or causing to be made any false representation or depiction on any notice, prompt screen, or other software application appearing on the screen of any computer that results in gathering information from or about a consumer, including without limitation location information.

IV.

NO USE OF IMPROPERLY OBTAINED INFORMATION IN COLLECTIONS

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 involvement or participation with it who receive actual notice of this order, by personal service or otherwise, are hereby permanently restrained and enjoined from using, in connection with collecting or attempting to collect a debt, money, or property pursuant to a covered rent-to-own transaction, any information or data obtained in a manner that does not comply with Parts I, II, and III of this Order.

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 involvement 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 Parts I, II, and III of this Order; and

B. Transfer data or information gathered by any monitoring or geophysical location tracking technology from the computer upon which the technology is installed to respondent's server(s), and from the respondent's server(s) to any other computers or servers only if the information collected is rendered unreadable, unusable, or indecipherable during transmission.

VI.
NO MISREPRESENTATIONS ABOUT PRIVACY

IT IS FURTHER ORDERED

C. Unless otherwise directed by a representative of the Commission, all notices required by this Part shall be sent by overnight courier (not the U.S. Postal Service) to the Associate Director for Enforcement, Bureau of Consumer Protection, Federal Trade Commission, 600 Pennsylvania Avenue NW, Washington, DC 20580, with the subject line Showplace, Inc., File No. 112315. Provided, however, that, in lieu of overnight courier, notices may be sent by first class mail, but only if an electronic version of each such notice is contemporaneously sent to the Commission at DEB@ftc.gov

IX. RECORDKEEPING

IT IS FURTHER ORDERED that respondent shall, for five (5) years after the last date of any act or practice covered by Parts I – VII of this Order, maintain and upon reasonable notice make available to the Federal Trade Commission for inspection and copying, any documents, whether prepared by or on behalf of respondent, that:

A. Comprise or relate to complaints or inquiries, whether received directly, indirectly, or through any third party, concerning any monitoring or geophysical tracking technologies sold, licensed, or otherwise provided to any third party, and any responses to those complaints or inquiries;

B. Are reasonably necessary to demonstrate full compliance with each provision of this order, including but not limited to, all documents obtained, 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 June 1, 2032, 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 less than twenty (20) years;

B. This order's application to any respondent that is not named as a defendant in such complaint; and

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

Provided, further, that if such complaint is dismissed or