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## Consent Never Provided Affidavit

The Child Online Privacy Protection Act of 1998 requires that anyone under the age of thirteen first receive consent from a parent or guardian before they can participate in any online service that collects, uses, and/or discloses a child's personal information. It also requires that parents be granted access to view their child's personal information, change inaccurate information, or have some or all of a child's personal information deleted.

Please visit the following website pages to learn more:

Full COPPA Policy	<a href="http://www.encouragemint.org/coppa-policy">www.encouragemint.org/coppa-policy</a>
Full Website Terms & Conditions	<a href="http://www.encouragemint.org/terms-and-conditions">www.encouragemint.org/terms-and-conditions</a>
Privacy Policy	<a href="http://www.encouragemint.org/privacy-policy">www.encouragemint.org/privacy-policy</a>
Confidentiality Policy	<a href="http://www.encouragemint.org/confidentiality-policy">www.encouragemint.org/confidentiality-policy</a>
Obtain COPPA Forms	<a href="http://www.encouragemint.org/coppa-forms">www.encouragemint.org/coppa-forms</a>

Encouragemint takes seriously the need to protect and look out for the well-being and safety of children. In instances where we have actual knowledge that a child is under thirteen, advance consent from a parent or guardian is required in order for that child to actively participate and/or communicate with and through Encouragemint.org. This may include activities such as but not limited to actively participating in Encouragemint's online Forums, posting comments in response to an article, and/or having an ongoing conversation with Encouragemint personnel.

At times however children may either intentionally or unknowingly register online without first obtaining permission from their parent or guardian. Similarly there may be instances in which a parent/guardian has their consent fraudulently provided, such as by a forged signature.

In such instances and in similar situations, Encouragemint provides an opportunity for a responsible parent/guardian to rescind the consent that was never legally obtained and have a child's personal information deleted. This would include the deletion of their online account and the removal of all personal information they may have posted online at Encouragemint.org.

Where another parent or guardian has legitimately provided consent and you wish to withdraw their ability to provide continued consent, such as if that person was charged with child endangerment or lost legal custody, please instead complete a Contact Details Change Request form. You may then also want to complete a Consent Rescission Request Form. Similarly if you personally previously provided consent and would like to rescind that consent please complete the same Consent Rescission Request form. These forms are available at [www.encouragemint.org/coppa-forms](http://www.encouragemint.org/coppa-forms).

This affidavit is strictly for use in instances where no party has properly or legitimately granted consent, whether

incidental or through an intentional act of deceit, and you would like to inform Encouragemint that (1) your child is under thirteen and (2) you request that their personal information be deleted and have their account closed (if applicable).

## **Child Personal Information**

A child's personal information includes personal information provided by a child under the age of thirteen and may include such information as their full name, their home or another address, such as a school or friend's house, online username, email address, a phone number, social security number, photograph, video, or audio recording, or other similar information about the child or others in the child's life.

COPPA does not apply in instances where personal information about a child under thirteen is provided by a third party such as an older child or an adult. In such instances, Encouragemint reserves the right to use its discretion in determining what information to remove and what to hold on to.

## **Limitation to Deleting Information**

Some information cannot be deleted. Encouragemint will not delete its own records containing information about your child. You may review these records and have the additional right to submit a signed and dated letter referencing anything you may dispute or disagree with along with any amendments you would like to make (e.g. if we have the wrong date of when a personal event occurred). All personal records we hold are securely kept, but will not be deleted. To find out what records, if any, we have on your child please submit a Child Records Request form ("under 13" version) available at [www.encouragemint.org/coppa-forms](http://www.encouragemint.org/coppa-forms).

## **Liability Disclaimer**

COPPA applies to websites and other online services where the operators of those websites and services have actual knowledge that a child is under the age of thirteen. It protects such operators in events such as those described above where the online operator is not aware that a child providing personal information is under thirteen. As such, Encouragemint is not responsible in instances where a child participated, communicated, registered, or otherwise became engaged or actively involved on Encouragemint.org where we had no actual knowledge of that child's age or where a fraudulent consent form had been filed. However once it becomes known that a child is under thirteen or that consent was never properly provided, actual consent would be required for continued participation and ongoing communication as defined in the Consent to Participate and Consent to Communicate forms, respectively. Additionally all child personal information would be removed from the website wherever and whenever we're aware of it.

By signing this form, you agree to hold Encouragemint harmless for any actions permitted or consequences thereof by virtue of our receipt of a consent form that was perceived to have come from yourself and in cases where Encouragemint was unaware that your child is/was under thirteen. You also agree to hold Encouragemint harmless for failure to remove all child personal information, such as any information that we do not have the ability to delete or may not be aware of.

## **Encouragemint Not Subject to COPPA**

Encouragemint, Inc. is a federally recognized 501(c)(3) non-profit organization that does not participate in unfair or deceptive acts or practices affecting commerce. To that end, Encouragemint is not legally subject to the Child Online Privacy Protection Act. Insofar as Encouragemint complies with the COPPA Rule, we do so voluntarily and with the intention of protecting the welfare, safety, and well-being of children. However there may be instances where Encouragemint takes a somewhat different stance than the COPPA Rule when it comes to what is in the best interest of a child.

## Child's Information

Full name: \_\_\_\_\_  
(Please print neatly)

Current Age: \_\_\_\_\_

Date of birth: \_\_\_\_\_  
(Include month, day, and year)

## Declaration

I hereby assert and declare that the above named child is my legal responsibility, that I am his/her parent or legal guardian, and that I have provided both the full and correct name of said child as well as the correct and actual date of birth. I further declare that this child is under the age of thirteen and that I did not at any time provide my legal consent for this child to participate, communicate, or otherwise be actively engaged as a user or member at Encouragemint.org.

Until now I had no knowledge of my child's activity on Encouragemint.org. If my information (i.e. name, email address, signature, and/or any other information) was used in connection with granting my child consent, I hereby declare that it was done so in a fraudulent manner and was never genuinely authorized by myself.

As such, I respectfully request that Encouragemint delete all personal information provided by my child, delete their online account, and promptly remove all personal information posted online at Encouragemint.org.

## Parent/Guardian Information

Full name: \_\_\_\_\_  
(Please print neatly)

I am the above named child's:  
(check one)

- Parent  
 Legal Guardian

My email address:

\_\_\_\_\_

\*Your email address will not be sold, shared, or used for marketing purposes in any way. It will only be kept on file for purposes of communication with you pertaining to the child named above. Whenever contacting us about this child please use this same email address in order to confirm your identity.

\_\_\_\_\_  
Signature:

\_\_\_\_\_  
Today's Date:

\*\*Please send this form completed in its entirety (i.e. all three pages) as a scanned attachment to [admin@encouragemint.org](mailto:admin@encouragemint.org) or by postal mail to Encouragemint, Inc., 57 South Main Street, Suite 273, Neptune, NJ 07753. We will send you an email confirmation when we've received the form.