

January 5, 2026

Chair Andrew N. Ferguson  
Commissioner Mark R. Meador  
Federal Trade Commission  
600 Pennsylvania Avenue, NW  
Washington, DC 20580

**RE: *Illuminate Education, Inc.*, FTC File No. 222-3105**

Dear Federal Trade Commission:

By notice published December 4, 2025, the Federal Trade Commission (FTC or Commission) announced a proposed consent order with Illuminate Education, Inc. (Illuminate) for Illuminate’s alleged violations of Section 5(a) of the Federal Trade Commission Act, 15 U.S.C. § 45(a), prohibiting unfair or deceptive acts or practices.<sup>1</sup> The proposed consent order is the result of the FTC’s complaint alleging that Illuminate: (1) unfairly failed to employ reasonable information security practices to protect students’ personal information; (2) misrepresented to school districts, students, and parents, the steps taken to protect such information; and (3) misrepresented to school districts that it would timely notify them of a breach.<sup>2</sup>

The Electronic Privacy Information Center (“EPIC”) submits this letter to recommend several key modifications to the proposed order and to encourage the Commission to incorporate meaningful privacy protections—including robust data minimization requirements—into all of its relevant enforcement actions and regulations. EPIC is a public interest research center in Washington, D.C. established in 1994 to focus public attention on emerging civil liberties issues and to secure the fundamental right to privacy in the digital age for all people through advocacy, research, and litigation. EPIC routinely files comments in response to proposed FTC consent orders and complaints regarding business practices that violate privacy rights.<sup>3</sup>

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<sup>1</sup> See Agreement Containing Consent Order, *In re* Illuminate, LLC, File No. 222-3105 (Dec. 1, 2025), [https://www.ftc.gov/system/files/ftc\\_gov/pdf/2223105illuminateacco.pdf](https://www.ftc.gov/system/files/ftc_gov/pdf/2223105illuminateacco.pdf) [hereinafter Proposed Order].

<sup>2</sup> See Illuminate Complaint, *In re* Illuminate, LLC, File No. 222-3105 (Dec. 1, 2025), [https://www.ftc.gov/system/files/ftc\\_gov/pdf/2223105illuminatecomplaint.pdf](https://www.ftc.gov/system/files/ftc_gov/pdf/2223105illuminatecomplaint.pdf).

<sup>3</sup> See, e.g., Comments of EPIC in re the Federal Trade Commission’s Proposed Consent Order with Workado, LLC (June 2, 2025), <https://epic.org/wp-content/uploads/2025/06/EPIC-FTC-Workado-Consent-Order-Comments-25-06-02.pdf>; Comments of EPIC, Demand Progress, and EFF in re the Federal Trade Commission’s Proposed Order & Settlement with X-Mode Social, Inc. (Feb. 20, 2024), <https://epic.org/documents/comments-of-epic-demand-progress-and-eff-in-re-the-federal-trade-commissions-proposed-order-settlement-with-x-mode-social-inc/>; EPIC, EPIC Commends FTC for Including Data Minimization & Data Rights in Chegg Settlement (Dec. 12, 2022), <https://epic.org/epic-commends-ftc-for-including-data-minimization-data-rights-in-chegg-settlement/>.

EPIC commends the Commission for recognizing that misrepresentations of data security measures and false assurances that data breaches will be timely disclosed constitute unfair and deceptive acts. Companies should not be permitted to lie to consumers or their clients about the security of the personal data they store, why they are collecting data, or what they do with that data. EPIC urges the Commission to continue using its Section 5 authority to prevent unfair and deceptive acts and practices. Specifically, the Commission should expand use of its unfairness authority in enforcement and rulemaking to most effectively protect consumers from data privacy and security harms by enacting strict requirements to limit unnecessary collection, sharing, and retention of personal information.<sup>4</sup>

Though EPIC also applauds the Commission for including a data minimization (specifically, data deletion) requirement in the proposed order, it is critical that the Commission strengthen this provision to meaningfully address the harms that the consent order seeks to prevent. Data minimization is an essential pillar of data security.<sup>5</sup> Every piece of personal information collected and retained by a business is inherently at risk of unauthorized access and use. While other data security safeguards are important for limiting that risk, the best way to prevent and lessen data security risk to consumers is to limit the data that companies collect, process, and retain in the first place. We also wish to emphasize that data minimization serves a purpose beyond just data security. Consumers are not only harmed when their personal data is accessed by *unauthorized* parties (as in a security breach). They can also be harmed by secondary, out-of-context uses of their data by the businesses that have collected it.<sup>6</sup>

To make the proposed order meaningful and effective, the Commission should modify the data deletion mandate in Section II of the proposed order in at least four respects. First, the current text would allow Illuminate to retain personal data so long as such retention is “in connection with providing products or services under [Illuminate]’s contracts with its customers or as requested by [Illuminate]’s customers[.]”<sup>7</sup> The phrase “in connection with” is an exceptionally weak limiting condition that could be twisted to permit virtually any secondary processing purpose—including surveillance advertising and the sale of personal data—that is even tangentially linked to Illuminate’s delivery of a product or service. The Commission should instead draw on prevailing data minimization frameworks<sup>8</sup> (including its own prior orders<sup>9</sup>) to limit data retention only to what is *reasonably necessary* for Illuminate to provide a product or service. This commonsense restriction would provide

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<sup>4</sup> See, e.g., Consumer Reps. & EPIC, *How the FTC Can Mandate Data Minimization Through a Section 5 Unfairness Rulemaking* (2022), <https://epic.org/documents/how-the-ftc-can-mandate-dataminimization-through-a-section-5-unfairness-rulemaking/>; EPIC, *What the FTC Could Be Doing (But Isn’t) To Protect Privacy: The FTC’s Unused Authorities* (2021), <https://epic.org/privacy/consumer/EPIC-FTC-Unused-Authorities-Report-June2021.pdf>.

<sup>5</sup> See John Davisson, *Data Minimization: A Pillar of Data Security, But More Than That Too*, EPIC (June 22, 2023), <https://epic.org/data-minimization-a-pillar-of-data-security-but-more-than-that-too/>.

<sup>6</sup> See Sara Geoghegan, *Data Minimization: Limiting the Scope of Permissible Data Uses to Protect Consumers*, EPIC (May 4, 2023), <https://epic.org/data-minimization-limiting-the-scope-of-permissible-data-uses-to-protect-consumers/>.

<sup>7</sup> Proposed Order, *supra* note 1 at 7.

<sup>8</sup> E.g., Md. Code Ann., Com. Law § 14-4707 (West).

<sup>9</sup> Decision and Order, *In re InMarket Media, LLC*, File No. 202-3088 at 8 (Apr. 29, 2024), [https://www.ftc.gov/system/files/ftc\\_gov/pdf/InMarketMedia-DecisionandOrder.pdf](https://www.ftc.gov/system/files/ftc_gov/pdf/InMarketMedia-DecisionandOrder.pdf); Decision and Order, *In re X-Mode Social, Inc.*, File No. 212-3038 at 5, 8-12 (Apr. 11, 2024) [https://www.ftc.gov/system/files/ftc\\_gov/pdf/X-ModeSocialDecisionandOrder.pdf](https://www.ftc.gov/system/files/ftc_gov/pdf/X-ModeSocialDecisionandOrder.pdf).

substantive protection to those whose data Illuminate maintains and limit the risk of gamesmanship by the company in the future.

Second, the proposed order's data minimization obligation should include collection and processing limitations. A meaningful data minimization framework prohibits a business from collecting, processing, or retaining the consumer's personal information beyond what is reasonably necessary and proportionate to achieve the primary purpose for which it was collected and is consistent with the consumer's expectations for its collection.<sup>10</sup> This limitation prevents highly sensitive information about minors from being unnecessarily collected and shared, which exposes that highly sensitive information to breach and harmful out of context uses like profiling of minors and surveillance advertising. EPIC suggests that the final order incorporate data minimization language contained in the Maryland Online Data Privacy Act (MODPA). MODPA limits a controller's collection of personal information to that which is reasonably necessary and proportionate to provide the product or service requested by the consumer to whom the data pertains.<sup>11</sup> EPIC strongly urges the Commission to include these commonsense limitations on the collection and processing of highly sensitive data about children in order to best protect them from serious harms in the final order and in future enforcement actions.

Third, Section II's crucial data deletion requirement is weakened by a broad caveat in the second paragraph of the section which allows Illuminate to retain and disclose data pursuant to agreements with or instruction from Illuminate's customers.<sup>12</sup> Illuminate's customers should not be allowed to undo the data deletion and minimization requirements of the consent order by instructing data to be shared with them. Illuminate cannot evade the proposed order's data deletion requirements by entering into an agreement with its customers to do so. After Illuminate shares personal information with its customers, there are few controls over how and with whom those customers share that information further and few required safeguards to protect this data from the very type of harmful practices that caused this proposed order. Instead of undoing the data privacy protections, this provision of the consent order should require that Illuminate ensure that its customers adhere to a similar data deletion schedule, employ adequate safeguards to protect the data, and not collect or use information in excess of what is reasonably necessary to achieve the primary purpose of collection.

Fourth, the order must make clear that data minimization is a continuing obligation for Illuminate Education. Where requirements for data retention, the information security program, and related assessments and certifications are more clearly ongoing obligations, the data minimization requirements in Section II are limited to 90 days after the order is effective. In addition to our substantive recommendations to improve and strengthen data minimization requirements in the order, the Commission should amend Section II to require data minimization as a continuing obligation, beyond a 90-day period. Failing to require data minimization in the future will expose students' sensitive information to the very harms the proposed order seeks to address.

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<sup>10</sup> EPIC, *Disrupting Data Abuse: Protecting Consumers from Commercial Surveillance in the Online Ecosystem*, Comments to the FTC Proposed Trade Regulation Rule on Commercial Surveillance and Data Security at 1, 30-66 (Nov. 2022), <https://epic.org/wp-content/uploads/2022/12/EPIC-FTC-commercial-surveillance-ANPRM-comments-Nov2022.pdf>

<sup>11</sup> Md. Code Ann., Com. Law § 14-4707(b)(1)(i) (West).

<sup>12</sup> Proposed Order, *supra* note 1 at 7.

The FTC has a duty to protect consumers—and children in particular—from privacy and data security harms. Businesses like Illuminate should not be permitted to collect more personal data than is reasonably necessary or to use such data in ways that betray consumers’ expectations. To that end, we also renew our call for the Commission to use its Section 5 authority to dismantle the commercial surveillance ecosystem and mandate data minimization practices more broadly, not just in instances—as here—where there is a history of data breaches.

In sum, EPIC urges the Commission to make the modifications suggested above to strengthen the order’s data minimization requirement. Data minimization protects the security of consumers’ data and prevents firms’ misuse of data that was collected for an entirely different purpose. If there are any questions, please contact Sara Geoghegan, Senior Counsel, at [geoghegan@epic.org](mailto:geoghegan@epic.org).

Sincerely,

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