January 14, 2025

John Davisson
Director of Litigation & Senior Counsel
Electronic Privacy Information Center
1519 New Hampshire Avenue NW
Washington, DC 20036

Re*: In the Matter* of DoNotPay, Inc., FTC File No. 232-3042

Dear Mr. Davisson:

Thank you for your comment regarding the above-referenced matter. Your letter was placed on the public record pursuant to Section 2.34 of the Commission's Rules of Practice, 16 C.F.R. § 2.34.

The proposed order against DoNotPay settles charges that the company deceptively marketed and sold an online subscription service that purportedly used an artificially intelligent chatbot to provide legal services. In particular, the Commission alleged that DoNotPay violated Section 5 of the FTC Act by making unsubstantiated claims that the DoNotPay Service operated like a human lawyer. The proposed complaint also alleged that two advertising claims were false or misleading: (1) that the Service could analyze a consumer's small business website for federal and state law violations based solely on their email address; and (2) that a general membership subscription to the Service included certain features that were not, in fact, included in the subscription. The order would prohibit the company from advertising, among other things, that an Internet-enabled product or service can perform a professional service like a human without evidence to back it up. The order also would require DoNotPay to pay $193,000 in consumer redress and notify consumers who subscribed to the service between 2021 and 2023 about the limitations of the service's law-related features.

Although your comment generally supports the proposed order, you advocate for additional requirements on the company. You argue that the proposed order should mandate that DoNotPay provide clear disclaimers about the potential for inaccuracies in its legal advice, as well as provide a detailed explanation of how its AI operates. Additionally, you argue that the FTC should require DoNotPay to implement strict data minimization measures. For the reasons discussed below, we decline to adopt your recommendations.

The proposed order's broad prohibition against misleading and unsubstantiated representations is designed to ensure that DoNotPay does not repeat the core deceptive conduct alleged in the proposed complaint – namely, overstating the legal capabilities of its online

service. Going forward, before the company makes claims related to legal services, it must possess competent and reliable evidence to substantiate that those representations are true. Moreover, the proposed order prohibits misleading or unsubstantiated claims about the relative or absolute performance, attributes, benefits, or effectiveness of a covered product or service that purportedly provides *any* professional service, not just a law-related service.

Regarding your suggestion that the proposed order be modified to include a data minimization provision, the Commission believes the relief in this case is appropriately tailored relative to the allegations in the proposed complaint.

In conclusion, the Commission believes the proposed order offers substantial protections to consumers and has now determined that the public interest would best be served by issuing the Decision and Order in the above-titled proceeding in final form without any modifications. The final Decision and Order and other relevant materials are available from the Commission's website at http://www.ftc.gov.

Thank you again for your comment. The Commission is aided in its analysis by hearing from a variety of sources, and we appreciate your interest in this matter.

By direction of the Commission.

April J. Tabor
Secretary

January 14, 2025

Marc Rotenberg
Executive Director
Center for AI and Digital Policy
1100 13th Street NW
Suite 800
Washington, DC 20005

Re: *In the Matter* of DoNotPay, Inc., FTC File No. 232-3042

Dear Mr. Rotenberg:

Thank you for your comment regarding the above-referenced matter. Your letter was placed on the public record pursuant to Section 2.34 of the Commission's Rules of Practice, 16 C.F.R. § 2.34.

The proposed order against DoNotPay settles charges that the company deceptively marketed and sold an online subscription service that purportedly used an artificially intelligent chatbot to provide legal services. In particular, the Commission alleged that DoNotPay violated Section 5 of the FTC Act by making unsubstantiated claims that the DoNotPay Service operated like a human lawyer. The proposed complaint also alleged that two advertising claims were false or misleading: (1) that the Service could analyze a consumer's small business website for federal and state law violations based solely on their email address; and (2) that a general membership subscription to the Service included certain features that were not, in fact, included in the subscription. The order would prohibit the company from advertising, among other things, that an Internet-enabled product or service can perform a professional service like a human without evidence to back it up. The order also would require DoNotPay to pay $193,000 in consumer redress and notify consumers who subscribed to the service between 2021 and 2023 about the limitations of the service's law-related features.

Although your comment generally supports the proposed order, you advocate for additional requirements on the company. You argue that the proposed order does not consider the range of AI services DoNotPay continues to provide. You also argue that the order should mandate that DoNotPay implement pre-deployment and lifecycle audits and obtain similar independent evaluations and audits from the developer of its AI system. Finally, you argue that the FTC should require DoNotPay to implement strict data security and minimization measures. For the reasons discussed below, we decline to adopt your recommendations.

The proposed order's broad prohibition against misleading and unsubstantiated representations is designed to ensure that DoNotPay does not repeat the core deceptive conduct

alleged in the proposed complaint – namely, overstating the legal capabilities of its online service. Going forward, before the company makes claims related to legal services, it must possess competent and reliable evidence to substantiate that those representations are true. Moreover, the proposed order prohibits misleading or unsubstantiated claims about the relative or absolute performance, attributes, benefits, or effectiveness of a covered product or service that purportedly provides *any* professional service, not just a law-related service.

Given the nature of the complaint allegations and the scope of the injunctive relief, we believe that the current order provisions sufficiently address DoNotPay's representations about its AI capabilities without specifically mandating testing and auditing. Before making claims about the performance or efficacy of covered products or services, the company "must possess and rely upon competent and reliable evidence that is sufficient in quality and quantity based on standards generally accepted in the relevant fields when considered in light of the entire body of relevant and reliable evidence, to substantiate that the representation is true."

Regarding your suggestion that the proposed order be modified to include a data minimization provision, the Commission believes the relief in this case is appropriately broad relative to the allegations in the proposed complaint.

In conclusion, the Commission believes the proposed order offers substantial protections to consumers and has now determined that the public interest would best be served by issuing the Decision and Order in the above-titled proceeding in final form without any modifications. The final Decision and Order and other relevant materials are available from the Commission's website at http://www.ftc.gov.

Thank you again for your comment. The Commission is aided in its analysis by hearing from a variety of sources, and we appreciate your interest in this matter.

By direction of the Commission.

April J. Tabor
Secretary

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Office of the Secretary

January 14, 2025

Re: DoNotPay, Inc.

FTC File No. 232-3042

Dear Anonymous:

Thank you for your comment regarding the above-referenced matter. Your letter was placed on the public record pursuant to Section 2.34 of the Commission's Rules of Practice, 16 C.F.R. § 2.34.

The proposed order settles charges that DoNotPay, Inc. ("DoNotPay") deceptively marketed and sold an online subscription service that purported to use an artificially intelligent chatbot to provide legal services. The Commission acknowledges your belief that DoNotPay should incur a criminal penalty. The Commission, however, is a civil law enforcement agency and therefore lacks the authority to impose criminal penalties. Nevertheless, the Commission remains committed to protecting consumers from deceptive commercial practices and will closely monitor DoNotPay's compliance with the proposed order.

After carefully considering your comment, the Commission has determined that the public interest is best served by issuing the Decision and Order in the final form without modification. A copy of the final Decision and Order, and other relevant materials, are available from the Commission's website at http://www.ftc.gov.

Thank you again for your comment. The Commission is aided in its analysis by hearing from a variety of sources, and we appreciate your interest in this matter.

By direction of the Commission.

April J. Tabor
Secretary

United States of America
FEDERAL TRADE COMMISSION
Washington, D.C. 20580

Office of the Secretary

January 14, 2025

Re: DoNotPay, Inc.

FTC File No. 232-3042

Dear Ashley Rogers:

Thank you for your comment regarding the above-referenced matter. Your letter was placed on the public record pursuant to Section 2.34 of the Commission's Rules of Practice, 16 C.F.R. § 2.34.

This proposed order settles charges that DoNotPay, Inc. ("DoNotPay") deceptively marketed and sold an online subscription service that purported to use an artificially intelligent chatbot to provide legal services. The Commission acknowledges your suggestion about an alternative form of relief. The proposed order would prohibit DoNotPay from claiming that a product or service can perform a professional service like a human without evidence to back it up. The proposed order also would require the company to pay $193,000 in consumer redress and notify consumers who subscribed to the service between 2021 and 2023 about the limitations of the service's law-related features.

After carefully considering your comment, the Commission has determined that the public interest is best served by issuing the Decision and Order in the final form without modification. A copy of the final Decision and Order, and other relevant materials, are available from the Commission's website at http://www.ftc.gov.

Thank you again for your comment. The Commission is aided in its analysis by hearing from a variety of sources, and we appreciate your interest in this matter.

By direction of the Commission.

April J. Tabor
Secretary