

June 21, 2005

Federal Trade Commission  
Office of the Secretary, Room 159-H (Annex C)  
600 Pennsylvania Avenue, NW  
Washington, DC 20580.

Re: COPPA Rule Review 2005, Project No. P054505

As Business students at Florida International University, we would like to provide our comments to the above referenced rule review. We believe that given the fact that all of us in our group are parents, we would like to discuss our opinion of this rule and answer some of the questions for comment.

As we progress through the age of technology, we will continually find ways to improve our current processes, including internet usage. Internet usage over the past few years has become a way of life for us. Everything we do seem to be centered around the internet because we use the internet as a resource of information. The internet has become our at-home library and as such, we, as parents, need to teach our children how to utilize the tool in a resourceful, meaningful and safe way. Allowing our children to tap into this resource is very crucial this day and age in order to complete homework assignments.

However, we do not understand why there are websites that would require personal information from our children. If our children are accessing websites that are given to them by educators or they are accessing websites that are supposedly "children" websites, why would they be subjected to providing personal information? Do we (adults) have to enter personal information every time we access a website while we surf the web? Why would it be any different for our children?

Therefore, we have provided our comments with regard to this Rule below.

***(1) Are children's online privacy and safety at greater, lesser, or the same risk as existed before COPPA and the Rule? Please explain.***

It seems to us that while this rule was enacted to protect our children, it seems to only increase their risk factor while being online. Why would we subject our children to enter personal information on the internet? It seems to us that this rule has been taken to an extreme.

There are several things to be considered. First, some children access websites without their parent's permission. Even though the website asks certain questions and has the child enter their personal information, there are no real safeguards that would prohibit the child from entering the website via another name/age or by just hitting the "Back" browser button and providing "corrected" information. Second, it seems as if the burden is being put on the website operators to monitor their websites by collecting information on our children in order to verify their age. However, is the information the website operators collecting even accurate? Whose responsibility is it anyway? Shouldn't we as parents limit and/or provide our child internet access that we feel is appropriate? Many internet service providers provide parental controls so that access can be granted by the parent;

thereby enabling them to monitor their child's internet activities. Thirdly, if the website operators are gathering this information for marketing purposes – to determine demographics, etc. – how do they know the information is accurate? Their marketing database is subject to the child entering any information they wish in order to access the website. We think that this rule has actually placed our children in a greater risk factor because now their personal information is out there in cyberspace, even though it may be inaccurate.

***(2) Is there a continuing need for the Rule as currently promulgated? Why or why not?***

After much research, our group has come to the conclusion that the proposed rule has lost its purpose. Surveys conducted by our research group shows that 8 out of 10 people truly believe that the rule is useless because of the fact that kids are able to change their identity at any given time, and that there is no control over minors interacting on the web. In addition, the rule proposes parents to always supervise their children while interacting on the web; therefore, we believe that information should be requested when entering websites that are not suitable for children (adult websites). There is no point in having our children's information on the internet.

***(a) Since the Rule was issued, have changes in technology, industry, or economic conditions affected the need for or effectiveness of the Rule?***

After analyzing our research data, it is clear to see that times have changed, and the emerging technology has overtaken our young children in general. Changes/improvements in technology have created a new world of fears for all parents; mainly because our children are openly unprotected from any person or institution of negative impact. We believe our children deserve protection from those whom threaten to disturb our society to say the least. The effectiveness of the rule has diminished significantly. Therefore, we are suggesting an alternative solution to this problem, perhaps increasing the security level on internet firewalls, and categorizing the websites so that parents are better informed (i.e.: TV parental guide).

***(b) Does the Rule include any provisions, not mandated by the Act, that are unnecessary? If so, which ones are unnecessary and why?***

Yes, the Rule does include one provision not mandated by the act-- Notice to a Parent. This provision of the proposed Rule required operators to make reasonable efforts, taking into account available technology, to ensure that a parent of a child receives notice of an operator's practices with regard to the collection, use, and/or disclosure of the child's personal information, including any collection, use, and/or disclosure to which the parent has not previously consented. The Commission has amended this provision to require a new Notice to the Parent only when there is a material change in the way the operator collects, uses, and /or discloses personal information. It's unnecessary because the high rate of merger activity in this industry. Operators would be required to send additional notices to parents and many mergers do not change the nature of the business the operator engages in or how he/she (operator) uses personal information collected from children. Therefore, many additional Notice to Parents under the proposed interpretation of this provision would not provide parents with meaningful information.

***(c) What are the aggregate costs and benefits of the Rule?***

**The aggregate costs are,**

- 1-The information collected before the effective of the Rule that the Commission was attempting to apply the Act retroactively
- 2-The Commission believes that it could be difficult and expensive for operators to provide notice and consent for information date.
- 3-Notification of minor changes would be extremely burdensome, especially in light of constant changes taking place in the online world;

**The aggregate benefits are,**

- 1- Provide parents notice of their information practices
- 2- Obtain prior verifiable parental consent for the collection, use, and/or disclosure of personal information from children with certain limited exceptions for the collection of online contact information, e.g., an e-mail address
- 3- Provide a parent, upon request, with the means to review the personal information collected from his/her child
- 4- Provide a parent with the opportunity to prevent the further use of personal information that has already been collected, or the collection of personal information from that child;
- 5- Limit collection of personal information for a child's online participation in a game, prize offer, or other activity to information that is reasonably necessary for the activity;
- 6- Establish and maintain reasonable procedures to protect the confidentiality, security, and integrity of the personal information collected.

***(d) Have the costs or benefits of the Rule dissipated over time?***

The cost and benefits of the Rule have not dissipated because of the fact that not many people are complying with the Rule. If they were, then there would be more costs associated for each operator, especially if they used the methods of consent under section 312.5(b) Mechanisms, which are supposed to be used to make sure that the person providing consent, is the parent of the child in question. If they used the print-and-send, credit card, toll-free number with trained personnel, and digital signature then the costs and/or the benefits of Rule may be dissipating.

***(e) Does the Rule contain provisions, not mandated by the Act, whose costs outweigh their benefits?***

No the Rule does not contain any provisions that outweigh its benefits. If it did, we would not have all the problems we are having with children accessing websites that have no control whatsoever. The operators do not know how to take the necessary precautions and make the necessary provisions to keep children away from their websites. Therefore, violating the Rule, but finding the necessary loopholes to get the penalties waived.

***(3) What effect, if any, has the Rule had on children, parents, or other consumers?***

The rule has affected many parents and especially children because organizations like the ACLU have been against laws that passed and have been overruled by the courts. The ACLU states that such laws violate the First Amendment to freedom of speech. Regulating child protection, by either federal, state or international means, presents a myriad of difficulties. However, protecting children on the Internet can be accomplished to a certain extent without any laws. It can be accomplished in part by parents simply making use of the software tools available in the marketplace. Legislators have been unable to protect children on the Internet through statutes, but parents always have had the power to protect their children online. Filtering software provides parents with the technical support to block web sites, newsgroups, email and chat rooms that are objectionable to children. Filters of the web content get between the computer's web browser and its Internet connection and sorts out material that is not appropriate. In an article reviewing the filtering software, a warning message could be sent when a child is trying to access an "off-limits" site, a browser error message may appear, a partial view of the

blocked site will appear, or the browser may just shut down depending on the product. No solution is 100%. Filtering software is merely a tool for parental use but does not work alone. Legislation only covers a child's privacy but parents can cover the entire spectrum simply by using the suggested common sense measures.

***(a) Has the Rule benefited children, parents, or other consumers? If so, how?***

In our opinion, the rule has only benefited those on the other side of the computers who are catering to our children by acting like caring organizations so that they can reel our innocent children to obtain the immeasurable. We think if there any benefits at all, it's that the Rule has made parents more aware of the Internet and their children. The safety of Internet surfing and the safety of our children has to begin at home. Educating our children and making them aware of the danger behind the computer will lead to less children abductions and pedophiles trying to chat with our youth looking for their next victim. Courts are telling parents in this country in a loud and clear voice, the government will not parent your children for you when they are online, and so, parents must be parents especially in cyberspace.

***(b) Has the Rule imposed any costs on children, parents, or other consumers? If so, what are these costs?***

One of the costs this Rule has imposed is the fact that website operators have to redesign their websites in order to accommodate this Rule. Website operators are being asked to clearly address the privacy issue on their home page and provide for a link or sign on process that would provide the information as to how they utilize the personal information collected by them even though the information they are collecting may be inaccurate.

Another cost that this Rule has imposed is the time factor in our children entering personal information on a website when what they really want to do is play the game or surf the information on the website. They don't necessarily want to sit there and answer a 10 page questionnaire allowing them access to the website. Frustration begins to set in, and that's when the website operators are collecting data that may be inaccurate. So our point is – why collect it?

We believe that at this point most parents understand their child's need to be online but have also addressed issues with the child. Some issues such as chatting online with strangers or disclosing your personal information when playing an online game should be discussed with children and their safety should be emphasized. We believe any concerned parent has already provided their child with the information or knowledge if someone were to ask for their information online.

***(c) What changes, if any, should be made to the Rule to increase its benefits, consistent with the Act's requirements? What costs would these changes impose?***

Some of the changes that we believe that need to be made to the Rule to increase its benefits are not to allow the operator to get any information from the child without the parent's consent. There are many exceptions as to when the operator can receive information from the child. Parental consent is not needed when online contact information is collected from a child and that information is only used to respond directly on a one-time basis to a specific request from the child. It is not used to recontact the child and is not maintained in a retrievable format by the operator. How will we know if the child's information was properly deleted? Verifiable parental consent is also not required when the operator requests the name or online contact information of a parent or child. This is used for the sole purpose of obtaining parental consent or providing notice under this section. Again, such information is not maintained in a retrievable format by the operator if parental consent is not obtained after a reasonable time. I believe that in order for this Rule to work all the operators should need parental consent for getting information for any child under the age of thirteen. We have no way of knowing if the information for the child was deleted and if they have distributed the information to other sources. There are too many exceptions to make this rule work really well. The rule is very lenient. We believe that these changes would impose more costs because there would have to be more tracking, and processing of verifications of parental consent.

In closing, we believe this Rule was intended to provide parents with a comfort level that their children are online and safe. However, the Rule has loopholes and there are no real controls with online privacy with children. We believe it is up to the parents to educate their children with regard to this topic and they should install parental controls from the various internet service providers whenever necessary. In addition, children accessing children's websites should not have to disclose any personal information whatsoever. We think this rule would be better utilized for adult websites (pornography). However, entering falsified personal information to enter the website cannot be controlled at all. Therefore, our comments have been provided for this Rule and we believe that this Rule has lost its intent.

Sincerely,

Natali Alvarez

Angelina Bargallo

Edita Domenech

Philippe Derose

Abigail Martinez

Evelia Vera