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VIA ONLINE SUBMISSION

**Comments of Twitter, Inc.
to the
Federal Trade Commission
in the matter of
16 CFR Part 312
Children’s Online Privacy Protection Rule
Supplemental Notice of Proposed Rulemaking
Project No. P104503**

Twitter is a global communications service headquartered in San Francisco that was created in 2006. Twitter allows users to set up an account for free and provides an open platform for communications. A Twitter user “follows” different Twitter accounts and can send and receive short, 140-character messages called “Tweets” regardless of the device they are using. Twitter has more than 140 million active users. Approximately 400 million Tweets per day are posted globally on Twitter.

Twitter and Children

Twitter provides transparency and choice with respect to our services and features in order to enable our users to manage their Twitter experience. Twitter was the first major online company to endorse and implement Do Not Track, enabling our users to utilize this tool in concert with a newly launched service feature. We concur with the Commission that Do Not Track represents a useful technological tool for consumers to exercise choice over the collection and use of certain website information, and we hope to see widespread industry adoption of Do Not Track – not only for its benefits to children and teenage users, but for everyone.

With respect to children, Twitter explains in its Privacy Policy that its service is not intended for children aged 12 and under. Here is the relevant portion of Twitter’s Privacy Policy:

Our Services are not directed to persons under 13. If you become aware that your child has provided us with personal information without your consent, please contact us at privacy@twitter.com. We do not knowingly collect personal information from children under 13. If we become aware that a child under 13 has provided us with personal information, we take steps to remove such information and terminate the child's account. You can find additional resources for parents and teens here.

Moreover, Twitter provides resources and links on its site for parents of teenagers, found under “Tips for Parents” at <https://support.twitter.com/groups/33-report-a-violation/topics/166-safety-center/articles/470968-safety-parent-and-teen-tips>.



Twitter and the Twitter Ecosystem

The Twitter ecosystem also includes so-called plug-ins and widgets. These are the “Tweet buttons” or “Blue bird buttons” on websites across the Internet that visitors to such websites may utilize to Tweet or share content and links with others on Twitter. As such these plugins facilitate the ability of millions of people across the world to engage in free expression every day. Twitter plugins are now on millions of websites across the internet.

Website publishers are able to include Twitter plug-ins or widgets on their own and without the prior authorization or knowledge of Twitter. The code and documentation for Twitter buttons and widgets are publicly available on Twitter’s website. Website publishers simply have to add the Twitter buttons to their websites, and they are easy to obtain and install, see “Add Buttons to Your Website” at <https://twitter.com/about/resources/buttons>.

Finally, consistent with our philosophy of offering meaningful privacy choices, Twitter has designed its buttons and widgets to give third-party sites control over the data collection that such buttons and widgets enable for tailoring Twitter users' experience. Our button code includes an easy option for websites to remove the unique browser cookie that allows users to receive more relevant suggestions and content on Twitter, see “Opt-out of Tailoring Twitter” at <https://dev.twitter.com/docs/tweet-button#optout>. This control offered to websites is in addition to the controls that Twitter gives users, including the Do Not Track browser setting and Twitter account settings that turn off the data collection for the tailored Twitter experience. As discussed further below, we respectfully submit that encouraging other plugin or widget providers to design similar controls would better achieve the Commission's child-protection goals than the new COPPA proposals.

The New COPPA Proposals

Twitter supports COPPA and rules that are designed to stop unsolicited and unwelcome behavioral advertising to young children. The Commission’s recent proposals to amend its rules, however, raise several issues and warrant further refinement. The proposed change that would encompass any plugin from a provider that knows or has “reason to know” that the plugin is being used on a site directed at children is unworkable and could unwittingly result in fewer plugins and a concomitant diminishing of freedom of expression.

For example, Twitter's service is not directed at children, and we say so explicitly in our privacy policy. Third-party sites can install Twitter plugins or widgets without notifying us, and our buttons and widgets are now on millions of websites across the internet. Given this scale, Twitter cannot possibly know which of the many sites using our plugins or widgets may be child-directed. Therefore reviewing information in the company's possession for “reason to know” would be unduly burdensome, especially given the fact that the content on some of these sites may change daily. The “reason to know” standard is unclear. For instance, would use of the word “kid” in a domain name in a server log, by itself, be deemed “reason to know”? It would also be challenging to train all employees that interact with third-party website developers on this uncertain standard. Even if it could be determined which third-party sites met the “reason to know” standard, Twitter is not well-positioned to obtain parental consent for visitors to those sites because the sites are not operated by Twitter. Under these circumstances, we believe that Twitter cannot and should not be considered an “operator” under COPPA.



We respectfully suggest that the COPPA rules should be narrowly tailored to capture only those plugin providers that have actual knowledge that they are collecting the personal information of users 12 and under, or that are purposefully directing their content or services to a child audience. Twitter further urges the Commission to create an exception for plugin providers that give third-party websites control over plugins' data collection features, as Twitter has done. Websites that use our buttons or widgets can control whether they set the unique browser cookie that enables a tailored Twitter experience. In this case, even if a plugin provider has actual knowledge that visitors to a third-party site are 12 and under, the plugin provider should not be deemed an "operator" under COPPA because it is the third-party site implementing the plugin, not the plugin provider, that decides which plugins to use and their data collection settings, in addition to whether its site content is directed at children.

Twitter appreciates this opportunity to comment on the Commission's proposed rules.

Respectfully submitted,

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