

**Before the
Federal Trade Commission
Washington, D.C. 20580**

In the Matter of)	
)	
COPPA Rule Review)	Project No. P104503
)	
)	

**COMMENTS OF THE
NATIONAL CABLE & TELECOMMUNICATIONS ASSOCIATION**

The National Cable & Telecommunications Association (NCTA)¹ hereby submits its comments in response to the Request for Public Comment (“*Notice*”) issued by the Commission in the above-captioned proceeding.² In the *Notice*, the Commission asks a series of questions designed to determine whether its implementation of the Children’s Online Privacy Protection Act (“COPPA” or “the Act”), through the Children’s Online Privacy Protection Rule (“COPPA Rule” or “the Rule”), should be retained, eliminated, or modified.³

The cable industry strongly supports Congress’ goal of “enhanc[ing] parental involvement in a child’s online activities in order to protect the privacy of children,” while “preserv[ing] the interactivity of children’s experience on the Internet” and “preserv[ing] children’s access to information in this rich and valuable medium.”⁴ As the Commission

¹ NCTA is the principal trade association for the U.S. cable industry, representing cable operators serving more than 90 percent of the nation’s cable television households and more than 200 cable program networks. The cable industry is the nation’s largest provider of high-speed Internet service (“broadband”) after investing over \$160 billion since 1996 to build two-way interactive networks with fiber optic technology. Cable companies also provide state-of-the-art competitive voice service to over 20 million customers.

² See *In re Request for Public Comment on the Federal Trade Commission’s Implementation of the Children’s Online Privacy Protection Rule*, Request for Public Comment, 75 Fed. Reg. 17089 (Apr. 5, 2010) (“*Notice*”).

³ See *Notice* at 17089.

⁴ 144 Cong. Rec. S12787 (daily ed. Oct. 21, 1998) (statement of Sen. Bryan).

reported to Congress in 2007, the existing COPPA regime “has encouraged a culture of privacy and safety without imposing undue costs on website operators” and “can continue to provide these protections, even in the dynamic online environment.”⁵ That conclusion holds true today. Adoption of significant changes to the COPPA Rule, without any demonstrable countervailing benefit to children, could unduly affect children by limiting the availability of age-appropriate content for children and their families online.

INTRODUCTION AND SUMMARY

Many of NCTA’s member companies that own and operate cable programming networks maintain child-directed Internet content to enhance their video programming offerings. For example, Cartoon Network, Disney Channel, Nickelodeon, and PBS KIDS Sprout have created some of the most popular online destinations for children, offering videos, games, music, virtual worlds, fan forums, promotions, and other interactive content that complements their innovative children’s programming. Based on the experiences of these companies, and consistent with congressional intent, the COPPA Rule has proven effective at limiting the collection of personal information from children while maintaining the integrity of children’s interactive experiences on the Internet. The Rule also has been successful in preserving meaningful children’s content to ensure that families and children are able to find child-friendly online experiences.

The cable industry is committed to helping protect the safety of children online and empowering parents to exercise greater control over their children’s online experiences while preserving the unique interactivity of the digital world and providing the high quality content that can entertain, educate, and inform children and families.⁶ Our member companies have

⁵ Fed. Trade Commission, *Implementing the Children’s Online Privacy Protection Act, A Report to Congress*, Feb. 2007 at 2 (“2007 FTC COPPA Report”), available at http://www.ftc.gov/reports/coppa/07COPPA_Report_to_Congress.pdf.

⁶ In fact, the cable industry has taken the lead on efforts to enrich media use by children, including through the

expended significant time and resources to develop innovative online content in a responsible and COPPA-compliant manner, with online data entry points that encourage accurate age identification and parental consent mechanisms as appropriate. While NCTA applauds the Commission for its efforts to ensure that the Rule adequately protects children and keeps pace with rapidly changing technologies, a review of the COPPA Rule should be conducted in a manner designed to foster children's interests, including those in developing critical digital media literacy skills, without overburdening development of new creative content or triggering other problematic effects. For this reason, NCTA cautions against significant changes to the Rule that could disrupt the existing equilibrium by increasing the obligations for child-directed website operators, or effectively barring children's access to interactive functionality within emerging technologies and platforms. Such action could adversely impact the quality or viability of age-appropriate online content, or make it less appealing to children, which could inadvertently drive children to websites and platforms that have far less age-appropriate content and protections for children.

PointSmart.ClickSafe. effort, whereby the cable industry has convened key players into an ecosystem of shared responsibility for the safety of children online, and Cable in the Classroom, the cable industry's educational foundation, which helps educate parents and teachers about media literacy, both with respect to cable programming and Internet content. See *In re Empowering Parents and Protecting Children in an Evolving Media Landscape*, NCTA Comments, FCC Docket No. 09-194 at 14-20 (filed Feb. 24, 2010). Moreover, several of NCTA's member companies support the Council of Better Business Bureau's Children's Advertising Review Unit ("CARU"), which has established industry self-regulatory guidelines regarding children's advertising and online data collection practices. See Children's Advertising Review Unit, *Supporters*, at <http://www.caru.org/support/supporters.aspx> (last visited June 30, 2010).

I. THE COPPA RULE HAS ACHIEVED THE RIGHT BALANCE OF PROTECTING CHILDREN WHILE MAINTAINING THE INTEGRITY OF CHILDREN’S INTERACTIVE EXPERIENCES ON THE INTERNET.

The COPPA Rule imposes certain requirements on operators of websites or online services directed to children under 13 years of age, and on operators of other websites or online services that have actual knowledge that they are collecting personal information online from a child under 13 years of age (collectively, “website operators”).⁷ In general, the Rule requires that website operators subject to COPPA provide notice to parents and obtain verifiable parental consent before collecting, using, or disclosing personal information from children.⁸

No later than five years after the effective date of the COPPA Rule, the Act and the COPPA Rule required the Commission to review the implementation of the regulations, including a review of “practices relating to the collection and disclosure of information relating to children, children’s ability to obtain access to information of their choice online, and on the availability of websites directed to children.”⁹ In 2006, after receiving and considering public comments, the Commission concluded that the COPPA Rule should be retained without change.¹⁰ Earlier this year, the Commission decided to re-evaluate the Rule, stating that it “believes that changes to the online environment over the past five years, including but not limited to children’s increasing use of mobile technology to access the Internet, warrant reexamining the Rule at this time.”¹¹

⁷ See 16 C.F.R. §§ 312.2, 312.3; see also 15 U.S.C. §§ 6501(1), 6502 (a)(1).

⁸ See generally 16 C.F.R. §§ 312.3; see also 15 U.S.C. §§ 6502(b)(1)(A).

⁹ See 15 U.S.C. § 6506(1); 16 C.F.R. § 312.11.

¹⁰ See *In re Children’s Online Privacy Protection Rule, Retention of Rule Without Modification.*, 71 Fed. Reg. 13247 (Mar. 15, 2006).

¹¹ Notice at 17089.

By all accounts, the existing COPPA Rule has succeeded in improving protection of children’s personal information online.¹² The Commission reported to Congress just three years ago that the COPPA requirements have improved website operators’ information practices concerning children and that the requirements continue to play an important role in protecting children’s online safety and privacy.¹³ The Commission cited evidence that the Rule provides website operators with clear standards to follow, and that the cost of compliance has not been overly burdensome or disproportionate to the Rule’s benefits.¹⁴ Finally, the Commission reported that website operators receive few complaints from parents about COPPA compliance.¹⁵ These conclusions are consistent with the experiences of our member companies who operate websites that are subject to COPPA.

As part of this review of the COPPA Rule, the Commission should retain its current definition of “personal information” and preserve the parental consent mechanisms that are currently in place.¹⁶ Such an approach is important to the availability of quality online content directed to children. Significant investments in technology, security, and training have been made to implement and support the current COPPA requirements and have enabled website operators to create rich online offerings for children and their families.

¹² *See, e.g., 2007 FTC COPPA Report* at 7.

¹³ *See id.*

¹⁴ *See id.*

¹⁵ *See id.* at 7-8. The Commission also reported that it receives relatively few complaints from parents about the implementation of the COPPA standards. *See id.*

¹⁶ Similarly, the Commission should resist any calls to expand the Rule in other significant ways. For example, it should not expand the definition of “child” in the Rule to cover children beyond age 12 because the definition in the Rule is statutorily specified. *See* 15 U.S.C. § 6501(1). In addition, although there has been some discussion of whether the Commission should revise the “actual knowledge” standard in the Rule, that standard is likewise a statutory directive, set by Congress after careful consideration. *See* 15 U.S.C. § 6502(a)(1). Congress deliberately adopted the actual knowledge standard because it protected young children from inappropriate information collection practices without unduly burdening general audience websites and online services.

Definition of “Personal Information.” The Rule defines “personal information” to include “individually identifiable information about an individual collected online” and lists several specific identifiers as “personal information,” including first and last name, telephone number, email address, and other information.¹⁷ In the *Notice*, the Commission queries whether “personal information” should be expanded to include other information such as user name, zip code, date of birth, persistent IP addresses, mobile geolocation information, information collected in connection with online behavioral advertising, or other emerging categories of information.¹⁸ The Commission should not expand the definition to these additional items for both legal and policy reasons.

First, such an expansion would not comport with congressional intent. The definition of “personal information” in the Act makes clear that if the data is not among the enumerated list in the Act, it is only “personal information” when the information collected online from the child is combined with an identifier enumerated in the Act.¹⁹ In addition, Congress empowered the Commission to expand the enumerated items only to information that would allow contacting *of a specific individual*.²⁰ Thus, the types of information the Commission is considering adding to

¹⁷ 16 C.F.R. § 312.2 (defining “personal information” to include (a) A first and last name; (b) A home or other physical address including street name and name of a city or town; (c) An e-mail address or other online contact information, including but not limited to an instant messaging user identifier, or a screen name that reveals an individual’s e-mail address; (d) A telephone number; (e) A Social Security number; (f) A persistent identifier, such as a customer number held in a cookie or a processor serial number, where such identifier is associated with individually identifiable information; or a combination of a last name or photograph of the individual with other information such that the combination permits physical or online contacting; or (g) Information concerning the child or the parents of that child that the operator collects online from the child and combines with an identifier described in this definition”).

¹⁸ See *Notice* at 17089, 17090.

¹⁹ See 15 U.S.C. § 6501(8) (providing that “[t]he term ‘personal information’ means individually identifiable information about an individual collected online;” enumerating several examples of personal information such as first and last name, social security number, and telephone number; and recognizing that data linked with the enumerated examples of personal information will constitute “personal information”).

²⁰ See 15 U.S.C. § 6501(8)(F) (providing that “personal information” includes “any other identifier that the Commission determines permits the physical or online contacting of a specific individual”).

the definition of “personal information,” without being associated with other personal information, are not, and should not be deemed “personal information” for COPPA purposes. Such information typically does not allow the physical or online contacting of an *individual* as contemplated by the Act.²¹ The Commission should not extend the reach of the COPPA requirements to exceed what Congress intended by including information that may simply link back to a particular computer or other device, which may be used by more than one person.²²

Second, by placing information that is associated with a particular device or computer on par with information associated with a specific person, the Commission would wholly recast the COPPA regime, requiring affirmative parental consent for many existing offerings at children’s websites (which would be difficult and cost-prohibitive to obtain), requiring more hurdles to access content that does not require children to actively disclose information about themselves, and greatly increasing the number of websites subject to COPPA requirements.²³ Such an expansion is not necessary to achieve Congress’ goals under COPPA and raises a number of

²¹ See 15 U.S.C. § 6501(8).

²² Other approaches to privacy protection at the federal level focus on the identification of a specific person. See, e.g., Office of Mgmt. & Budget, Exec. Office of the President, Memorandum for the Heads of Executive Departments and Agencies, *Guidance for Web Measurement and Online Customization Technologies*, M-10-22, at 4 (June 25, 2010), available at http://www.whitehouse.gov/omb/assets/memoranda_2010/m10-22.pdf. OMB defines “personally identifiable information” (“PII”) as:

information that can be used *to distinguish or trace an individual’s identity*, either alone or when combined with other personal or identifying information that is *linked or linkable to a specific individual*. The definition of PII is not anchored to any single category of information or technology. Rather, it demands a case-by-case assessment of the specific risk that an individual can be identified. In performing this assessment, it is important for an agency to recognize that non-PII can become PII whenever additional information is made publicly available — in any medium and from any source — that, when combined with other available information, could be used to identify an individual.

Id. (emphasis added); see also Office of Mgmt. & Budget, Exec. Office of the President, Memorandum for the Heads of Executive Departments and Agencies, *Safeguarding Against and Responding to the Breach of Personally Identifiable Information*, M-07-16, at 1 & n.1 (May 22, 2007), available at <http://www.whitehouse.gov/omb/assets/omb/memoranda/fy2007/m07-16.pdf>.

²³ As highlighted several times during the Commission’s COPPA Roundtable discussions, the Commission must be careful not to “break the Internet” by expanding this definition. See, e.g., Transcript, *COPPA Rule Review Roundtables*, Washington, DC, June 2, 2010, Session 3, at 12, 23 (“*COPPA Roundtable Transcripts*”), available at http://htc-01.media.globix.net/COMP008760MOD1/ftc_web/FTCindex.html#June2.

practical challenges. For example, the very operation of the Internet and the websites it connects requires ongoing, persistent use of identifiers like IP addresses and other technical information. Because the vast majority of Internet browsers automatically collect a user's IP address and send it to the website operator, virtually all child-directed websites would automatically trigger the need to obtain prior parental consent in advance of visiting the website.²⁴

Finally, much non-personally identifiable information is used in ways that are beneficial to children without undermining their safety or privacy. For example:

- Allowing children to create a unique screen name and password at a website through a registration process without collecting any personal information allows children to continue to have an individualized and autonomous experience they seek in a safe manner. Through screen names, several leading children's websites are able to offer children personalized content, (*e.g.*, horoscopes, weather forecasts, customized avatars for game play), attribution (*e.g.*, acknowledgement for a high score or other achievement), as well a way to express opinions and participate in online activities in an interactive fashion (*e.g.*, jokes, stories, letters to the editor, polls, challenging others to gameplay, swapping digital collectibles, monitored "chat" with celebrities).
- Logging IP addresses (a common activity performed by websites) enables a website, where appropriate, to determine traffic sources to its servers, troubleshoot customer problems, investigate abuse and attacks, and in appropriate cases, provide information to law enforcement officials to investigate criminal activity.
- Collecting gender information about website users without identifying them can enable a website to offer activities and information tailored to children of that gender.
- Collecting zip codes (without more specific address information) can enable the website to provide a clock or other time-sensitive information, such as a television programming schedule or a countdown to a children's television show premiere,

²⁴ Although the Commission has already concluded that persistent IP addresses are not "personal information," the COPPA Rule currently provides ample flexibility to determine whether IP addresses or other types of data might become "personal information," *i.e.* when combined or linked with other "personal information." See 16 C.F.R. § 312.2 (defining "personal information" to include "(f) A persistent identifier, such as a customer number held in a cookie or a processor serial number, where such identifier is associated with individually identifiable information; or a combination of a last name or photograph of the individual with other information such that the combination permits physical or online contacting; or (g) Information concerning the child or the parents of that child that the operator collects online from the child and combines with an identifier described in this definition").

coordinated with that user's general geographic location, or to identify their local cable or satellite provider to facilitate consumer inquiries.

Parental Consent Mechanisms. The COPPA Rule currently allows a variety of methods for website operators to obtain verifiable parental consent.²⁵ Although the Rule identifies certain approved consent methods, it does not provide an exhaustive list, rather indicating that,

An operator must make reasonable efforts to obtain verifiable parental consent, taking into consideration available technology. Any method to obtain verifiable parental consent must be reasonably calculated, in light of available technology, to ensure that the person providing consent is the child's parents.²⁶

Although not all of the identified methods are widely or equally used across the industry, the enumerated means of obtaining verifiable parental consent generally remain valid today.

Allowing website operators to provide various parental consent options to consumers improves the response rate when parental consent is sought.²⁷ The enumeration of approved methods of parental consent provided in the Rule provides guidance and flexibility on available methods to satisfy the requirements.

In the Act, Congress included several exceptions to prior parental consent.²⁸ As explained by the Commission, "[t]hese limited exceptions were intended to facilitate compliance

²⁵ See 16 C.F.R. § 312.5(b). We note that where prior parental consent is necessary for participation in an online activity, industry experience shows that the "sliding scale" approach to parental consent -- whereby the type of consent a website operator is required to obtain depends on how the information will be used -- continues to strike the appropriate balance between protecting children's privacy and cost-effective means for obtaining consent.

²⁶ 16 C.F.R. § 312.5(b)(1); see also *COPPA Roundtable Transcripts*, Sessions 4 & 5, at 10 (indicating that the methods enumerated in the Rule are illustrative, and "are not meant to be exclusive"). This approach allows website operators the flexibility to use new methods as technology develops. For example, as scanning documents has become more widely deployed, the same principles and assumptions of parental involvement that underlie an offline form provided to a website operator by fax or regular U.S. mail would support the use of a scanned form that is returned to a website operator by email.

²⁷ For example, the Commission should retain the mechanism allowing parents to provide consent by using a credit card in connection with a transaction. See 16 C.F.R. § 312.5(b)(2). Numerous companies rely on this approach and marketing and issuance of credit cards to children under the age of 18 years old is not a widespread practice. In the few instances where such cards could be issued to a younger person, the cards are likely tied to a parent's account that is responsible for those financial charges. Similarly, some NCTA members rely upon the offline and fax-back form and e-mail plus methods to obtain parental consent in some instances.

²⁸ See 15 U.S.C. § 6502(b)(2); see also 16 C.F.R. § 312.5(c).

with the Rule, allow for seamless interactivity in a wide variety of circumstances, and enable operators to respond to safety concerns.”²⁹ While many of the children’s websites *do not* collect personal information from visitors by employing user names as outlined above, those child-directed websites that *do* collect personal information typically limit the collection to the COPPA e-mail exceptions to parental consent.³⁰ Retaining the exceptions is particularly important because industry experiences demonstrate that participation is low in activities that require taking multiple steps prior to participating in an activity.³¹ Creating complex credentialing or permission processes for safe, well-planned activities that children take for granted today may also limit access to educational activities for children who do not have active, involved parents standing by to provide consent—often the children who most need these online educational opportunities. As indicated at the recent COPPA Rule Review Roundtable event, many companies rely on the “one time use” and “multiple use” or “newsletter” exceptions to offer meaningful activities that enrich a child’s experience online, such as “ask the author” opportunities, homework help, e-cards, newsletters, and contests.³²

²⁹ *In re Children’s Online Privacy Protection Rule*, Final Rule, 64 Fed. Reg. 59888, 59902 (Nov. 3, 1999) (citing to 144 Cong. Rec. S11658 (statement of Sen. Bryan)).

³⁰ *See 2007 FTC COPPA Report* at 8 (explaining that website operators “have developed more innovative ways to offer the interactive online experiences children want without collecting any personal information or collecting very little personal information, such as only an email address. In particular, they identified as useful two of the Rule’s exceptions to verifiable parental consent. . . . The commenters stated that these two exceptions are critical in helping them provide safe, interactive, and fun children’s content.”).

³¹ *See, e.g., COPPA Roundtable Transcripts*, Sessions 4 & 5, at 52 (noting that “full-blown verifiable parental consent . . . is seen as somewhat of an obstacle to some fun, enjoyment, and instantaneous enjoyment by kids”) (quoting Phyllis H. Marcus, Division of Advertising Practices, FTC).

³² *See generally COPPA Roundtable Transcripts*, Sessions 4&5, at 34-47. Discussions at the COPPA Roundtable event also touched on automated systems of review. *See id.* at 48-57. In the *Notice*, the Commission seeks comment on whether automated systems may not require prior parental consent because they may fall outside the definition of “collection.” *See Notice* at 17090. As explained in the *Notice*, “[t]he Rule considers personal information to have been ‘collected’ where an operator enables children to make personal information publicly available through a chat room, message board, or other means, except where the operator ‘deletes’ all individually identifiable information from postings by children before they are made public and deletes such information from the operator’s records.” *Id.* In recent years, companies have developed, licensed, or are exploring automated systems to offer safe “real-time” chat communications within interactive games and

In sum, the Commission should resist efforts to expand the definition of “personal information” beyond what Congress intended. In addition, the Commission should retain its current parental consent mechanisms and consider whether it can identify more timely and economical means of providing notices and obtaining parental consent to help incentivize investment in the creation of quality content for children online.

II. THE COMMISSION SHOULD PROCEED CAREFULLY BEFORE DECIDING WHETHER AND HOW IT MIGHT EXTEND EXISTING COPPA REQUIREMENTS TO WEBSITES AND ONLINE SERVICES ACCESSED VIA NEW MEDIA PLATFORMS.

In its evaluation of the COPPA Rule, the Commission should consider how it can modernize the current COPPA Rule in ways that will protect children’s privacy, but avoid stifling innovation in the development of new interactive offerings for children. In the *Notice*, the Commission specifically seeks comment on the implications for COPPA enforcement raised by technologies such as mobile communications and interactive television.³³ Different media platforms have unique capabilities and characteristics that may make application of the existing

websites for children. When a chat room member types text into the chat box, the automated system software examines and screens the language before allowing it to be posted online. Typically, automated systems are complimented by some degree of human involvement and oversight. For example, as reported by *The New York Times*,

NetModerator, a software tool built by Crisp Thinking, a private company based in Leeds, England, can monitor online chat “for intent as well as content,” says Andrew Lintell, the company’s chief executive. To build the tool, he says, Crisp Thinking analyzed roughly 700 million lines of chat traffic, some from conversations between children and some, like conversations between children and sexual predators, provided by law enforcement groups.

Leslie Berlin, *Prototype, Software That Guards Virtual Playgrounds*, N.Y. Times, Apr. 19, 2009, at BU4, available at

http://www.nytimes.com/2009/04/19/business/19proto.html?_r=1&scp=1&sq=netmoderator&st=cse.

These solutions are among the ways that website operators have been able to provide rich and meaningful content to children and offer interactivity in a “non-identifiable” way and may offer increased consistency and more effective monitoring than human monitors. See Dean Takahashi, *Crisp Thinking’s NetModerator Blocks Pervs in Real Time*, GamesBeat, Feb. 23, 2010 (reporting that, “[i]n tests undertaken by Cambridge University in the United Kingdom in 2007, NetModerator was right 98.4 percent of the time”), available at

<http://games.venturebeat.com/2010/02/23/crisp-thinkings-netmoderator-blocks-pervs-in-real-time/>.

Determination of whether an automated system is reasonably robust will depend on the circumstances.

³³ See *Notice* at 17090.

COPPA requirements an uneasy fit for new and developing technologies. The rules may have to be tailored to account for technical challenges that, for example, superimposing rules intended for personal computers on smaller-screen devices would cause.³⁴

With respect to nascent technologies, the Commission should give the platforms an opportunity to develop before determining whether and how specific COPPA requirements should apply. For example, there is currently no universally recognized definition of “interactive television.” Indeed, the *Notice* does not provide a definition of “interactive television,” and no one can predict what that term might encompass until the technologies and applications develop. While a handful of cable providers have tested various interactive technologies with general audience video content over cable systems, most of these have not involved interactivity with the Internet. In any event, there is currently no form of “interactive television” involving the Internet directed to children in the marketplace today. If interactivity during children’s television programming becomes a reality, the Commission will have ample opportunity to assess whether any such service raises issues covered by COPPA. Regulating in the abstract now is unnecessary, unwarranted, and risks stifling innovation in the development of interactive features beneficial to children and their families. It could also prevent the development of unique, creative forms of parental controls and childrens’ privacy protections that are integral to and appropriate for this developing media distribution platform.

As the technologies develop, the Commission should employ the same kind of thorough evaluation undertaken in the development of the email exceptions and identify instances where

³⁴ In the mobile space, for example, the Commission also should consider that the variety of handheld devices and mobile operating systems, software applications and storefronts, as well as the small screen sizes, all of which significantly complicate the potential methods to: (a) identify a subscriber for whom parental consent would be necessary, (b) obtain parental consent, and (c) provide privacy policy-type of disclosures as COPPA currently prescribes. Similar challenges might exist with application of the COPPA requirements to different “interactive television” capabilities that may someday be offered by cable and satellite providers.

prior consent may not be needed (*e.g.*, if personal information could be removed, be used on a limited basis, and/or otherwise not shared). A thoughtful analysis will preserve an appropriate level of access and interactivity for children, as well as take into account any parental control features or other options provided by mobile, cable and satellite carriers and related equipment.

Interfering with the development of content for children and families on a variety of new media platforms by increasing the costs of COPPA compliance could result in missed opportunities. As explained by Joan Ganz Cooney, Chairman of the Executive Committee at Sesame Workshop:

If we can harness media as a powerful teaching tool, we can help children grow-up as literate, responsible global citizens. Now is the time to turn the new media that children have a natural attraction to into learning tools that will build their knowledge and broaden their perspectives.³⁵

The Commission must take great care to ensure that it does not expand the COPPA requirements in ways that discourage development of effective, safe, and creative interactive media products that may have great value for children and their families.

³⁵ The Joan Ganz Cooney Center, *Our Mission* (citing Joan Ganz Cooney), at <http://www.joanganzcooneycenter.org/about/our-mission.html> (last visited June 29, 2010).

CONCLUSION

The current COPPA regime has achieved the right balance of encouraging a culture of privacy and safety for children online without interfering with the integrity of children's interactive experiences online. The Commission should resist calls for the adoption of significant changes to the COPPA Rule that would result in heavy compliance burdens on industry, with no demonstrable benefit to children, and risk limiting the availability of age-appropriate content for children online.

Respectfully submitted,

Jill M. Lockett
Senior Vice President
Program Network Policy

Loretta P. Polk
Stephanie L. Poday
National Cable &
Telecommunications Association
25 Massachusetts Avenue, N.W. – Suite 100
Washington, D.C. 20001-1431

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