

December 21, 2011

Keith R. Dennis
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Re: RFC - COPPA Rule Review, 16 CFR Part 312, Project No. P104503

Dear Mr. Clark:

Although I fully support the stated intent of COPPA to safeguard and protect the privacy of children, privacy protection in general and for children in particular within the context of the Internet is a complex and nuanced issue. Some often cited unintended consequences of COPPA,

- Children lying about their age to circumvent restrictions
- Parents assisting children in circumventing age restrictions
- High cost of compliance for operators leading to reduced participation in the under-13 market thereby limiting the availability of rich age-appropriate online experiences for children

have been offered by some as justification for doing away with COPPA all together.

Although I understand the basis for such sentiments, I believe that COPPA will not, and should not go away – the issues it is intended to address are simply too important. Parents want and need assistance in protecting their children’s privacy online. But COPPA-compliance has been and continues to be a significant challenge and children can easily circumvent enforcement. These shortcomings need to be fixed or COPPA will simply become irrelevant.

Much has been written on the real-world effects of COPPA, one paper in particular (<http://bit.ly/uy6PxY>)¹ has proven especially useful to me in understanding these issues.

Based on this paper, various other articles, my personal views and having read many of the comments already submitted to the FTC, I have come to the following conclusions:

1. Parents generally believe that they (not the government) should have final control (and responsibility) for what web-based services their children should be allowed to access.
2. Parents are badly in need of assistance (guidance, recommendations, information and tools) to allow them to make informed decisions regarding their children’s online experiences.
3. Age is not a realistic barrier – If children are restricted by age alone from accessing web services, they will simply find ways to circumvent this restriction.

4. Current COPPA-compliance solutions are too cumbersome and costly to be effective and in fact impede the development of rich, age-appropriate web-based experiences for children.
5. Operators are in need of simple, cost-effective solutions for COPPA-compliance. The current options are too costly and cumbersome for all parties; children, parents and operators.

Being a technologist with a long history in online security and privacy, I believe these problems can be solved. Better solutions would empower parents to make informed decisions and at the same time mitigate the cost of compliance for operators. We can either fix what is wrong with COPPA and the solutions which currently exist or just accept that children will continue to experience the web as adults.

I'd like to take this opportunity to voice AssertID's support for the proposed amendment to 312.5 (b)(2), effectively eliminating email plus. In addition I support the introduction of sections 312.5 (b)(3)&(4). In combination I believe these changes will help promote innovation in the development of alternative means of obtaining verifiable parental-consent.

Thank you for this opportunity to comment.

Keith Dennis

¹“Why parents help their children lie to Facebook about age: Unintended consequences of the “Children’s Online Privacy Protection Act”” – Danah Boyd, Eszter Hargittai, Jason Schultz, and John Palfrey