

Digital Advertising Alliance
1615 L Street NW, Suite 1100
Washington, DC 20036

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Via electronic filing: <https://public.commentworks.com/ftc/2011copparulereview>

Hon. Donald S. Clark
Federal Trade Commission
Office of the Secretary, Room H-135 (Annex E)
600 Pennsylvania Avenue, NW
Washington, DC 20580

Re: COPPA Rule Review, 16 CFR Part 312, Project No. P104503

Dear Secretary Clark:

The Digital Advertising Alliance (“DAA”) is pleased to provide this comment to the Federal Trade Commission (“Commission”) regarding proposed changes to the Children’s Online Privacy Protection Rule (“COPPA Rule”). As the entity charged with administering and implementing comprehensive industry self-regulatory standards for online data collection, this comment describes the application of these standards to children under 13.

The DAA is a consortium of the nation’s largest media and marketing associations, including the American Association of Advertising Agencies (4A’s), the American Advertising Federation (AAF), the Association of National Advertisers (ANA), the Direct Marketing Association (DMA), the Interactive Advertising Bureau (IAB) and the Network Advertising Initiative (NAI). Representing over 5,000 member companies, these associations have come together in an initiative to develop and implement self-regulation for online data collection.

The Self-Regulatory Principles for Online Behavioral Advertising (“OBA Principles”) were released in 2009. The supplementary Self-Regulatory Principles for Multi-Site Data extend comprehensive self-regulatory standards to cover the collection and use of Multi-Site Data that is collected from a particular computer or device regarding Web viewing over time and across non-affiliated Websites. Together, these Principles address seven key areas previously identified by the Commission: transparency; consumer control; data security; sensitive data protection; consent for retroactive material policy changes; consumer education; and meaningful enforcement.

The DAA was established to administer the implementation of these Self-Regulatory Principles across the Internet. The centerpiece of this implementation effort is the Advertising Option Icon, a universal symbol deployed within or near online behavioral advertisements or on Web pages where data is collected for online behavioral advertising purposes. By clicking on the icon, consumers are able to link to a clear disclosure statement regarding the participating

company's online behavioral advertising data collection and use practices, as well as a universal and easy-to-use mechanism to opt out of further data collection and use.

The Commission has stated that the Self-Regulatory Principles do not “expressly require prior parental consent” for online behavioral advertising.¹ This statement does not reflect the Principles’ application to children under 13. The Sensitive Data provision of the OBA Principles limits the collection and use of any data – not just data that are “personal information” as defined by COPPA – that can be associated with a particular computer or device for the purpose of engaging in online behavioral advertising where the entity collecting the data has actual knowledge the user is a child under 13.

The DAA hopes that this discussion clarifies the Principles’ coverage of children’s online data and looks forward to continuing to work with the Commission on the important issue of children’s privacy. Please contact me at 202.344.4613 with any questions.

Sincerely,

Stuart P. Ingis
DAA General Counsel

cc: American Association of Advertising Agencies
American Advertising Federation
Association of National Advertisers
Direct Marketing Association
Interactive Advertising Bureau
Network Advertising Initiative
Julia Kernochan Tama, Venable LLP
Michael A. Signorelli, Venable LLP

¹ Children’s Online Privacy Protection Rule, 76 Fed. Reg. 59804, 59812-59813 n. 86 (proposed Sept. 27, 2011) .