



CALIFORNIA  
**OFFICE OF  
PRIVACY  
PROTECTION**

915 Capitol Mall  
Suite 200  
Sacramento, CA 95814  
866.785.9663 toll free  
916.653.3815 fax  
[www.privacy.ca.gov](http://www.privacy.ca.gov)

February 23, 2010

Donald S. Clark  
Secretary  
Federal Trade Commission  
Room H-159  
600 Pennsylvania Avenue, N.W.  
Washington, D.C. 20580

Re: i-SAFE Safe Harbor Proposal, Project No. P094504

Dear Mr. Clark:

The California Office of Privacy Protection is a state government agency with a mission to promote and protect individual privacy rights and to encourage fair information practices. We are familiar with i-SAFE Inc.'s commitment to children's safety in the online world and with their expertise in developing educational programs for children and adults.

As a member of the California Coalition for Children's Internet Safety, i-SAFE has made significant contributions to this Office's Cyber Safety for Children program to encourage the safe, smart and legal use of the Internet. i-SAFE helped to plan and made several presentations at the two major summits the Office of Privacy Protection has held on children's online safety in 2006 and 2009 ([www.privacy.ca.gov/privacy\\_summit.htm](http://www.privacy.ca.gov/privacy_summit.htm)). They also participate in our Speakers Bureau, providing speakers for PTA-sponsored events at K-12 schools in California ([www.cybersafety.ca.gov/speakers\\_bureau/default.asp](http://www.cybersafety.ca.gov/speakers_bureau/default.asp)).

We support i-SAFE's proposed Safe Harbor Program for the Children's Online Privacy Protection Act (COPPA), and believe that as a non-profit organization dedicated to protecting children, i-SAFE will offer a valuable perspective on COPPA compliance and enforcement. We offer the following comments on the proposal.

**Security Measures (16 CFR Part 312.8)**

i-SAFE proposes that participants/licensees be required to establish and maintain "reasonable procedures to protect the confidentiality, security and integrity of personal information." While we recognize that risks to privacy and security change with time and circumstances, we believe that i-SAFE should provide more specific guidance in this area. In comparing other COPPA Safe Harbor entities' policies and procedures, we note that many provide more details on the types of programs that should be used to ensure the



## CALIFORNIA OFFICE OF PRIVACY PROTECTION

---

security of personal information. We suggest that i-SAFE provide more guidance on information security, such as, for example, examples of reasonable and appropriate measures and some baseline requirements.

### **Compliance (16 CFR Parts 312.9 and 312.10)**

We believe that i-SAFE's plan to use a trained Information Privacy Monitor to conduct tests using fictitious data at every point where personal information is collected is one good mechanism for assessing operator compliance with its requirements, particularly regarding parental consent.

The proposal for periodic monitoring of participant/licensee compliance includes conducting reviews on a bi-annual, semi-annual or annual basis. This periodic review would be in addition to initial and annual self-assessments and a "feedback loop" of complaints and comments from site visitors. Given the rate of change in online technologies and threats, we believe that the program would be more effective if the periodic reviews were conducted more frequently than once a year. We recommend that i-SAFE's program provide for periodic reviews at least twice a year.

Yours truly,

A handwritten signature in black ink, appearing to read "Joanne B. McNabb".

Joanne B. McNabb  
Chief