



UNITED STATES OF AMERICA  
FEDERAL TRADE COMMISSION  
WASHINGTON, D.C. 20580

Office of Commissioner  
Edith Ramirez

To: Don Clark, Secretary  
From: Alyssa O'Connor  
Date: October 10, 2012  
Re: COPPA Rule: Comments to be Placed on the Public Record

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On September 25, 2012, Commissioner Edith Ramirez and agency staff met with representatives from the Online Publishers Association (“OPA”) to discuss proposed modifications to the FTC’s COPPA Rule.<sup>1</sup>

OPA referenced the written comments it had submitted and discussed its main concerns. First, OPA expressed concern that the FTC’s proposed definition of “web site or online service directed to children” unduly burdens general audience sites. According to OPA, its members often do not know their audience composition until after content is published, and therefore the language in Section (c) of the proposed definition is impracticable. As an alternative, OPA suggested that the FTC consider voluntary age-screening as a safe harbor. OPA believes that such an approach would be more effective.

In addition, OPA stated that it interprets the proposed definition of “operator” as requiring first-party content providers to be responsible for third-party COPPA compliance. OPA suggested that the FTC consider a more workable standard, such as allowing first parties to rely on third-party representations of COPPA compliance. When asked to provide more information regarding the relationships between its members and third parties, OPA explained that the parties typically work together on data analytics and mobile application development. While OPA members have taken steps to ensure compliance and transparency in their relationships with third parties, OPA stressed that online publishing involves numerous moving parts and first parties cannot be aware of all third-party activities.

Finally, OPA noted that its written submission expands on its concerns with the proposed COPPA modifications and offers revised language where appropriate.

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<sup>1</sup> In attendance for OPA were Pam M. Horan, President; Chris Pedigo, VP Government Affairs; and Elizabeth Frazee of TwinLogic Strategies. In addition to Commissioner Edith Ramirez, Marianne Watts and Alyssa O'Connor participated on behalf of the FTC.