



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

Office of Commissioner
Julie Brill

To: Don Clark
From: Kathleen Benway
Date: November 19, 2012
Re: COPPA Rule: Comments to be placed on the public record

On November 19, 2012, representatives from Facebook met with Commissioner Brill's attorney advisor and other agency staff to discuss the agency's proposed modifications to the COPPA Rule.¹

The Facebook representatives expressed concern about the company's potential liability for data collected by its "plug-ins" incorporated on third-party websites. Facebook's representatives stated that the Facebook service is not directed to children, and the company does not have knowledge of or control over child-directed sites that incorporate the Facebook plug-ins. The representatives described how their plug-in collects IP address data and emphasized that IP address collection is ubiquitous on the Internet.

Facebook's representatives proposed three changes to the SNPRM. First, IP addresses alone should not be considered personal information; they should only be considered personal information when linked to other data that allows for identification. Second, the definition of "support for internal operations" should explicitly prohibit the behavior the Commission wishes to target, rather than permitting only the enumerated uses of data. It should permit operators to use persistent identifiers for service development, site maintenance, site analysis, and first-party ads. Third, the proposed definition of "on behalf of" to mean "for the benefit of" should be narrowed, possibly to an agency-type relationship.

Facebook's representatives indicated support for the Future of Privacy Forum's (FPF) proposal, which would allow platforms to give notice and collect verifiable parental consent one time on behalf of all apps hosted on the platform that met specific predetermined criteria.

¹ Erin Egan and Robert Sherman attended the meeting on behalf of Facebook. Kathleen Benway, attorney advisor for Commissioner Brill, and Matt McDonald, intern for Commissioner Brill, also attended.