



Office of Commissioner
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UNITED STATES OF AMERICA
Federal Trade Commission
WASHINGTON, D.C. 20580

**Statement of Commissioner Alvaro Martín Bedoya
Regarding the Policy Statement on Education Technology and COPPA
Commission File No. P155401**

**Federal Trade Commission Open Meeting
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I'm pleased to vote for this policy statement on children's privacy. I'm happy that this is one of the first votes I cast as a commissioner.

For me, this statement reinforces the original intent of the legislators who passed COPPA. Those Democrats and Republicans wrote the law to go beyond notice and consent. They also included protections to minimize tracking and protect data.¹

These protections are important now, today. The move to online learning was hard for everyone. But it meant different things for different families, including on privacy.

When kids from working-class families get online, they often have a different experience than kids from wealthier backgrounds. They're more likely to use operating systems that allow more tracking.² They're more likely to use free apps, which track much more data than paid apps.³ For a variety of reasons, they end up giving up much more sensitive information about themselves.⁴ This often includes precise geolocation—where that child is, *exactly*.

Kids have a right to learn in privacy. Kids have that right whether mom or dad is an office worker or a maintenance worker. This policy statement is a step towards better protecting that right.

¹ Children's Online Privacy Protection Act of 1998 (COPPA), Pub. L. No. 105-277, 112 Stat. 2681 (1998).

² See, e.g., Sara Morrison, "Privacy shouldn't be a luxury": Advocates want Google to do more to secure cheap Android phones, VOX RECODE (Jan. 17, 2020), <https://www.vox.com/recode/2020/1/17/21069417/privacy-international-bloatware-android-google>; see also D. Leith, *Mobile Handset Privacy: Measuring the Data iOS and Android Send to Apple and Google* at 2, TRINITY COLLEGE DUBLIN (2021), https://www.scss.tcd.ie/doug.leith/apple_google.pdf.

³ M. Meyer, et al., *Advertising in Young Children's Apps: A Content Analysis*, 40 J. Dev. & Behav. Pediatrics 1, 2, 6 (Jan. 2019), available at http://childrenstech.com/files/2018/11/Advertising_in_Young_Children_s_Apps_A_Content.99257.pdf (finding that free apps "had a significantly higher prevalence of advertising" than paid apps, with the authors noting that advertising is associated with data collection, including "information about preferences, online behavior, and other device-based information, such as contacts and location").

⁴ F. Zhao, S. Egelman, H. Weeks, et al., *Data Collection Practices of Mobile Applications Played by Preschool-Aged Children*, JAMA PEDIATRICS (published online Sept. 8, 2020) <https://jamanetwork.com/journals/jamapediatrics/fullarticle/2769689> ("Children raised by parents without advanced degrees showed 2 to 3 times higher rates of transmissions to third-party domains.")

Relatedly, Chair Khan has wisely urged us to focus on systemic responses to problems. I see this statement as part of a systemic effort to use the tools we already have in our toolbox that go beyond notice and consent. From the very beginning of the modern era of policymaking on American privacy—some 50 years ago—legislators and policymakers went beyond notice and consent to promote what the Chair has called “substantive limits” that protect privacy.⁵

One last thought before I yield. I want to push back on the idea that we need all this tracking to make better apps for kids. Some tracking is needed and may be good. But just as people innovate in tracking, they also innovate on privacy. And a key innovation is the ability to track people using hashed identifiers that cannot be used to track kids after they stop using a particular app. This is basic technology that can be found on the PBS Kids app, for example, which is what we use when our own toddlers watch Daniel Tiger.⁶

Finally, I want to thank everyone that helped bring this Policy Statement to the Commission today, in particular Jim Trilling, Peder Magee, Mark Eichorn, and Kristin Cohen in DPIP. I’d also like to thank Lesley Fair, June Chang, and Jennifer Leach in DCBE, and Richard Gold and Josephine Liu in OGC for all their work. I’m also grateful to Commissioner Wilson for our conversations on this topic, I’m looking forward to working with and learning from her on COPPA and closely related matters. For me, protecting kids and teens when they go online is both a personal and profound priority.

⁵ See Remarks of Chair Lina M. Khan, IAPP Global Privacy Summit 2022 (April 11, 2022) at 6, https://www.ftc.gov/system/files/ftc_gov/pdf/Remarks%20of%20Chair%20Lina%20M.%20Khan%20at%20IAPP%20Global%20Privacy%20Summit%202022%20-%20Final%20Version.pdf; Fair Credit Reporting Act (FCRA), 15 U.S.C. §§ 1681-1681x (1970).

⁶ F. Zhao, *supra* note 4.