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Federal Trade Commission
Office of the Secretary,
600 Pennsylvania Avenue NW., Suite CC-5610 (Annex K)
Washington, DC 20580

Re: AgeCheq Application for Parental Consent Method, Project No. P-145410

Federal Trade Commission,

The Agency has recently sought comments on the "Application Pursuant to Section 312.12(a) of the Final Children's Online Privacy Protection Rule for Approval of Verifiable Parental Consent Method Not Currently Enumerated in Section 312.5(b)1" recently submitted by AgeCheq, Inc. As legal counsel providing COPPA compliance services to online business, but unaffiliated with AgeCheq, Inc., the following comments are respectfully submitted for consideration in the approval process.

1. Is this method, both with respect to the process for obtaining consent for an initial operator and any subsequent operators, already covered by existing methods enumerated in § 312.5(b)(1) of the Rule?

The methodology for obtaining verified parental consent is unique in that it provides parents with a centralized consent and control system for managing third party platforms directed at the parents' children under 13 for all registered devices on both an initial and, perhaps more importantly, ongoing basis. Even the best intentioned parents can't possibly track all the sites and apps their children use online. Providing parents with a centralized location that not only allows them to manage the sites and apps they approve or reject, but also track the conduct of their children **across multiple devices** is a unique advance in COPPA compliance technology. The AgeCheq system appears to provide the type of technological solution the Agency, application developers and legal commentators have sought for the last five plus years, particularly when considering the difficulties for parents and businesses attempting to comply with COPPA and the COPPA Rule given the increased use of smart phones and tablets by children under 13.

2. If this is a new method, provide comments on whether the proposed parental consent method, both with respect to an initial operator and any subsequent operators, meets the requirements for parental consent laid out in 16 CFR 312.5(b)(1). Specifically, the Commission is looking for comments on whether the proposed parental consent method is reasonably calculated, in light of available technology, to ensure that the person providing consent is the child's parent.

AgeCheq, Inc. appears to be relying on already accepted methodologies for obtaining the initial verified parental consent necessary to verify the identity of the approving parent. The system will either:

- Verify the identity of the parent through a financial transaction, or
- Verify the parent through a "print and send" method.

As it appears the parent will have sole access to the master account, this approach appears reasonable calculated to ensure that the person providing consent is, in fact, the child's parent.

3. Does this proposed method pose a risk to consumers' personal information? If so, is that risk outweighed by the benefit to consumers and businesses of using this method?

The collection of personal information in any centralized area always involves a certain level of risk. With the AgeCheq approach, the risk appears to be no more than if the parents were dealing directly with individual apps and websites. If anything, the risk may be less in that developers using the system for COPPA compliance will not be given access to the names and other personal information of children. To some extent, this information may be collected later on by the third parties, but only after the parents have approved the app or site.

One concern may be that the developers using the AgeCheq system may collect or use information in a manner violating COPPA. Any developer undertaking such conduct, however, would do so regardless of whether they were using the AgeCheq system or not.

The risk to consumers' personal information when using the AgeCheq system appears to be no greater than if parents were to interact with third party sites and apps directly. This risk does not outweigh the clear benefit of providing parents with a centralized command center providing a simple, efficient means to approve and reject the apps and websites their children wish to join. At the same time, businesses benefit from the fact the AgeCheq system provides a method for complying with COPPA that is low cost and of minimal burden.

In Closing

The popularity of smart phones and tablets cries out of a technological solution that both parents and businesses can benefit from when complying with COPPA. The AgeCheq, Inc., approach appears to be such a solution.

In this regard, I remain

~~Sincerely Yours,~~

~~Richard A. Chapo, Esq.~~