



United States of America
FEDERAL TRADE COMMISSION
WASHINGTON, D.C. 20580

Division of Privacy and Identity Protection

VIA FEDERAL EXPRESS

May 15, 2013

NAME, TITLE
COMPANY
ADDRESS
CITY

Dear X:

One or more of your mobile apps may be directed to children in the United States, and may collect photographs or videos of them or recordings of their voices. Important changes to the Children's Online Privacy Protection Rule¹ take effect on July 1, 2013. The Children's Online Privacy Protection Rule implements the Children's Online Privacy Protection Act (COPPA).² COPPA and its related rules apply to foreign-based Web sites and online services that are involved in commerce in the United States or its territories.³ This would include foreign-based sites or services that are directed to children in the United States, or that knowingly collect personal information from children in the U.S. The staff of the Federal Trade Commission (FTC), the federal agency that enforces COPPA, wants to help ensure you are aware of those changes and your compliance responsibilities.

Please note that we have not yet evaluated your apps or your company's practices to determine if they comply with COPPA as it is now – or as it will be starting July 1, 2013. We are sending you this letter to both alert you to the upcoming COPPA Rule changes and to encourage you to review your apps, your policies, and your procedures for compliance.

The revised COPPA Rule requires all developers of apps that are directed to children under 13 – or that knowingly collect personal information from children under 13 – to post accurate privacy policies, provide notice, and obtain verifiable parental consent before collecting, using, or disclosing any “personal information” from children.

Until now, “personal information” has included such categories as a first and last name, a home or other physical address including a street name and the name of a city or town, an e-mail address, a telephone number, or a Social Security number. But as of July 1, 2013, the definition of “personal information” will broaden to include a photograph or video with a child's image, or

¹ The COPPA Rule is published at 16 C.F.R. Part 312.

² The law is published beginning at 15 U.S.C. § 6501.

³ See 15 U.S.C. § 6501(2).

an audio file that has a child's voice. It also will include screen or user names that function as online contact information, and persistent identifiers, such as cookies, IP addresses and mobile device IDs, that can recognize users over time and across different websites or online services (subject to certain important exceptions for support for the functioning of an app⁴). If you collect any of that information after July 1st – even if you don't collect a name, an e-mail address, or any other information from a child under 13 – you must comply with COPPA's new requirements.

The revised Rule has additional “musts” for developers of apps covered by COPPA. For example:

- You must give notice and get parental consent for personal information collected on your apps from third parties, such as ad networks, unless an exception applies.
- You must take reasonable steps to release children's personal information only to companies that are capable of keeping it secure and confidential.
- You must meet new data retention and deletion requirements.

Please take the time to review the upcoming changes to COPPA. We also strongly encourage you to review your apps, your policies, and your procedures for compliance. As with all our enforcement activities, the Commission will exercise its prosecutorial discretion in enforcing the COPPA Rule, particularly with respect to small businesses that have attempted to comply with the Rule in good faith in the early months after the Rule becomes effective.⁵

You can find the full text of the revised COPPA Rule and more information about the changes and new requirements at <http://www.ftc.gov/opa/2012/12/coppa.shtm>. If you have any questions, please contact Allison Lefrak (202-326-2804) or Katherine White (202-326-2878), or send an email to the COPPA compliance hotline at coppahotline@ftc.gov.

Sincerely,

Maneesha Mithal
Associate Director
Division of Privacy and Identity Protection

⁴ The use of cookies, mobile device IDs, and other persistent identifiers only to provide support for the internal operations of a web site or other online service does not trigger the obligation to provide notice and obtain parental consent. “Support for internal operations” is defined at Section 312.2 of the revised COPPA Rule.

⁵ The Commission may seek injunctive relief or financial penalties of up to \$16,000 per violation of COPPA.