



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 a persistent identifier, such as a mobile device identifier or IP address. Important changes to the Children's Online Privacy Protection Rule<sup>1</sup> take effect on July 1, 2013. The Children's Online Privacy Protection Rule implements the Children's Online Privacy Protection Act (COPPA).<sup>2</sup> 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.<sup>3</sup> 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, 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 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” collected from children.

Until now, “personal information” has included categories such as a first and last name, a home or other physical address including street name and 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 include persistent identifiers, such as cookies, IP addresses and

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<sup>1</sup> The COPPA Rule is published at 16 C.F.R. Part 312.

<sup>2</sup> The law is published beginning at 15 U.S.C. § 6501.

<sup>3</sup> See 15 U.S.C. § 6501(2).

mobile device IDs, that can recognize users over time and across different websites or online services.

If you collect a persistent identifier covered by the Rule after July 1 – even if you don’t collect a name, e-mail address, or any other information – you must provide notice and obtain parental consent, unless you use that identifier only to maintain or analyze the functioning of the application, perform network communications, authenticate users of the app, serve contextual advertising, or conduct other specific activities defined as “support for internal operations” in the Rule.<sup>4</sup> The expanded definition of “personal information” also includes a photo or video with a child’s image, or a recording of a child’s voice.

The revised Rule has additional “musts” for developers of child-directed apps. For example:

- You must give notice and get parental consent for personal information collected on your applications 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 and your policies and procedures for compliance. As with all of 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.<sup>5</sup>

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 at 202-326-2804 or Katherine White at 202-326-2878 or send an email to the COPPA compliance hotline at [coppahotline@ftc.gov](mailto:coppahotline@ftc.gov).

Sincerely,

Maneesha Mithal  
Associate Director  
Division of Privacy and Identity Protection

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<sup>4</sup> Section 312.2 of the COPPA Rule defines “support for the internal operations of the Web site or online service.”

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