

Before the

FEDERAL TRADE COMMISSION

Washington, DC

In the Matter of

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**PROPOSED CHANGES TO THE
CHILDREN'S ONLINE PRIVACY
PROTECTION RULE**

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**COPPA Rule Review 16 CFR Part 312,
Project No. P104503**

COMMENTS OF

UNITED STATES CONFERENCE OF CATHOLIC BISHOPS

Introduction

The United States Conference of Catholic Bishops (USCCB) welcomes this opportunity to comment on the proposed changes to the Children’s Online Privacy Protection Rule (COPPA). The USCCB is a nonprofit corporation organized under the laws of the District of Columbia. All active Catholic Bishops in the United States are members of the USCCB, which advocates and promotes the pastoral teachings of the Bishops in such diverse areas as education, health care, social welfare, immigration, civil rights, family life and communications.

The Catholic Church in the United States is comprised of over 65 million Americans in more than 17,000 parishes throughout the U.S., which are home for hundreds of thousands of households of families with children. As people of faith, we believe parents have primary responsibility for children’s safety online. However, we also believe websites that focus on children as defined under COPPA must be equal partners with parents in the protection of children’s privacy online.

Background

In February of this year, the Commission reported that parents cannot determine which mobile apps pose privacy risks to their children before downloading the app.¹ One month later, the FTC issued a report with recommendations on consumer privacy protection, reporting that the FTC has “... sued dozens of companies that broke their privacy and security promises”.² The FTC report proposed the following practices:

¹ See *Mobile Apps for Kids: Current Privacy Disclosures are Disappointing*, Federal Trade Commission (February 2012) available at http://www.ftc.gov/os/2012/02/120216mobile_apps_kids.pdf

² See *Protecting Consumer Privacy in an Era of Rapid Change: Recommendations for Businesses and Policymakers*, Federal Trade Commission (March 2012), available at <http://www.ftc.gov/os/2012/03/120326privacyreport.pdf>

- Privacy by Design: Build in privacy at every stage of product development;
- Simplified Choice for Businesses and Consumers: Give consumers the ability to make decisions about their data at a relevant time and context ...while reducing the burden on businesses of providing unnecessary choices;
- Greater Transparency: Make information collection and use practices transparent.³

We believe our comments and the new COPPA rules are consistent with the Commission's recent positions on privacy.

Support for New COPPA Rules

The foundational principle that guides our response is that websites covered by COPPA must take responsibility for protecting the privacy of the children who visit them. We do not seek to place undue burden on website operators. But our first priority is to ensure that we do not place undue burden on parents and others responsible for guarding children's privacy online.

First, we agree with the Commission's proposal to revise the definition of the term *operator* "to indicate that personal information is collected or maintained on behalf of an operator where it is collected in the interest of, as a representative of, or for the benefit of, the operator." We believe the proposed language is sufficiently clear to cover websites or online services where they permit the collection of personal information by parties such as advertising networks, providers of downloadable software kits, or "social plug-ins". Furthermore, we believe that one entity must take responsibility for providing parents with notice and the opportunity to consent prior to the collection of children's personal information, and that website operators are in the best position to know that its site or service is directed to children.

³ *ibid.*

Second, we support the Commission’s definition of a “web site or online service directed to children.” We believe multiple tiers of this definition maintain the focus where it should be – on identifying and protecting children under age 13 - even when they visit “mixed audience” websites where adults are present as well.

Third, we support the expansion of the definition of personally identifiable information, especially for the inclusion of the following: (i) photograph, video, or audio file where such file contains a child’s image or voice and (ii) geolocation information sufficient to identify street name, and name of a city or town. These two types of identifiers, in particular, are consistently raised as great concerns by parents and educators in our parishes and schools.

Conclusion

Ultimately, success in this arena requires a partnership between website operators, families and government. We do not seek to place undue burden on operators and appreciate the challenges they face. But we also cannot place undue burden on parents and families.

We commend the Commission for its leadership in this area and stand ready to assist in any way we can to ensure the privacy and safety of America’s children in a evolving online world.

Respectfully submitted,

Helen Osman
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