

I am a small technology business owner that develops mobile apps in my spare time with my family. This hobby started several years ago when I was out to dinner with my wife and three children. The waiter was taking awhile and the kids were getting jumpy so my wife gave the kids an iPod Touch to play with. As soon as the device came out, the kids began ignoring my wife and me, looking down at the iPod instead of up at us. It struck me this was the opposite of "family time" I was starting to believe that technology was disconnecting us as a family. After relaying my concerns, my wife brilliantly told me instead of complaining why don't I write an "app for that".

Shortly after that dinner, A Family Matters™ was born. Our app is a tool to help families communicate by suggesting questions and conversation-starting activities tailored for specific venues – restaurants, cars, doctor visits, etc. For instance if you are at a restaurant maybe the app will ask you an open ended question like “If this was your restaurant what would you name it?” Or perhaps it will give you a group activity like “Guess your server’s favorite color and when they come to the table see who guessed right”. We now have over a thousand kid-tested activities and questions.

I found the app process straight-forward and was pleased with how welcoming the community was. The app did surprisingly well, showing up in Apple's "What's Hot" list for two weeks, selling thousands. We were so excited that we started donating to charities with some of the proceeds and reinvesting in our future app development. Based on the success of our first app, we have built several others and are continuously looking for new ideas to expand with family-friendly concepts.

As an app developer making apps for kids, I've been following the COPPA debate closely. I've read through the proposed rules and have been following the news articles. In Parents With Apps, the online group of which I serve as administrator, we've had numerous discussions about the proposed rules. Our group of over 1,400 small developers of family-friendly apps are very interested in being good citizens in the space we are in. After all, most of our members are parents too.

First off, I'd like to thank you for wanting to bring this rule up-to-date with technology. As a parent, I appreciate the desire of the FTC to explain to online entities what is acceptable behavior when it comes to children. As technology continues to change at the rapid pace we see today, I hope the final rule takes this into consideration.

I am concerned, however, about the “reason to know” and “operator” language in the proposal. I stopped adding analytics to my apps out of confusion over the direction of the laws. However, I see them as an important tool to help make apps better for users. Whether it comes in the form of a crash report or showing me that my users do not like to answer a particular types of questions, I can use that information to improve the quality of the app. For instance, I learned a while ago that therapists are using our app with special needs children to encourage communication. It turns out their needs and workflow are slightly different but I would never have realized this without some basic usage data and customer feedback.

Analytics are difficult for a small company like mine to implement so we rely on third-parties who are experts in this technology to provide us a constantly improving platform for organizing and reporting helpful information.

If the “reason to know” standard is implemented, I worry that third party operators might disallow my family-oriented apps from even using their service. This would mean it is likely I can not implement analytics since I don't have the resources to do this. If I can't improve my app, I know it means the end to my small budding business because the app stores have matured and are highly competitive. I want to compete but I can't compete in the dark.

I am also concerned that the COPPA rule will have a far greater reach than estimated in the latest proposed rule. "125 newly affected operators per year" seems like a huge underestimation unless the goal is to suppress the market that is growing by billions of dollars every year. Parents With Apps counts over 1,400 developer/ participants, growing by at least 100 every six months. We all share our views and questions on a regular basis and it is clear I'm not alone in these concerns.

I understand and support the FTC's goal to protect children, as it is the same goal I have in creating a family-friendly environment in my apps. But if I have to be at the mercy of lawyers and third parties rather than my consumers, I and other responsible developers like me will be forced think twice before innovating our existing apps or even creating them in the first place. Developers who work hard to ensure that our apps comply with all laws concerning children would be punished for the misdeeds of a few developers who do not. In the end, vague regulations will hurt app developers and children alike.

Please think about how we can continue to rely on third party analytics companies as you protect our children. We share the goal but I feel like we may get hurt as you adjust to the changes and I'm hoping to prevent that.

Thank you for taking the time to read this.

Best regards

Scott Weiner