

RESPONSE TO REQUEST FOR COMMENTS BY THE PUBLIC ON C.O.P.P.A.

How to handle violations since 2000 act became effective:

- entire account removed if violation is found (example: user is now 15, but signed up at the age of 11 - discovered during web search)?

User generated content is a fact of life with Web 2.0. Users can upload pictures and communicate with friends and acquaintances. However, those users can also post information which may put them at risk of great harm by child predators. Due to the variance in established consent enacted by individual states, it is suggested to implement a best practice of removal of all content generated by a user who falsely establishes an account at an online service provider. The content provider should not be obligated to retain any of the data. The content provider should be obligated to remove all content generated by a user who has fraudulently established an account.

Service providers must implement systems which make it easier for user generated content to be properly identified and reported. The system must provide the entirety of all content to be reviewed by the service provider to determine whether the user has fraudulently established an account with the service provider.

- does this require the service provider to verify the age of the user? by what method?

Parents should be required to supply a copy of the birth certificate of the individual in question. This may be done via facsimile (fax), or regular mail. Emails containing scanned images should be required to be high resolution (600dpi or higher).

How to determine data collection and data expulsion by private citizens who engage in content moderation (for example yahoo answers, myspace profiles, et al):

- pictures

The actual picture should be removed as soon as possible (for example, at the end of a session of content verification or moderation).

- text which may include personally identifiable information

The internet cache should be purged at the end of a session of content verification or moderation. It is highly recommended a single web browser be used for such activities. Due to the availability of multiple web browsers for personal computers (Opera, FireFox, etc) implementing all guidelines for private citizens engaged in content moderation would be easier to manage.

- URL in address bar / URL in history

Uniform Resource Locators should be retained for as long as possible. Doing so will provide a change in color from an unvisited link to a visited link which will assist in identifying children returning to a service who may be engaged in subsequent fraudulent registration.

- How does this impact the detection of predators posing as children? Does it harm identifying predators?

Any data retained other than the web browsing history should be accompanied by two forms of storage; physical (such as a printout) and an electronic or digital storage

method (such as DVD, external hard drive, Network Attached Storage, Secure storage on a network server). This should be optional and not required. It is recommended for storage to not be done by any person or company, which would retain the current requirement. Any person or entity engaged in retaining such data must be engaged in identification of child predators.

Consideration of private citizens engaged in content moderation:

- should interfering with the filing of an abuse report be considered a crime?

It is recommended to enact a policy which establishes a substantial fine and possible imprisonment (in a parallel law enacted by Congress) for interfering with the filing of a report identifying a user with fraudulent registration information with a service provider.

- should interception of filing an abuse report by anyone other than a LEO be considered a crime?

Interception by anyone other than a member of law enforcement should have a punishment similar to interference. Imprisonment may be appropriate if the person or entity intercepting internet traffic if done by a registered sex offender.

- should these private citizens be required to register with some government body?

Registration requirement is suggested and preferred.

- should that registration be considered confidential? should it be public?

Private citizens engaged in content moderation in good faith should be allowed to retain privacy and registration information should require a FOIA request.

- should service providers be required to provide SSL connections to these private citizens?

If all other provisions suggested within this document are implemented, SSL connections should not be required.

- should the entire system be transparent?

The system, guidelines, and laws should be easily accessible by any member of the public to increase awareness.

- what protections should these private citizens be afforded, if any?

Private citizens engaged in content moderation in good faith should be considered victims if any private person or public entity commits and act to interfere with content moderation. This should include destructive acts, theft of computer equipment, hacking, unwarranted investigation if the private citizen acting in good faith is registered as a private content moderator.

- should these private citizens be obligated to provide metrics to the FTC?

Private citizens engaged in good faith content moderation should not be required to provide metrics, however the sharing of metrics should be encouraged.

- should these private citizens be afforded whistleblower protections?

Private citizens engaged in good faith content moderation could be given status similar to Qai Tam and receive up to 10% of fines collected by the FTC.

- would ANY hacking of a computer used by a private citizen engaged in content moderation be considered a serious crime?

Hacking of a computer being used by a private citizen to monitor activity, destroy browsing history, view files contained in the browser cache, render a computer inoperable, remotely reboot the computer while engaged in good faith reporting, or otherwise hinder the good faith actions to protect children should be a crime and should, upon conviction, require registration as a sex offender.

Possible considerations:

- what guidelines, if any should be available to the public? should this require registration?

All guidelines should be available to the general public. Awareness is necessary to increase parental responsibility.

- should penalties be established / increased for posing as a minor by an adult?

An adult posing as a child should be considered a child predator, if there is no current law designating this action a crime.

- what should those penalties be? who should impose those penalties?

States should be encouraged to enact laws protecting children online. States with no provisions or laws could be excluded from receiving Federal Education Funding. While not an optimal solution for encouragement, reduction of Federal Funding for Education might be effective.

Content removal by service providers:

- how long after the sending of coppa violating content by a private citizen should a content provider be allowed to leave content online without penalty?

The recommended time frame from notification being received by any device on the service providers network (or email stored at an alternate location) or at a contracted location (such as in the cloud, or at a mirroring service such as Akamai) should be limited to 96 hours for removal of the content.

- what penalty should be imposed for leaving content in violation of coppa beyond that time frame?

The current maximum penalty of \$11,000 per violation is adequate.

Respectfully,
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