

Protecting Children's Privacy Under COPPA: A Survey on Compliance



Staff Report

Federal Trade Commission - April 2002



COPPA

Children's Online Privacy
Protection Act

TABLE OF CONTENTS

Executive Summary	i
I. Introduction	1
II. Overview	1
The Children’s Online Privacy Protection Act and Rule	1
III. Survey of Websites Primarily Directed to Children	3
Collection of Information by Websites Primarily Directed to Children	3
Activities Available on Children’s Websites	5
Consent	6
Presence of Privacy Policies	7
Content of Privacy Policies	8
Information Collection and Use	8
Operator Information	9
Informing Parents of their Rights	10
Is the Sharing of Information Disclosed?	11
Parental Consent Mechanisms	12
Limitations of the Survey	12
IV. Comparisons of Survey Data	13
V. Conclusions	15
Endnotes	17
Appendix A: Methodology	
Appendix B: Surfer Instructions and Surveys	
Appendix C: Sample Website List	

EXECUTIVE SUMMARY

Since the passage of the Children’s Online Privacy Protection Act (COPPA), websites that collect personal information from children under 13 have made significant progress in protecting children’s safety and privacy on the Internet. However, a survey of children’s websites conducted by the Federal Trade Commission (Commission) in April 2001 shows that the rest of the story on children’s privacy protection remains to be written: While a majority of the sites provided some key privacy protections for children’s personal information, they did not comply with all the requirements of the Rule.

Congress enacted COPPA in 1998 to limit the collection of personally identifiable information from youngsters without their parents’ consent. The Commission’s Rule implementing COPPA, effective since April 2000, requires websites to post a complete privacy policy, notify parents directly about their information collection practices, and get verifiable parental consent before collecting personal information from their children – or sharing it with others.

According to the Commission’s survey of the information collection practices of 144 children’s websites – conducted a year after the implementing rule took effect – at least 90 percent of the websites provided a privacy policy that said whether the site collected personal information, how the information was used, and whether the information was shared with third parties. The survey also indicates that the types and amounts of information collected by websites are more limited than they used to be, suggesting a heightened awareness of the safety and privacy concerns about collecting information from children.

At the same time, however, the survey shows that full compliance with the Rule has yet to be attained. For example, only about half the websites complied with the provision that requires sites to say they are prohibited from conditioning a child’s participation in an activity on the child’s disclosing more personal information than is reasonably necessary for the activity. Further, only about half the sites complied with the provision that requires them to inform parents of their right to review, have deleted, and refuse the further collection and use of their children’s personal information.

In the time since the Rule became effective, the Commission has sought to educate websites about the Rule’s requirements through compliance guides, seminars and the media. In July

2000, Commission staff also sent emails to scores of children's websites to remind them of the Rule's provisions. In April 2001, the Commission announced its first round of settlements for violations for the Rule, and since then has settled another two cases.

Although the advances made since the Rule's effective date are heartening, better compliance is needed. To meet its goal of protecting the privacy and safety of children's personal information, the Commission will continue to bring cases to enforce COPPA and to educate businesses and consumers. As part of its educational effort, with the release of its survey report, the Commission is publishing a privacy policy compliance guide for the operators of children's websites.

I. INTRODUCTION

This report – assessing the information collection practices of children’s websites – provides the Commission with a snapshot of websites’ compliance with the Rule one year after it went into effect. While highlighting the general trend of increased compliance, the report also identifies particular aspects of the Rule to which websites were not fully adhering. In addition, the report establishes a benchmark for future analysis of Rule compliance and assists the Commission in evaluating changes in websites’ information collection practices since the Commission’s last formal survey of children’s websites in 1998. Part II of this report outlines the requirements that website operators must follow to safeguard children’s privacy and security. Part III details the findings of the review of websites that the Commission conducted in April 2001 to examine the information practices on 144 websites primarily directed to children 12 and under. Part IV compares these findings with the results of the Commission’s 1998 review of children’s websites. Finally, Part V sets forth general conclusions that may be drawn from the Commission’s 2001 review.

II. OVERVIEW

THE CHILDREN’S ONLINE PRIVACY PROTECTION ACT AND RULE

Congress enacted the Children’s Online Privacy Protection Act in October 1998.¹ This Act directed the Commission to set forth limited rules governing the online collection of personal information from children 12 and under. The Commission accordingly promulgated the Children’s Online Privacy Protection Rule (the “Rule”), which went into effect April 21, 2000.² The Act and the Rule will be referenced interchangeably as “COPPA.”

COPPA REQUIREMENTS

COPPA applies to operators of commercial websites directed to children 12 and under that collect or maintain personal information, as well as other websites that have actual knowledge that they are collecting or maintaining personal information from a child 12 and under.³ Principally, COPPA requires website operators to:

POST A PRIVACY POLICY ON THE WEBSITE.

Websites directed to children that collect personal information and other websites that knowingly collect personal information from children 12 and under must post a privacy policy. In the policy, website operators must inform the visitor about the types of personal information they collect from children; how the site will use the information; and whether such personal information is shared with advertisers or other third parties. A link to the privacy policy must be located on the home page of the website and at each area where personal information is collected.

PROVIDE NOTICE DIRECTLY TO PARENTS.

In certain circumstances, websites must send direct notice to a parent of the site's information practices and give parents the opportunity to opt out on behalf of their child.

GET PARENTAL CONSENT.

With limited exceptions,⁴ a site must obtain verifiable parental consent before collecting, using or disclosing personal information about a child or before allowing children to open an email account or post messages in a chatroom or on a bulletin board.⁵

Website operators need to notify parents and get consent again if they materially change the kinds of information they collect, change how they use the information, or offer the information to new and different third parties.

Websites must give parents the option of consenting to the website's internal use of the child's personal information, without having to consent to the website's disclosure of that personal information to third parties.

ALLOW PARENTS TO REVIEW PERSONAL INFORMATION COLLECTED FROM THEIR CHILDREN.

Before doing this, website operators must verify the identity of the requesting parent.

ALLOW PARENTS TO REVOKE THEIR CONSENT, AND DELETE INFORMATION COLLECTED FROM THEIR CHILDREN AT THE PARENTS' REQUEST.

Parents can revoke their consent and ask that information about their children be deleted from the site's database. When a parent revokes consent, the website must stop collecting, using or disclosing information from that child. The site may end a child's participation in an activity on the website if the information it collected was necessary for participation in that activity.

ESTABLISH AND MAINTAIN REASONABLE PROCEDURES TO PROTECT THE CONFIDENTIALITY, SECURITY, AND INTEGRITY OF CHILDREN'S PERSONAL INFORMATION.

NOT CONDITION A CHILD'S PARTICIPATION IN CERTAIN ACTIVITIES ON COLLECTION OF MORE PERSONAL INFORMATION THAN IS REASONABLY NECESSARY.

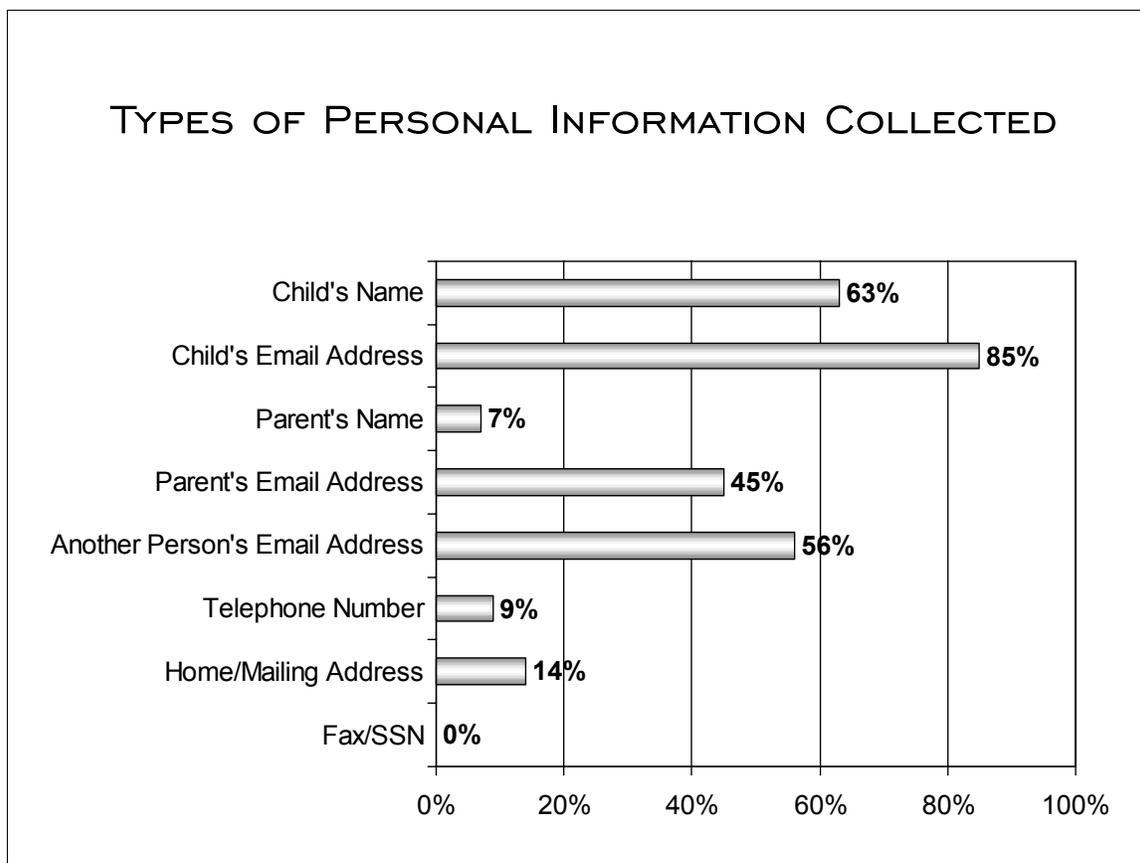
III. SURVEY OF WEBSITES PRIMARILY DIRECTED TO CHILDREN

The Commission conducted this survey (the “Survey”) to evaluate the impact of the Rule on websites’ information practices one year after its effective date (April 21, 2000). The Survey reviewed information practices on 144 websites primarily directed to children 12 and under.⁶ The websites included in the Survey were drawn from web traffic data purchased from Nielsen//NetRatings. Surfers winnowed a list of 1253 sites meeting certain criteria to 144 unique, operable commercial sites that were considered “primarily directed to children.”⁷

The Survey started with two fundamental questions: whether the sites collected personal information, and whether they posted a privacy policy. For those sites that collected personal information, Commission staff catalogued the types of personal information collected and the activities that the sites offered, as well as whether there was an indication that the site had a parental notice and/or consent mechanism in place. Next, the staff examined whether each site linked to its privacy policy from the home page and from at least one information collection point. The staff then turned to the privacy policy itself, to review the sites’ practices for notice and/or parental consent as set out in the policy. The staff also determined whether certain information practice disclosures specifically required by COPPA were present in the sites’ privacy policies. The analysis set forth below tracks the issues addressed in the Survey.

COLLECTION OF INFORMATION BY WEBSITES PRIMARILY DIRECTED TO CHILDREN

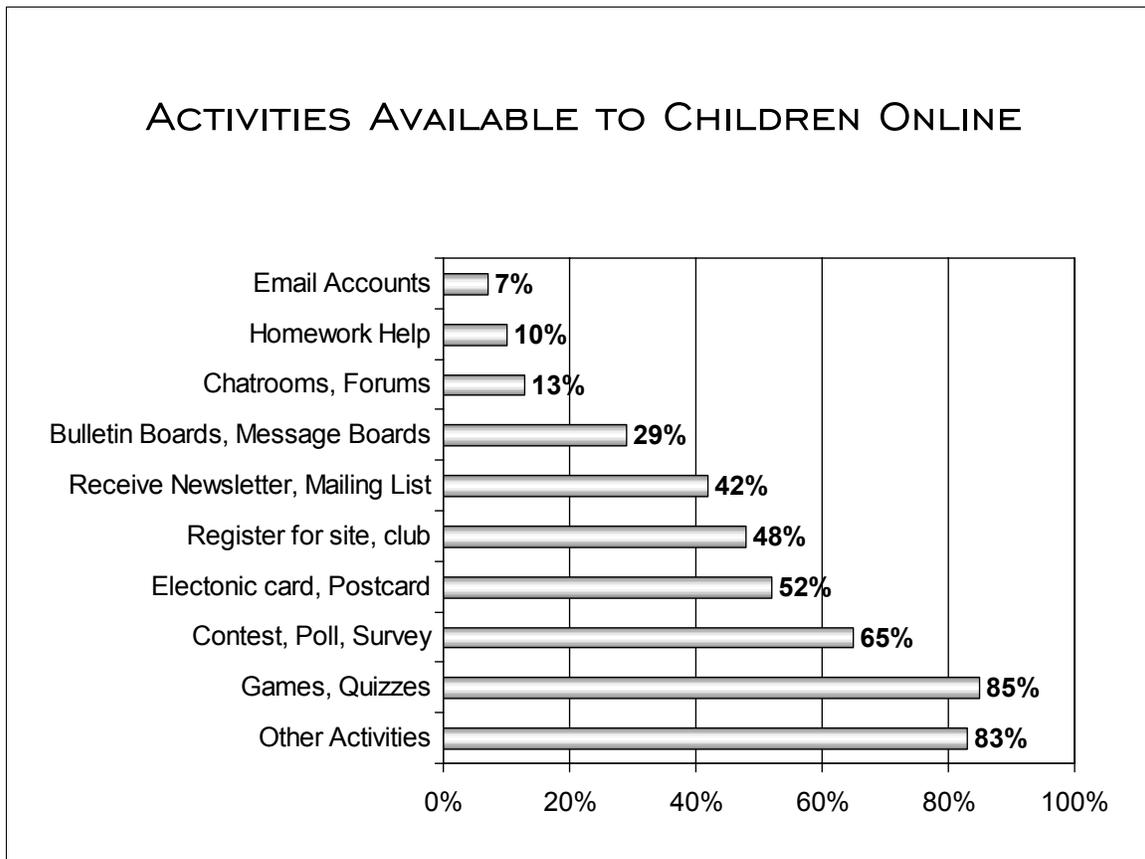
Commission staff surveyed the aforementioned 144 websites to determine whether they collected personal information from children online, and, if so, to identify the types of information that they collected.⁸ The survey showed that 104 of the sites (72%) collected personal information online.⁹ Nearly two-thirds (63%) of these 104 sites collected the child’s full name, while 85% collected the child’s email address. Seven percent collected the parent’s full name, and 45% collected the parent’s email address. Over half (56%) collected another person’s email address, often in connection with an electronic postcard activity. Only 9% of the sites collected a telephone number, 14% collected a full home address or other mailing address, and none collected a fax number or Social Security number.



More than half (56%, or 58 of 104) of the sites that collected personal information limited their collection to particular pieces of information – parent name, child/parent email address or another person’s email address – which may be collected without prior parental consent if the website uses the information for limited purposes and then deletes the information.¹⁰ In addition to these 58 sites, another 29 sites (28%, or 29 of 104) would also fit within one of the exceptions if they collected only the child’s first name rather than the child’s full name.¹¹ To summarize, the vast majority of sites that collected personal information (84%, or 87 sites) appear to have collected this information to obtain consent or would otherwise fit under one of the Rule’s exceptions — if minor adjustments were made to their information collection practices — depending upon how the site used the information.

ACTIVITIES AVAILABLE ON CHILDREN'S WEBSITES

The Survey showed that websites directed to children provide a wide array of activities.¹² Common activities offered by websites included offers, contests, and surveys; email accounts; email newsletters; chat rooms; bulletin boards and message boards; electronic postcards; and homework help. The most popular activities were games or quizzes, with about 85% of the sites offering children this opportunity.



Every site that collected personal information offered at least one type of activity for children. Two-thirds (65%) allowed children to take advantage of an offer or participate in a contest, poll, or survey. Approximately half of the sites gave children the opportunity to send an electronic card or postcard (52%), join or register for the site or a club (48%), or receive a newsletter or be placed on a mailing list (42%). Less frequently, sites offered bulletin boards or message boards (29%), chatrooms or forums (13%), email accounts (7%), or homework help

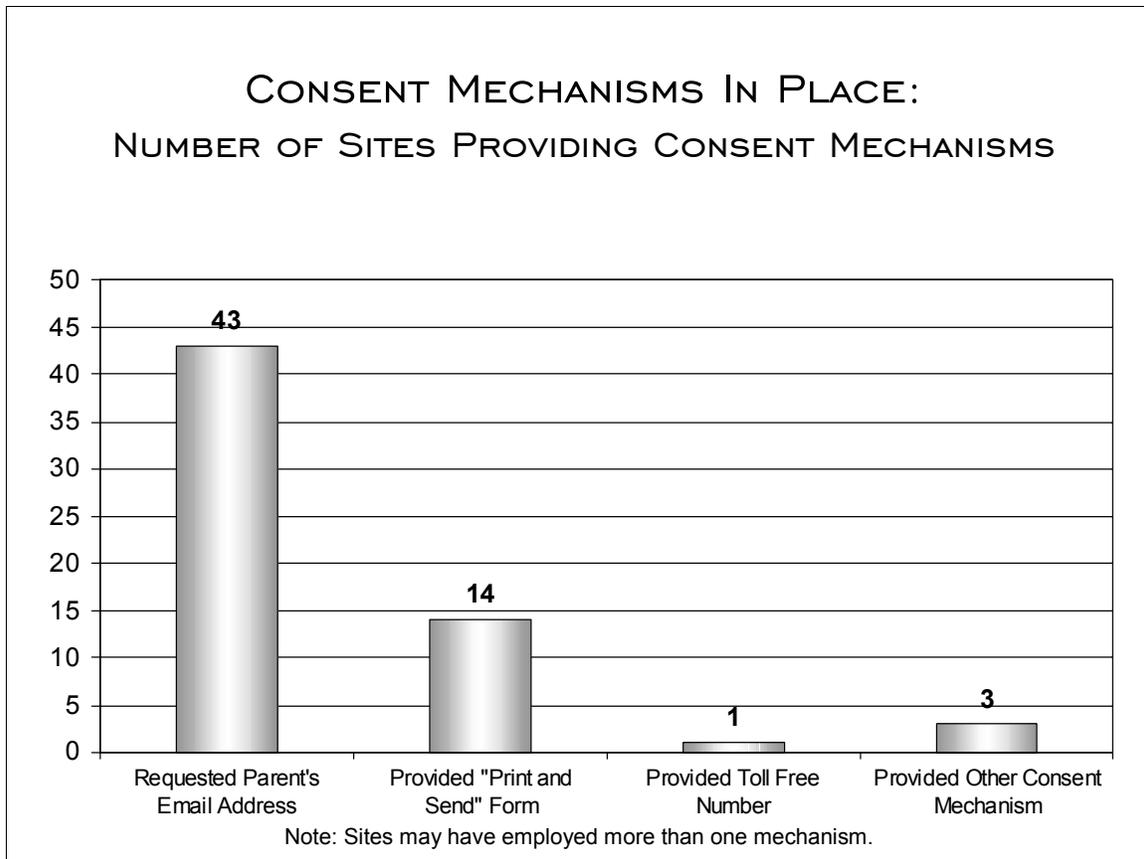
(10%). And 83% of the sites offered other activities, including screen savers and downloads, music downloads or movie stills, printing and coloring, arts and crafts, etc.

Virtually all of the sites offering an activity (97%, 101 of 104) collected an email address in connection with at least one activity. In many cases, this information was likely sought in order to allow the operator to contact parents to obtain consent or to fulfill a one-time request of the child, such as sending an electronic postcard to a friend. Two-thirds of the sites (68%, 71 of 104) collected some type of personal information other than an email address in connection with an activity.

CONSENT

The surfers examined each site to determine whether the site had any parental consent or notification mechanisms in place.¹³ In performing this review, surfers looked past representations in the privacy policy about the sites' practices, and focused on the websites' actual practices.¹⁴ Surfers found evidence of one or more parental consent or notification mechanisms on almost half of the sites that collected personal information (47%, or 49 sites). In most cases (43 of 49, 88%), sites asked for the parent's email address in order to email the parent and to obtain consent. Fourteen sites (29%) provided a "print and send" form, and one provided a toll-free number. Three (6%) provided some other mechanism such as credit card verification.

As discussed above, if a website collects personal information within one of the exceptions set forth in the Rule, the site is not required to obtain prior parental consent. In addition to the 47% of sites (49 of 104) that had a parental consent or notification mechanism in place, another 18% (19 of 104 sites) collected information that may have come within one of the exceptions and therefore would not necessarily have triggered the parental consent requirement. The remaining 35% (36 of 104) collected too much information to fall within an exception to obtaining prior parental consent: 8% (8 of 104) collected either a telephone number or a mailing address and another 27% (28 of 104) collected either the child's or parent's full name in cases where they should not have.



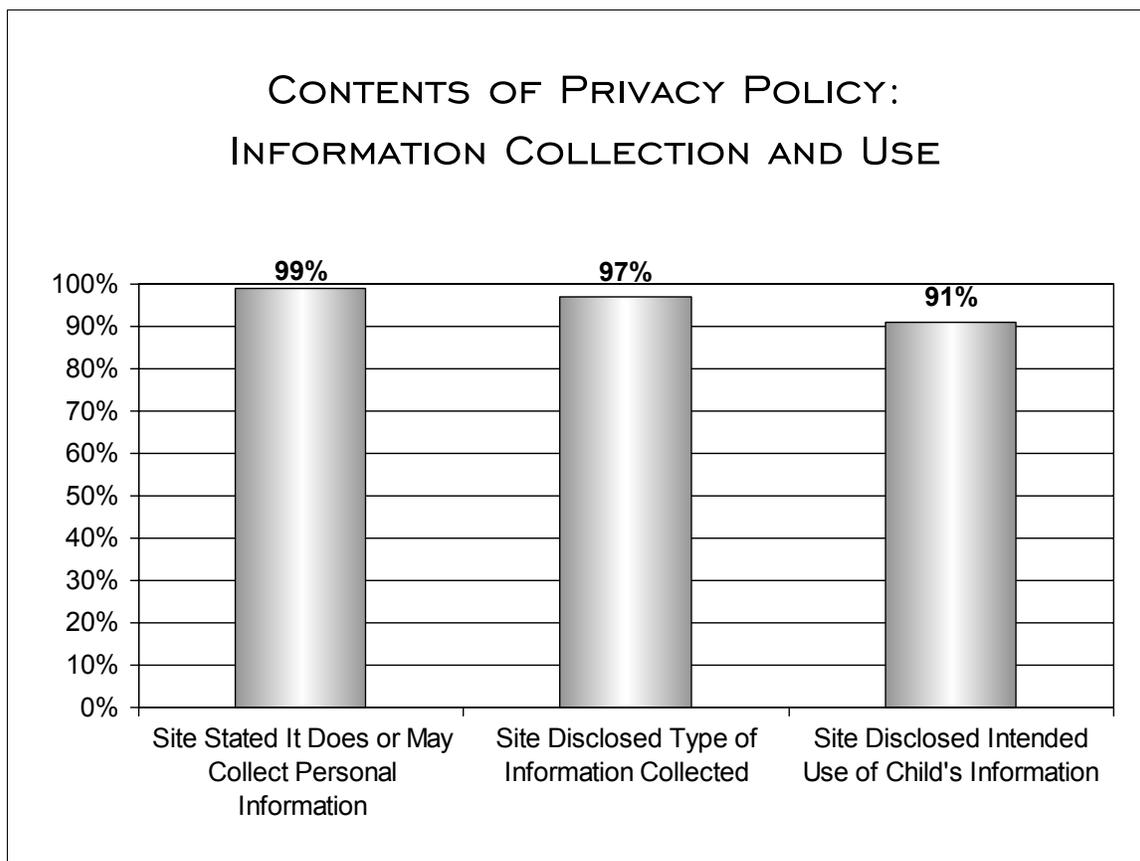
PRESENCE OF PRIVACY POLICIES

The vast majority of the sites that collected personal information had privacy policies – 93 of 104 sites (89%). COPPA requires that websites place a link to the privacy policy on the home page (or home page of the children’s area, for general audience sites with a children’s area) and on each page where personal information is collected. Eighty-two percent of the sites that collected information (85 of 104) linked to the privacy policy from the home page, and 76% (79 of 104) had a link to the privacy policy on at least one page where personal information was collected.¹⁵

Additionally, 27 of 40 (68%) sites that were not collecting personal information at the time of the Survey also had privacy policies. Of these 27 sites, 24 (89%) indicated in their privacy policies that the site did or might collect personal information, suggesting that most of the sites that were not collecting personal information at the time of the Survey did collect personal information at other times.

CONTENT OF PRIVACY POLICIES

As part of the Survey, surfers reviewed the privacy policies of sites that collected personal information to determine whether sites were making COPPA-required disclosures about their information practices.

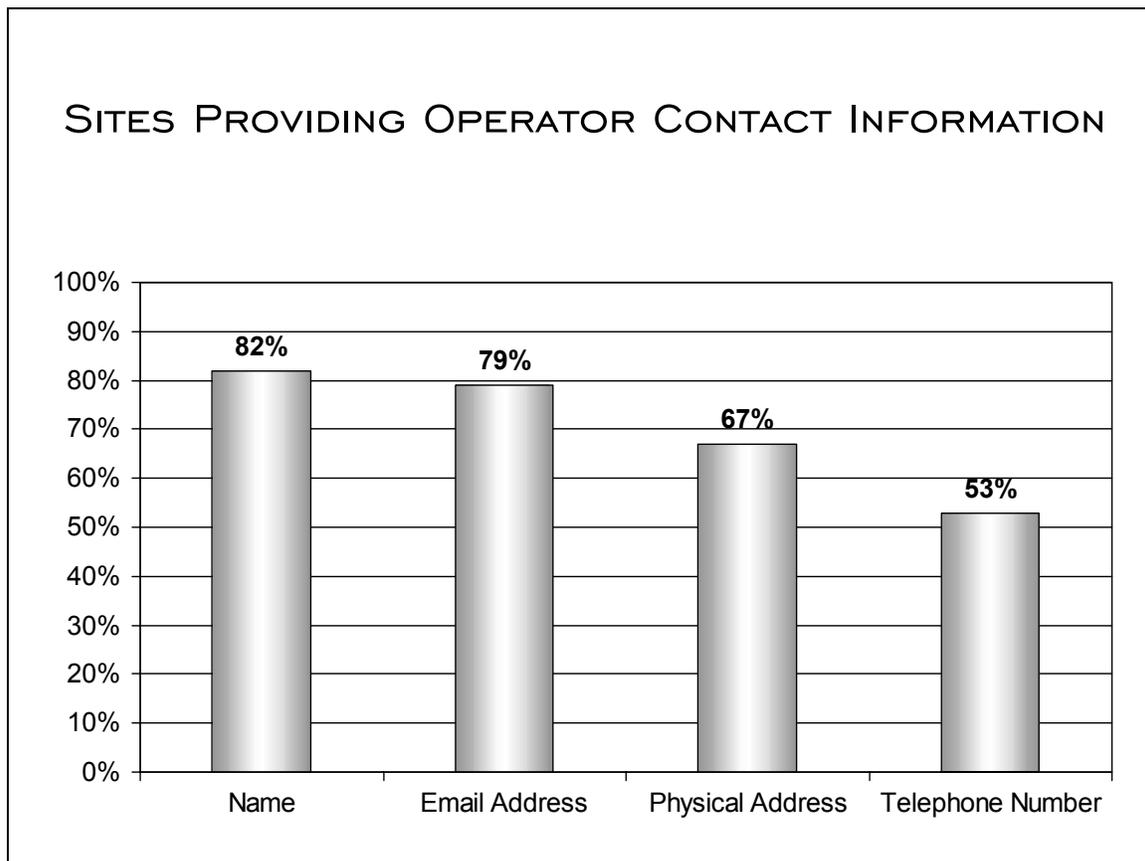


INFORMATION COLLECTION AND USE

Virtually all (99%, 92 of 93) of the sites that collected personal information and that had privacy policies disclosed in their policies that the site did, or might, collect personal information. Ninety-seven percent of those (89 of 92), in turn, disclosed the types of personal information that the site collected.¹⁶ Moreover, 91% (84 of 92 sites, or 81% of the 104 total sites that collected information) disclosed how the child's personal information, once collected, was used or might be used.

OPERATOR INFORMATION

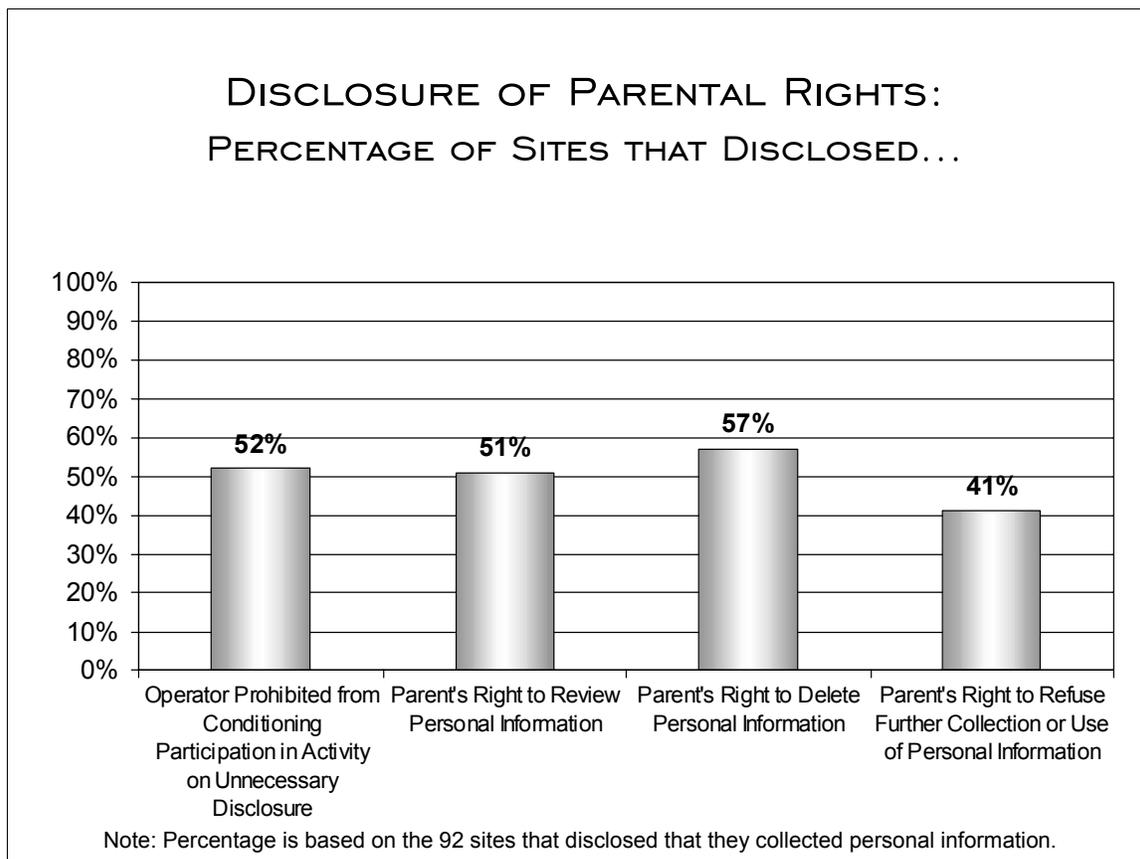
COPPA requires that the website operator's contact information – name, address, telephone number, and email address – must all be set forth in the privacy policy. Of those sites with privacy policies that indicated that they collected personal information (92 sites), the significant majority disclosed the website operator's name (82%) and email address (79%). Sixty-seven percent gave the operator's address, and 53% provided the operator's telephone number. Operators did not universally provide all four types of contact information – only 47 of 92 sites



(51%) provided all four pieces of contact information.¹⁷ On the positive side, these figures show that most sites now provide parents with the ability to contact the sites to ask questions and resolve problems about their information practices: 75 of 92 sites provided either an email address or a telephone number so that parents could easily reach the site.

INFORMING PARENTS OF THEIR RIGHTS

COPPA prohibits a website from conditioning a child's participation in an activity on disclosure of more personal information than is reasonably necessary to participate in that



activity.¹⁸ COPPA also requires that the website disclose to parents, in its privacy policy, that it is bound by this requirement.¹⁹ The purpose of this disclosure requirement is to ensure that parents know about this limitation so that they are able to monitor a site's information collection practices and, if warranted, object to collection of more information than is reasonably necessary. Little more than half of the sites (52%, 48 of 92), however, made this disclosure. It is not clear whether these sites were not complying with the substantive requirement prohibiting them from collecting more personal information than needed, or whether they were complying with that requirement but simply not saying so in the privacy policy.

COPPA also imposes obligations on websites to inform parents about their rights with respect to information that is collected about their children. For example, websites must disclose

that: 1) parents can review personal information that the site has collected from the child; 2) parents can have the child's personal information deleted; and 3) parents can refuse to permit further collection or use of the child's personal information.²⁰ Slightly more than half the sites disclosed that parents may review (51%) or have the personal information deleted (57%), and 41% disclosed that a parent can refuse to permit further collection or use of the information. It is important to note, however, that sites that did not make these disclosures may nevertheless have been in compliance with COPPA, because such a disclosure would not be necessary in cases where the website had no information to be reviewed or deleted – for example, if the website collected personal information under an email exception and did not retain the information, but rather deleted it immediately after its use.²¹

IS THE SHARING OF INFORMATION DISCLOSED?

Where a website collects personal information that is in turn disclosed to third parties, the site operator has additional duties under COPPA. The privacy policy must disclose the types of business in which the third parties are engaged; the general purposes for which the information is used; whether the third parties have agreed to maintain the confidentiality, security and integrity of the personal information; and that the parent has the option to consent to the operator's collection and use of personal information, without also consenting to its disclosure to third parties.²²

The Survey first identified sites whose privacy policy indicated that the site did or might share personal information with third parties. Of the 32 sites (35%) that indicated the site did or might disclose personal information to third parties,²³ 41% disclosed the types of businesses in which the third parties were engaged. About a third of the sites (31%) disclosed that the parent has the option to consent to the operator's collection and use of personal information, without consenting to disclosure to third parties. Note, however, that some of these sites may not have actually disclosed personal information to third parties: they simply may have been reserving the right to do so in the future, in which case the site would not be required to make these types of disclosures. Thus, those sites' failure to provide the additional disclosures does not necessarily mean that their privacy policies fail to meet COPPA requirements. However, if a site decided to begin disclosing personal information to third parties, it would need to provide direct

notice to parents and obtain affirmative parental consent before making this material change to its practices.

PARENTAL CONSENT MECHANISMS

Although COPPA does not require that privacy policies disclose the particular method(s) by which parents can provide notice or consent,²⁴ the Survey assessed whether privacy policies addressed those concepts in order to gather as much information about websites' information practices as possible. Almost three quarters of sites (73%, 67 of 92) discussed notice or consent in connection with the collection of children's personal information, and more than half of those (54%, 36 of 67) indicated the specific method or methods that the site used to obtain consent.²⁵ According to the privacy policies, just over half of the sites (53%, 19 of 36) used a "print and send" form that could be faxed or mailed in, and the same number (53%, 19 of 36) communicated with parents via email. Thirty-one percent (11 of 36) of the sites employed some other mechanism, such as a credit card verification method, and 17% (6 of 36) provided a telephone number for parents to call.

LIMITATIONS OF THE SURVEY

Despite the value of surveys such as this as an information-gathering tool, it is important to note that this Survey was based solely on a review of publicly available information provided on websites primarily directed to children. As such, the Survey's value as an instrument to measure actual overall "compliance" with COPPA is inherently limited. The Survey can provide at best a rough measure of the degree to which children's sites apparently comply.

The Survey could be said to understate compliance in some respects. Take, for example, a site that asks the child to enter the child's and another person's email address to send an electronic postcard. Assume that the Survey results showed that the site did not allow the parent an opportunity to review that information and did not state in its privacy policy that parents have that right. These omissions would on their face appear to violate COPPA. It could, however, be the case that the site does not retain any personal information from children; rather, it may operate within an email exception and may simply process and transmit the electronic postcard and immediately delete all email addresses. Accordingly, the website's privacy policy may not

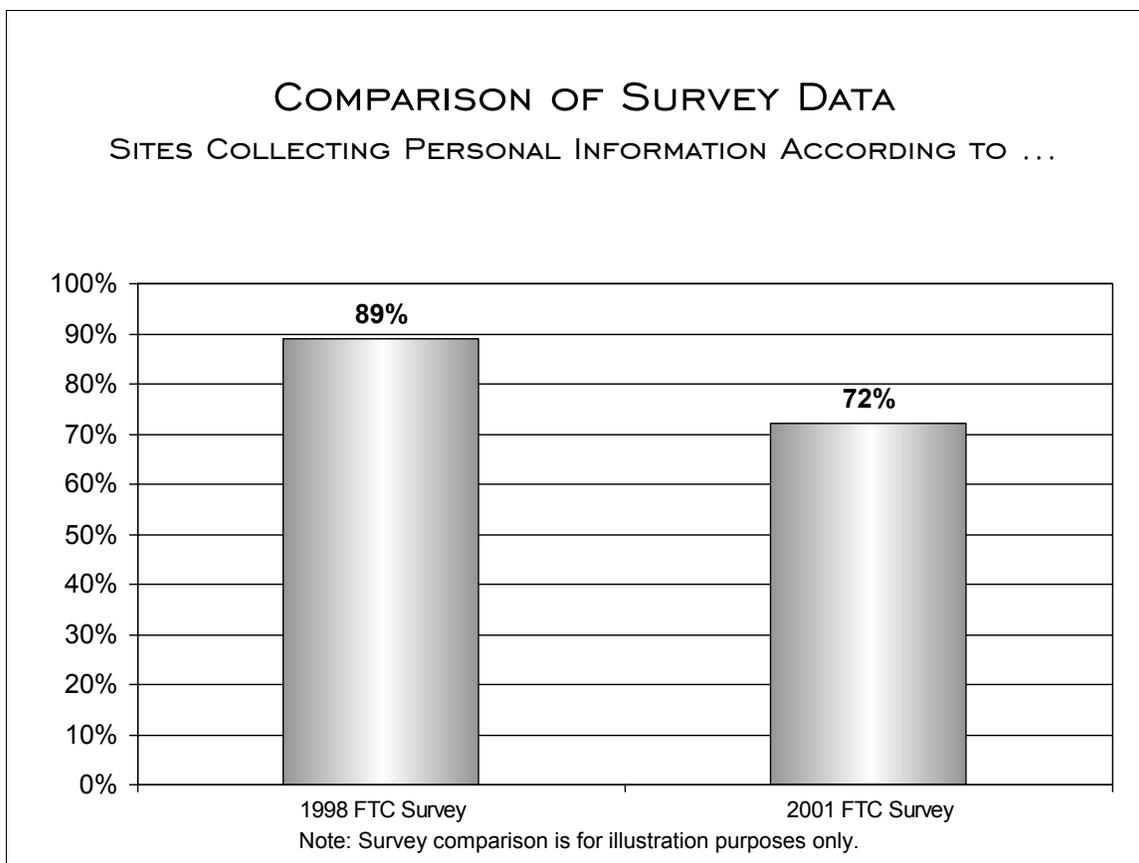
offer the parents a right to review the child's personal information because there is no personal information to review.

On the other hand, the Survey could be said to overstate compliance with COPPA in other respects. For example, a site may not actually adhere to the COPPA-compliant practices stated in its privacy policy – for example, a site could represent that information will only be used for internal purposes, but it may actually share that information with third parties despite this representation. Although some clear violations of COPPA can be discerned from these data – such as, whether a site posts a link to the privacy policy on the home page – others can only be established by investigation of each site's actual practices. Moreover, the Survey did not examine the practices of those sites that, while not directed to children, have actual knowledge that they are collecting personal information from visitors age 12 and under. Therefore, one must be cautious in drawing conclusions about overall compliance with COPPA based simply on facial observations of websites' practices.

IV. COMPARISONS OF SURVEY DATA

Some of the questions about children's sites' practices addressed in this Survey were also examined in the Commission's previous survey of children's sites conducted in 1998 (the "1998 Survey").²⁶ For illustration purposes, the results of the two surveys are compared in this section. It is important to recognize, however, that differences between the survey methodologies, such as the composition of the survey sample, lead to expected variation in the results.²⁷

The data suggest that fewer sites were collecting personal information online. In the 1998 Survey, 89% of the children's sites surveyed collected personal information, as opposed to 72% of the sites in this survey.²⁸ Sites directed to children were apparently collecting fewer types of personal information as well.²⁹ The 1998 Survey results showed that 74% of the sites that collected personal information collected a name, 49% collected postal address, 24% collected a phone number, 6% collected a fax number, and 1% collected a Social Security number.³⁰ This Survey reported a substantial decrease in the number of sites that collected a home postal address, telephone number or name as compared to the 1998 Survey.³¹



Nearly all of the sites surveyed in April 2001 that collected personal information (93 of 104, 89%) had privacy policies, whereas only 24% of the children's sites surveyed in 1998 had posted a privacy policy.

Finally, 49 of 104 sites (47%) in this Survey provided a way for parents to consent or give permission for information collection from their child, and 73% (67 of 92) of the sites with privacy policies stating that they collect personal information (or 67 (64%) of the 104 total sites that collected personal information) discussed parental notice or consent in their privacy policies. By comparison, in the 1998 Survey, less than 10% of the sites either notified parents of their information practices, or gave parents the option to ask that their child's personal information be deleted or not used in the future.³²

Although differences in the surveys' methodologies caution against placing great weight on these changes, in each case the data appear to reflect less collection of personal information from children and improvement in sites' notice and consent practices.

V. CONCLUSIONS

These data suggest two general conclusions. First, websites are now substantially complying with the requirement that they inform parents and other visitors of their information collection practices with respect to children's personal information. The lion's share of children's sites, in the 90% range, provided a privacy policy and declared in that privacy policy whether the site collected personal information, how that personal information was used, and whether the site provided that information to third parties. This level of protection for children's personal information represents a major step forward compared to the privacy practices in place before COPPA was enacted. Information collection is apparently more limited now, in ways that suggest that sites are also complying with COPPA by availing themselves of exceptions to the notice and consent provisions. As those exceptions were designed to apply to situations where the risk of privacy and security breaches are less likely, this change, if actual, is a positive one.

Second, the Survey suggests that other key COPPA provisions, such as the requirements about COPPA-specific disclosures that must be made in privacy policies, have been followed less consistently. In addition, depending upon how sites use certain personal information that they have collected, such as a child's email address, compliance with the direct notice and consent requirements of the Rule also may be uneven. Although it is difficult to ascertain precisely how many sites might not be providing these types of protections, it is possible that as many as half of the sites have not fully implemented these aspects of the Rule. Undoubtedly, substantially more sites are providing these protections than were doing so before the enactment of COPPA, but there is room for improvement.

ENDNOTES

1. See Children’s Online Privacy Protection Act of 1998, 15 U.S.C. §§ 6501-6506 (2001).
2. See 16 C.F.R. § 312 (2001).
3. This summary highlights only certain provisions of COPPA. For a complete explanation of the Rule’s applicability and requirements please see 16 C.F.R. § 312, available at <http://www.ftc.gov/os/1999/9910/64fr59888.htm>.
4. Consent is not required when a site collects an email address to respond to a one-time request from the child, to provide notice to the parent, to ensure the safety of the child or the site, or to send a newsletter or other information on a regular basis. If the website is going to use the email address to contact the child on a regular basis, a notice must be sent to the parent, letting the parent know about the regular contact and giving the parent a chance to say no to the arrangement.
5. Acceptable methods for obtaining consent include a “print and send” form to be completed and returned by the parent, a toll-free number for parents to call, or an email with password or PIN number. For sites that use the child’s personal information only for internal purposes, and do not disclose it to the public or third parties or allow the child to do so through an email account or chatroom, an “email plus” format can be used to obtain consent. “Email plus” allows the parent to consent by email, as long as the site confirms the parent’s consent through another contact, such as a second email, a telephone call, or postal mail notice.
6. These sites included general audience sites with a designated children’s area “primarily directed to children 12 and under” within the same URL.
7. The selection procedure is spelled out in detail in Appendix A (“Methodology”).
8. The staff surveyed only certain types of “personal information” as defined in the Rule: child’s full name; child’s email address; parent’s full name; parent’s email address; home address or other mailing address; telephone number; fax number; Social Security number; or another person’s email address. The Survey thus did not determine whether other types of “personal information” as defined in the Rule, such as an instant messaging user identifier or a persistent identifier held in a cookie where such identifier is associated with individually identifiable information, were requested. The Survey also did not include other types of information that are not considered “personal information” for purposes of the Rule unless combined with an identifier, such as anonymous or demographic information.

The Survey called for surfers to note only those types of personal information that the websites attempted to collect from children *before* obtaining verifiable parental consent. For example, if a website collected personal information in conjunction with a credit card number, such submission was assumed to be by the parent because it involved a credit card transaction.

9. Review of the sites' privacy policies indicates that some of the 40 sites that were not collecting personal information at the time of the Survey do collect personal information periodically. For example, some sites run occasional contests for which information is collected, but were not doing so at the time of the Survey.
10. Verifiable parental consent is not required when a site collects an email address to respond to a one-time request from the child; to provide notice to the parent; to ensure the safety of the child or the site; or to send a newsletter or other information on a regular basis. 16 C.F.R. § 312.5(c). These so-called "email exceptions" require that the operator limit its use of the email address. For example, an operator may respond to a child's question via email on a one-time basis, provided that the information is not used to recontact the child and is deleted from the operator's records. 16 C.F.R. § 312.5(c)(2). Note that in the case of two of these exceptions – collecting an email address to respond more than once to a child's request or to protect the safety of the child on the website – the website must provide the parent with direct notice. 16 C.F.R. § 312.4(c)(1).

The child's or parent's name may also be collected along with an email address for the sole purpose of obtaining parental consent or providing direct notice. 16 C.F.R. § 312.5(c)(1). Collection of the child's or parent's name alone, however, does not fall within an exception to consent or notice.

11. For example, a site would qualify for the one-time use email exception if it collected only the child's first name and the recipient's email address to send an electronic postcard.
12. For purposes of the Survey, an "activity" was defined as anything that the site allows one to do or participate in, such as a chatroom or game. The survey instrument also asked whether the site provided any "amenities." An "amenity" included any service or benefit offered by the site, such as an opportunity to establish an email account. For ease of reference, the term "activity" is used to represent both of these concepts.
13. However, actual verification of operators' information practices to assess compliance with the exceptions would, in some cases, have required an investigation of website operators' internal practices, *e.g.*, whether the website operator immediately deletes email addresses after sending an electronic postcard, and thus was outside of the scope of this Survey and report.
14. The Survey separately examined sites' representations in their privacy policies about the consent and notice procedures that they follow. *See infra*, Section III.E.5.
15. For purposes of the Survey, the Commission counted the link to the privacy policy if there was a link on *any* page where personal information was collected.
16. Out of the 104 total sites that collected personal information, 86% disclosed the types of personal information collected.
17. The Survey did not examine the entirety of the website to see if the required contact information appeared anywhere else on the website.

18. 16 C.F.R. § 312.7.
19. 16 C.F.R. § 312.4(2)(v).
20. 16 C.F.R. § 312.4(b)(2)(vi).
21. Sites that retain any personal information – for example, those that collect an email address to respond to a child on a regular basis – would still need to provide the parent with access and the opportunity to delete personal information.
22. 16 C.F.R. § 312.4(b)(2)(iv).
23. Of the 60 sites that did not state specifically that they pass along personal information to third parties, 51 (85%) affirmatively indicated that they do not provide personal information to others.
24. By contrast, the operator must disclose this information in the direct notice to parents referenced in 16 C.F.R. §§ 312.4(c) and 312.5.
25. Some sites used more than one method.
26. Other entities examining the state of children’s privacy online in the last three years include the Annenberg Public Policy Center of the University of Pennsylvania and the Center for Media Education. *See* Joseph Turow, Annenberg Public Policy Center of the University of Pennsylvania, “Privacy Policies on Children’s Websites: Do They Play by the Rules?,” March 2001, and Center for Media Education, “COPPA: The First Year – A Survey of Sites,” April 2001.
27. For example, the 1998 Survey examined 212 sites drawn from a list compiled by Yahoo! for the Yahoooligans! online directory of sites for children. *See Privacy Online: A Report to Congress*, Appendix A at 3. The April 2001 Survey reviewed 144 sites drawn from web traffic data purchased from Nielsen//NetRatings.

The Commission’s 1998 Survey defined children’s sites to include sites “primarily directed to children 15 and under,” thus including some teen sites, whereas this Survey looked at sites “primarily directed to children 12 and under.” Also, in determining whether a site collected personal information, the 1998 Survey defined personal information to include such information as occupation, income, hobbies, interests, and hardware/software, categories of information that are not defined as personal information under COPPA, unless tied to other personal information, and were thus not catalogued in this Survey.

28. In comparing the number of sites that recently collected personal information with the number that did so in the past, one must recognize that COPPA does not prohibit website operators from collecting personal information from children as long as the operators take the appropriate steps to comply with the Rule.
29. One exception is that almost all of the sites in the 1998 Survey (96%) collected an email address, a figure that remained consistent in this Survey (97%). In many cases, when a site

collects a parent's email address, that information is collected so that the site can obtain verifiable parental consent or provide notice. Sites may also be taking advantage of the email exceptions that allow collection of this type of personal information for limited purposes.

30. *Privacy Online: A Report to Congress*, Figure 7 at 32.

31. As noted above, this Survey showed that, of those sites that collected personal information online:

64% collected the child's full name

85% collected the child's email address

8% collected the parent's full name

44% collected the parent's email address

56% collected another person's email address

9% collected a telephone number

14% collected a full home address or other mailing address

0% collected a fax number or Social Security number.

This Survey did not include any additional information that a site might collect after obtaining verifiable parental consent.

32. Only 1% of the sites in the 1998 Survey required parental consent to the information collection and use prior to collection, and 8% indicated that parents could request that information be deleted or not used in the future.

APPENDIX A: METHODOLOGY

The websites included in the survey were drawn from a larger list of sites purchased from Nielsen//NetRatings (“Nielsen”). Nielsen provided a list of all sites (with the exception of pornographic or “adult” sites) with domain names ending in “.com” that had been visited during the month of June 2000 by at least one child age 2 to 12 in Nielsen’s panel of 9,686 children. For each of these 11,154 sites, Nielsen provided demographic information including the projected 2 to 12 audience, composition percentage (percentage of the site’s visitors age 2 to 12), and the composition index.¹

In order to identify sites that would most likely be primarily directed to children 12 and under, Commission staff applied two criteria to generate a final list from the initial list of 11,154 Nielsen sites. First, the staff examined only those sites with a composition index equal to or greater than 100. In other words, only sites whose audience was composed of at least as many 2 to 12-year-old children as there are 2 to 12-year-old children in the population of active Internet users were included. Because current data suggest that approximately 8.5% of the Internet population is made up of 2 to 12-year-olds, a composition index of 100 or higher translates to sites whose audience was composed of at least 8.5% 2 to 12-year-old children. Second, only sites visited by approximately 5,000 children or more based on a nationwide projected audience were examined.² A total of 1253 sites met both selection criteria described above. These sites were reviewed by a group of five surfers during March 21-29, 2001. The surfers completed Part 1 of the Survey Questionnaire (see Appendix B) to assess whether the site was a commercial site

¹ The composition index is based on the ratio of the composition percentage with the percentage of the Internet population made up of 2 to 12-year-olds. For example, if the composition percentage for a particular website is equal to the percentage of the Internet population made up of 2 to 12-year-olds, then the composition index for that website is 100. Websites that are primarily directed to children are likely to have a composition percentage that is significantly larger than the percentage of the Internet population made up of 2 to 12-year-olds, and thus would have a composition index significantly larger than 100.

² The projected national audience for these sites of 5,000 children is imprecise as it is based on observations of a very small number of panel members.

that was “primarily directed to children 12 or under.”³ Those URLs that could not be accessed for technical reasons or were marked as “closed” or “under construction” were removed from the sample. Duplicate sites (sites with different URLs but identical content) were also removed.

After Part 1 of the survey was completed, nine surfers completed Part 2 of the Survey Questionnaire (see Appendix B) between April 3, 2001 and April 17, 2001 for each of the sites that had been determined to be “primarily directed to children 12 and under.” After final reconciliation, a sample of 144 sites was achieved.

None of the surfers for Parts 1 or 2 were involved in designing the survey, or in the subsequent data analysis or drafting of this report. Every surfer underwent training in the use of the survey form before reviewing any site. Surfer instructions are in Appendix B.

Numerous measures were taken to ensure the quality and accuracy of the data collected by the surfers. Each site was independently surveyed by two surfers. The surfers then compared their completed survey forms, noted any differences, and reconciled these differences after discussion. The pairs were rotated so that the same two surfers were not always reconciling with each other. The reconciliation process was completed by May 1, 2001.

Once the survey forms had undergone the multiple levels of review described above, the same data were entered into two separate databases by separate data entry personnel. The two databases were electronically compared, survey forms of those sites with discrepancies were reviewed again, and appropriate corrections made, to ensure the accuracy of the data. A set of queries was then run on the data to ensure that the data were internally consistent, *i.e.*, that all conditional questions were answered or left blank, as appropriate. Any errors in data entry were corrected, based on the questionnaires, prior to the substantive analysis of the data.

³ If a site was not “primarily directed to children age 12 or under,” the surfers went on to assess whether the site was either “devoted to electronic games and of interest to children 12 and under” or “of primary interest to teens but of interest to children 12 and under.” Sites falling into either one of these two classifications were so marked for possible reexamination in the future. However, they were not included in the present survey.

APPENDIX B: SURFER INSTRUCTIONS AND SURVEYS

Survey Instructions – Part I

General Instructions Regarding the Survey Form

This survey involves the identification of Web sites that are primarily directed to children 12 and under. We on the Surf Team appreciate your willingness to help with this project. If at any time you have a question as you participate in the Surf, please don't hesitate to ask one of us.

The instructions below take you through the survey question by question. Before you begin to answer the questions, though, you will be asked to fill out the top section (**Surfer/Site Information**). Please fill out this information LEGIBLY and COMPLETELY.

The Survey

Q1. Determine **whether a site is primarily directed to children 12 and under**.

A Web site that is primarily directed to children should have AT LEAST TWO of the following three factors present: Subject Matter, Presentation, and Interactivity. If a site is directed to a mixed audience, adults and children, but has a designated children's area that is "primarily directed to children 12 and under" within the same URL, you should examine the children's area to determine whether the site is "primarily directed to children 12 and under."

Many times, you should be able to tell from the home page whether the site is primarily directed to children. (The term **home page** refers to the main web page for a business, organization, person and is often labeled as such on the screen.) But you may need to view other pages, indexes, or a site map if one is provided.

Subject Matter:

subject matter that is appealing to children (*e.g.*, kids' jokes, music, kids' games, video/computer games, children's tv shows or stars, cartoon characters, sports, stories, toys, children's books, fantasy, children's arts and crafts, pets, products primarily purchased or consumed by kids like snack food or cereal)

Presentation:

- a. **language** of the Web site such as language that is simple enough to be understandable to children 12 and under; short, colorful descriptions; slang and pop culture phrases (*e.g.*, a kids' site may be identified by such language as "kids only," "fun," "free stuff," "whatever," "cool," "duh," "games," "Ask your parents...." etc.)
- b. whether the Web site uses **visual content appealing to children** (animated characters, bold or fast-moving graphics, or bright and vibrant colors)

- c. **use of host characters** (often a character property used offline, on television, in movies, or comics or books)
- d. the **age of the models** portrayed on the Web site (using children as models)
- e. whether **advertising** appearing on the Web site is directed to children under 13 (*e.g.*, ads for products primarily purchased or consumed by kids, or ads that are presented in such a way that they appear to be directed to children)
- f. **audio content** appealing to children (*e.g.*, simple or popular tunes or songs, cartoon voices, child-like noises and sound effects)

Interactivity:

whether the Web site hosts **interactive child-oriented activities and incentives** (surveys/polls; clubs; prizes/premiums; homework help; contests/games; penpals; chatrooms; posting winners' home pages, stories or art work; guestbooks; downloads or screen-savers; electronic postcards or e-cards)

The following information will help you deal with special situations that may arise:

- **Non-Commercial sites.** Sites that belong to individuals who are using the site simply as a personal Web site (despite its “.com” domain name) should be excluded, even if the site is primarily directed to children 12 and under.

However, sites that contain advertising (such as banner ads), or that link to commercial sites or show other evidence of commercial intent, should be considered commercial, even if it appears the site was created by an individual.

- **Foreign sites.** When the home page is served up in a language other than English, that site should not be included in the sample even if it is primarily directed to children 12 and under.

If the assigned site is either a non-commercial site or a foreign site, call a proctor.

If you have a question about whether a site is primarily directed to children, ask a proctor for assistance.

If the site is primarily directed to children, circle YES. Then, please print out the site's home page. Click on the “STOP” button on the Web site toolbar before printing out any screens. Please gather the print-out right away as many people will be using the same printer as you. Then, go on to the next site – this survey is complete. **If the site is not primarily directed to children, circle NO and proceed to Q2.**

Q2. If the site is one **devoted to electronic games** – one that has game reviews, tips, cheats, game characters, or chat rooms for gamers who play games on any type of computer equipment – **and is of interest to children 12 and under**, you should circle YES here.

If YES, Then, go on to the next site – this survey is complete. If NO, go to Q3.

Q3. If the site appears to be **of primary interest to teens, but of interest to children 12 and under**, you should circle YES here. These are sites that are aiming at children (under age 18), but are not primarily directed to children 12 and under. Sites that are of primary interest to teens may use the word “Teen,” use teen-age models, or be focused on subject matter that is popular with teens such as music, sexuality, dating, makeup, clothing, etc.

The survey is complete.

Reconciling Your Results

Each surfer will be given a set of URLs (approximately 74 websites). Two surfers will independently review each site and complete a survey form. After reviewing each round of 74 Web sites, each surfer will reconcile their responses with the surfer who reviewed those same URLs. You need only reconcile answers for question 1.

On a clean copy of the sheet listing the URLs you both examined, keep track of how many disagreements you have regarding question 1 -- whether a site is primarily directed to children.

Once you have reconciled your set of URLs, create a folder for each site. Place the survey forms (and printouts, if applicable) for the site in the folder, and write the URL for the site and its ID Number on the folder.

If you answered YES to Q1 write “kids” on the top of the folder next to the URL.

If you answered YES to Q2, write “games” on the top of the folder next to the URL.

If you answered YES to Q3, write “teens” on the top of the folder next to the URL.

If you answered NO to all three questions, write “NO” on the top of the folder next to the URL.

If the URL was excluded, would not load, or was under construction, write “OUT” on the top of the folder next to the URL.

Then, turn in the completed folders.

SPECIAL INSTRUCTIONS FOR THE SURVEY

Surfing Rules

1. Begin surfing at the top of your URL list and continue through the list in the order that the URLs appear. Complete the form, to the extent you can, for every URL on your list.
2. If the site forwards you to a new URL, record the new URL on the designated line on the top of the Survey Form and proceed with your survey of this site.
3. If you receive an **error message** (“the site is not available” or “404 error”) or when the site will not load, call a proctor. Due to certain technical limitations, it may become necessary to eliminate some URLs. **Only a proctor can make the final determination that a site is “Eliminated.”**
4. If the entire site is **“under construction,”** complete the top (“Surfer Information”) part of the survey and record “Under Construction” to the right of the ID Code. However, if only a small area of the site is “under construction,” view the remaining areas of the site and complete the survey form.

If the site is “closed” or otherwise inactive, complete the top (“Surfer Information”) part of the survey and record “Closed” or “Inactive” to the right of the ID Code.

5. If a site will not load, it may be only temporarily out of commission. Try to load the site at least twice. If it still will not load, please note the status of the site on the survey form to the right of the ID code (“Won’t Load”) and we will go back and check it later.
6. Do not pursue links to other sites. As you move through the site, be sure to stay within the URL you are assigned. Check the URL at the top of the screen to be sure you have not left the site. If you have any questions about whether you are within the same URL, please call the proctor.

Printing Tips

1. After the screen has stopped loading and the bottom tool bar states “Document Done,” click the “Stop” button at the top of the screen and then print the home page. (Animated banners may appear to be loading/refreshing even though the document is done.)
2. If you have difficulty printing, try the following:
 - a. Save the Web page, then Open the saved file, and Print. (In some cases, Saving a Web page strips out the graphics - both static and moving - from the saved version. In other cases, Saving strips out some graphics, but doesn't remove or suppress a graphic, so that it still may not print.)
 - b. If you cannot print the entire screen and the text you want to print appears in a “Frame,” print just the frame by clicking on the frame and then clicking File on the tool bar and “Print Frame.” You may also need to block the frame text as described above. If the page still will not print, try displaying and printing in “no frames” mode, assuming the site or page offers a “no frames” option.
 - c. Printing may be easier with one browser than another, so try to print with both Netscape and Internet Explorer.
 - d. Try to first click on “Print Preview” and then Print from the Preview window.
 - e. Print using the color printer instead of the black and white default printer.
 - f. Try to print the home page in landscape by clicking File on the tool bar, then Print. Then click on Properties, then on Orientation, to change from portrait to landscape.
3. If you are unable to print the home page, contact a proctor.

Survey Questionnaire – Part I

SURVEY FORM

Surfer Name: _____ Date: _____

ID No.: _____

Assigned URL: _____

If you are automatically rerouted to another URL, provide that URL:

Company Name (if given) _____

CIRCLE 0 FOR NO AND 1 FOR YES FOR EACH QUESTION BELOW.

- | | <u>NO</u> | <u>YES</u> |
|---|-----------|------------|
| 1. Is the site primarily directed to children 12 and under? | 0 | 1 |

If **YES**, ***PRINT THE SITE'S HOME PAGE.*** Then go on to the next site.

If **NO**, *proceed to Q2.*

- | | | |
|--|----------------|-----------------|
| 2. Is the site devoted to electronic games <u>and</u>
of interest to children 12 and under? | <u>NO</u>
0 | <u>YES</u>
1 |
|--|----------------|-----------------|

If **YES**, *go on to the next site.*

If **NO**, *proceed to Q3.*

- | | | |
|--|----------------|-----------------|
| 3. Is the site of primary interest to teens but of interest to
children 12 and under? | <u>NO</u>
0 | <u>YES</u>
1 |
|--|----------------|-----------------|

(Stop here and go on to the next site.)

Survey Instructions – Part II

General Instructions Regarding the Survey Form

This survey will examine issues relating to information collection practices and privacy on Web sites that are primarily directed to children 12 and under. We on the Surf Team appreciate your willingness to help with this project. If at any time you have a question as you participate in the Surf, please don't hesitate to ask one of us.

The instructions below take you through the survey question by question. Before you begin to answer the questions, though, you will be asked to fill out the top section (**Surfer/Site Information**). Please fill out this information LEGIBLY and COMPLETELY.

Please CIRCLE either YES or NO for every question on the survey.

As you navigate through each site, be sure to stay within the URL you are assigned. Do not pursue links to other sites. Check the URL in the window at the top of the screen when you click on hyperlinks to be sure you have not left the site.

The Survey

Q1. Review the site to see whether it collects **Personal Information**.

“Personal information” (or “PI”) includes personal identifying information such as full name, home or other mailing address, email address, telephone number, and social security number. Email address includes not only the child's or parent's email address but also any other email address collected.

Keep the following in mind when determining whether a site collects PI:

1. If the site asks only for a **FIRST** name, that information is not personal information. A request that a visitor provide a “Name” should be treated as a request for a full name.
2. If the site asks only for a Zip code, or only for City and State, that information is not personal information. A visitor's street address, by contrast, is personal information.
3. A fictitious screen name is not personal information. However, if the site asks that you use your real name or email address as a screen name, that is personal information.
4. If the site provides a credit card payment form where a person's name, credit card number, or other information is collected, you should **IGNORE THAT FORM** when determining whether the site collects personal information. If the site asks for the visitor's information elsewhere on the site, you should circle **YES** to indicate that the site collects that information, even if the information is also collected on the credit card payment form.

5. Some sites may provide a “print and send” form for a parent to complete to provide consent relating to the site’s use of personal information. For purposes of determining whether personal information is collected, IGNORE information requests on a “print and send” form.
6. For purposes of this survey, an **e-mail link to the Webmaster** is not information collection.

Where should you look for personal information collection?

1. Look at the home page, any registration form, survey form, membership page, terms of agreement, legal notice, guestbook, FAQs, or HELP.
2. If the site offers an email account or message board or chat room, check there.
3. If the site offers a newsletter or contest that you can register for, or a product or freebie that you can send away for, check there.
4. The site’s privacy policy is a good place to check, as sites that collect information should disclose that in the policy. When reviewing the privacy policy, note that some large companies have privacy policies that have a different section applying to privacy practices on their children’s area (as opposed to other areas intended for a general audience). In that case you should review the part of the privacy policy that applies to the children’s area.

Note that you may have to REGISTER or LOG IN just to access the site. In that case, you should provide the information needed to register or log in. You should type in, but not submit, the following information as requested:

Name: [Your initials] Doyle (e.g., EMD Doyle)
Screen Name: [Your initials]Spotty2590 (e.g., EMDSpotty2590)
Age: 11
Birth Date: February 5, 1990
School Grade: 5th grade (elementary school)
Street Address: [Your street number] Connecticut Avenue
Somerville, MA 02138
Telephone No.: 703-528-5298
Email Address: spottydotty2000@yahoo.com
Password: [your initials]spottydo

(if you had to select a different password for any reason, write the different password you selected on the survey form)

Then, BEFORE you submit this information, print the completed form showing the information you have typed in. Make sure that the screen printed properly before you move to the next step, which is to submit the information. AFTER you submit the information, print any acknowledgement screen. If you encounter a problem with the submission, attempt to resubmit the data. If you continue to have problems, call a proctor.

- Q2. For each type of personal information collected on the site, circle YES. Include all information collected whether it is “mandatory” or “optional.” Note that “home address or other mailing address” does not include an email address.

Keep in mind:

1. You should not circle YES when the personal information request is made only on a credit card payment form.
2. You should not circle YES when the personal information request is for a first name only, or only for a city and state or Zip code.
3. You should not circle YES when the personal information request is only requested on a “print and send” form for parents to complete to provide consent.
4. You should not circle YES when the personal information request is an **e-mail link to the Webmaster**.

For types of personal information collection that are not listed, circle YES by “Other” and describe the personal information collected in the blank space provided.

When a site states, “Give us your email address” or “Give us your name,” you should count that request as a request for the child’s email address or name.

- Q3. Some sites ask that you type in this information, while others say, for example: “Click here if you are under 13,” or “click here if you are between 7 and 10.” Some sites provide a dropdown menu of age ranges or years of birth
- Q4. A “**Privacy Policy**” is defined as a comprehensive description of the site’s information practices – what the site does with the personal identifying information it collects from visitors to the site. It generally may be reached by clicking on a privacy icon or hyperlink. You may see a link entitled “Trustee,” “ESRB,” or “BBB”; if these links indicate that they are for a privacy statement, click on them. Sometimes a privacy policy may be found under such terms as “Legal,” “Note to Parents,” “Terms and Conditions,” or similar terms. If you find an icon or link to a privacy policy, no matter the heading, circle YES to indicate that the site has a privacy policy.

Check the page, or pages, where the site collects personal information. If there is a link to the privacy policy on any one of those pages, circle YES.

- Q5. An “activity” is anything that the site allows you to do or participate in, such as a chatroom or game. An “amenity” includes any service or benefit offered by the site, such as an opportunity to establish an email account. Circle YES if the site offers an activity or amenity.
- Q5a. Circle YES next to each activity or amenity that the site offers. If you have to “log in” or “register” just to access the site, you should circle YES next to the “registration, membership or club” activity. Record the activities and amenities you find on the site, rather than those that are listed as present in the privacy policy (but you are unable to find). For activities or amenities not listed, circle YES by “Other” and describe the activity or amenity in the blank space provided.
- Q6a. If the site collects any email address in connection with any activity or amenity, circle YES. For example, if the site collects an email address in order to provide an email service, a newsletter, or to send an electronic postcard to a friend, the information is sought in connection with those amenities.
- Q6b. If the site collects any other type of personal information aside from an email address in connection with any activity or amenity, circle YES. For example, if the site offers games, but requires you to “register” before playing by providing your full name, the site collects PI in connection with that activity.

If you circled NO to Q6a AND Q6b, skip to Q7. If you circled YES to Q6a, OR you circled YES to Q6b, you should sign up for the activity or amenity by providing the fictional profile information below.

Name: [Your initials] Doyle (e.g., EMD Doyle)
Screen Name: [Your initials]Spotty2590 (e.g., EMDSpotty2590)
Age: 11
Birth Date: February 5, 1990
School Grade: 5th grade (elementary school)
Street Address: [Your street number] Connecticut Avenue
Somerville, MA 02138
Telephone No.: 703-528-5298
Email Address: spottydoty2000@yahoo.com
Password: [your initials]spottydo

(if you had to select a different password for any reason, write the different password you selected on the survey form)

Keep in mind:

1. IGNORE any statements that you must be age 13 or older when entering your age, but mark down any such statement in the Comments section at the end of the survey form. However, if the site asks for age, do not lie about your age: **you are 11 years old.**
2. BEFORE you submit the information from the profile that you have been provided, print the completed form showing the information you have typed in. Make sure that the screen printed properly before you move to the next step, which is to submit the information.
3. AFTER you submit the information, print any acknowledgement screen. If you encounter a problem with the submission, attempt to resubmit the data. If you continue to have problems, call a proctor.

- Q7. If the site provides a parental consent mechanism, you should circle YES. For example, sites may request a parent's email address, provide a print and send form, or provide a telephone number for parents to call to provide consent. Some sites may use other mechanisms.

For purposes of this question, DO NOT look at the privacy policy to determine whether the site provides a parental consent mechanism. You will do that later. Here, you should only circle YES if the site provides a mechanism for the parent to signal consent.

- Q7a. Circle YES next to any consent mechanism that the site provides. You may circle YES next to more than one statement if warranted.

- Q8. The rest of the questions focus solely on the privacy policy. As noted above, a "**privacy policy**" is defined as a comprehensive description of the site's information practices – what the site does with the personal identifying information it collects from visitors to the site. It is generally located in one place and may be reached by clicking on a privacy icon or hyperlink.

Keep in mind:

1. Often the hyperlinks are located at the bottom of the screen or on the site index or toolbar.
2. If you do not see a privacy icon or link from the home page to a "Privacy Policy," sometimes a privacy policy may be found under such terms as "Legal," "Note to Parents," "Terms and Conditions," or similar terms. If you find an icon or link to a privacy policy, no matter the heading, circle YES to indicate the site has a privacy policy.
3. Some sites have a "teaser" or introductory page that one must click through before getting to the actual home page. You should circle YES that the site has a privacy policy

if the site links to the privacy policy from either this introductory screen or the page you reach after this introductory page.

4. Remember to PRINT the **privacy policy** and attach it to the Survey Form. If the privacy policy or statement cannot be printed, try to copy it and paste it into a word processing file to print. **If you are unable to print the privacy policy, notify a proctor.**

- Q8a. Record the wording of the label for the privacy policy link, *e.g.*, “Privacy Policy,” “Security,” “Hey Kids! A Word About Your Privacy,” “Parents: What You Should Know About Privacy,” etc. If the link is an icon, describe the icon.
- Q8b. Review the site to see whether there is a privacy policy elsewhere on the site. Also check the site map or other pages.
- Q9. You should circle YES if the privacy policy indicates that it does collect personal information. For example, a site may say, “We request your home address so that we can mail you a brochure.” Similarly, you should circle YES if the site indicates that it may collect personal information. For example, statements such as “We reserve the right to collect personal information,” or “From time to time, we may collect personal information in order to administer contests or surveys” indicate that the site may collect information.

If the privacy policy states unequivocally (without any exceptions) that it does not collect PI, circle NO.

- Q10. Circle YES next to each kind of contact information that is provided. The operator’s name may be either the company’s name, or an individual’s name.
- Q11. Circle YES if the site specifies at least one type of personal information that it collects, for example, that it collects visitors’ email addresses.
- Q12. Circle YES if the site discloses that the operator is prohibited from conditioning a child’s participation in an activity on disclosure of more information than is reasonably necessary. Many sites will use those exact words or very similar words.
- Q13. Circle YES if the site indicates how the information collected will be used. For example, the policy may state that email addresses are collected to send newsletters or that other PI is collected to customize the visitor’s Web experience.
- Q14. Circle YES if the site indicates that the parent can review, look at, or have access to the personal information that the child has provided to the site. Do not circle YES if the site only allows you to modify, change, or edit PI.
- Q15. Circle YES if the site indicates that the parent can delete or remove the personal information that the site has collected from the child. Do not circle YES if the site only

allows you to modify, change, or edit PI, or if the Web site only offers you the ability to unsubscribe to an email newsletter.

- Q16. Circle YES if the site indicates that the parent can deny permission to collect additional information, or deny the site from using the information in future. Circle YES if the site discloses that the parent can deny permission for EITHER further collection or further use of personal information.
- Q17. Circle YES if the site indicates that it discloses information to third parties, or indicates that it may disclose information to third parties in future or under certain circumstances. This statement may be direct, e.g., “We provide your information to other companies in order to serve you better,” “We disclose your personal information to third parties only if those third parties agree to protect your confidentiality.” You should also circle YES if this statement is less direct or implied, if you can determine from the policy that the site does provide personal information to third parties. [mmm] Third parties include “affiliates” or “partners” or particular companies identified.

If the site does not affirmatively say that it discloses information to third parties, you should circle NO. A NO response would also apply if a site affirmatively discloses that it does NOT share personal information with third parties.

- Q17a. Circle YES if the site indicates, for example, that it provides information to third parties in order to obtain a service for the child, or because the third party delivers the service.
- Q17b. Circle YES if the site indicates, for example, that the child can participate in the activity at the site, even if the parent decides not to let the site provide information to a third party.
- Q18. Circle YES if the site affirmatively states that it does NOT disclose information to third parties.
- Q19. If the privacy policy discusses parental notice or indicates that it obtains parental consent in connection with the collection of PI from children, circle YES.
- Q19a. Circle YES if the site discloses the METHOD(S) by which the parent can provide consent. For example, sites may allow parents to consent by returning a print and send form, sending a return email under certain circumstances, or calling a telephone number. Some sites may use other mechanisms.
- Q19b. If the site does disclose the method(s) by which the parent can provide consent, please indicate which method(s) of providing consent is or are specified.
- Q20. As noted above, a “*privacy policy*” is defined as a comprehensive description of the site’s information practices – what the site does with the personal identifying information it collects from visitors to the site. It generally may be reached by clicking on a privacy icon or hyperlink.

Keep in mind:

1. Often the hyperlinks are located at the bottom of the screen or on the site index or toolbar.
 2. If you do not see a privacy icon or link from the home page to a "Privacy Policy," sometimes a privacy policy may be found under such terms as "Legal," "Note to Parents," "Terms and Conditions," or similar terms. If you find an icon or link to a privacy policy, no matter the heading, circle YES to indicate the site has a privacy policy.
 3. Some sites have a "teaser" or introductory page that one must click through before getting to the actual home page. You should circle YES that the site has a privacy policy if the site links to the privacy policy from either screen.
 4. Remember to PRINT the privacy policy and attach it to the Survey Form. If the privacy policy or statement cannot be printed, try to copy it and paste it into a word processing file to print. **If you are unable to print the privacy policy, notify a proctor.**
- Q20a. Record the wording of the label for the privacy policy link, *e.g.*, "Privacy Policy," "Security," "Hey Kids! A Word About Your Privacy," "Parents: What You Should Know About Privacy," etc. If the link is an icon, describe the icon.
- Q20b. Review the site to see whether there is a privacy policy elsewhere on the site. Check the site map or other pages.
- Q21. You should circle YES if the privacy policy indicates that it does collect personal information. For example, a site may say, "We request your home address so that we can mail you a brochure." Similarly, you should circle YES if the site indicates that it may collect personal information.

Comments: You may use this space to insert any comments you may have about the site or about your responses.

Survey Questionnaire – Part II

SURVEY FORM

Surfer Name: _____ Date: _____

ID No.: _____

Assigned URL: _____

If you are automatically rerouted to another URL, record that URL below:

CIRCLE 0 FOR NO AND 1 FOR YES FOR EACH QUESTION BELOW.

Q1. Does the site collect any personal information online? NO YES
0 1

*If YES, go to Q2.
If NO, skip to Q20.*

Q2. What type(s) of PERSONAL information is/are collected online? (Circle YES or NO for each one.)

	<u>NO</u>	<u>YES</u>
a. Child’s Full Name	0	1
b. Parent’s Full Name	0	1
c. Child’s Email Address	0	1
d. Parent’s Email Address	0	1
e. Telephone Number	0	1
f. Fax Number	0	1
g. Full home address or other mailing address	0	1
h. Social Security Number	0	1
i. Another person’s email address	0	1

Q3. Does the site ask for one or more of the following: the child’s age, age range, birth date, school grade or education level? NO YES
0 1

Q4. Is there a link to the site’s privacy policy on at least one Web page where personal information is collected? NO YES
0 1

Q5. Does the site provide any activities or amenities? NO YES
0 1

*If NO, skip to Q7.
If YES, go to Q5a.*

Q5a. Which of the following activities or amenities does the site provide? (Circle YES or NO for each one.)

	<u>NO</u>	<u>YES</u>
a. newsletter or mailing list	0	1
b. email account	0	1
c. bulletin board or message board	0	1
d. chatroom or forum	0	1
e. offer, contest, poll, or survey	0	1
f. registration, membership or club	0	1
g. electronic card/postcard	0	1
h. games or quizzes	0	1
i. "homework help"	0	1
j. other _____	0	1

Proceed to Q6a.

Q6a. Does the site collect any email address in connection with any of these activities or amenities? NO YES
0 1

Q6b. Does the site collect personal information other than an email address in connection with any of these activities or amenities? NO YES
0 1

If NO to BOTH Q6a and Q6b, proceed to Q7.

If YES to EITHER Q6a or Q6b, ENTER personal information from the fictional child's profile that you have been given in one of the places where the site requests information in connection with an activity or amenity. After you have filled out the form but before you have submitted it, PRINT the completed form.

Check here if the completed form was printed.

Now, SUBMIT the personal information. PRINT any acknowledgement screen.

Check here if the acknowledgment screen was printed.

Q7. Does the site provide a way for parents to consent or give permission for information collection from their child? NO YES
0 1

If NO, skip to Q8.

If YES, proceed to Q7a.

Q7a. Which parental consent mechanism(s) does the site provide? (Circle YES or NO for each one):

	<u>NO</u>	<u>YES</u>
a. The site asks for the parent’s email address.	0	1
b. The site provides a “print and send” form.	0	1
c. The site provides a telephone number for a parent to call.	0	1
d. Other _____	0	1

Q8. Is there a link to the privacy policy on the site’s home page or, if you are examining the children’s area of a Web site, on the home page of the children’s area? NO YES
0 1

If NO, proceed to Q8b.

If YES, print the privacy policy and attach it to this survey form. If the privacy policy cannot be printed, copy it in its entirety and paste it into another document. If you still cannot print the privacy policy, ask a proctor for assistance. Then, proceed to Q8a.

Q8a. Record the wording of the label for the link to the privacy policy here:

Then, skip to Q9.

Q8b. Is there a privacy policy anywhere on the site? NO YES
0 1

If NO, stop here and put all materials in the folder. Go on to the next site on your list.

If YES, print the privacy policy and attach it to this survey form. If the privacy policy cannot be printed, copy it in its entirety and paste it into another document. If you still cannot print the privacy policy, ask a proctor for assistance. Then proceed.

Q9. Does the privacy policy disclose that the site does or may collect personal information? NO YES
0 1

If NO, stop here and put all materials in the folder. Go on to the next site on your list.

If YES, proceed.

Q10. Does the privacy policy disclose the Web site operator’s contact information? (circle YES or NO for each one):

	<u>NO</u>	<u>YES</u>
a. operator’s name	0	1
b. operator’s address	0	1
c. operator’s phone	0	1
d. operator’s email	0	1

- | | | |
|---|----------------|-----------------|
| Q11. Does the privacy policy disclose the types of personal information that the site collects? | <u>NO</u>
0 | <u>YES</u>
1 |
| Q12. Does the privacy policy disclose that the Web site operator is prohibited from conditioning a child's participation in an activity on disclosure of more personal information than reasonably necessary to participate in such activity? | <u>NO</u>
0 | <u>YES</u>
1 |
| Q13. Does the privacy policy disclose how the child's personal information is or may be used? | <u>NO</u>
0 | <u>YES</u>
1 |
| Q14. Does the privacy policy disclose that a parent can review the child's personal information that the site collects? | <u>NO</u>
0 | <u>YES</u>
1 |
| Q15. Does the privacy policy disclose that a parent can have the child's personal information deleted? | <u>NO</u>
0 | <u>YES</u>
1 |
| Q16. Does the privacy policy disclose that a parent can refuse to permit further collection or use of the child's personal information? | <u>NO</u>
0 | <u>YES</u>
1 |
| Q17. Does the privacy policy say that the child's personal information is or may be disclosed to third parties? | <u>NO</u>
0 | <u>YES</u>
1 |
| <i>If NO, skip to Q18.
If YES, proceed to Q17a.</i> | | |
| Q17a. Does the privacy policy disclose the types of business in which the third party(ies) is/are engaged? | <u>NO</u>
0 | <u>YES</u>
1 |
| Q17b. Does the privacy policy disclose that the parent has the option to consent to the operator's collection and use of personal information, <i>without</i> consenting to disclosure to third parties? | <u>NO</u>
0 | <u>YES</u>
1 |
| <i>Skip to Q.19.</i> | | |
| Q18. Does the privacy policy say that the child's personal information will NOT be disclosed to third parties? | <u>NO</u>
0 | <u>YES</u>
1 |
| Q19. Does the privacy policy discuss parental notice or consent in connection with the collection of information from children? | <u>NO</u>
0 | <u>YES</u>
1 |

If YES, proceed to Q19a.

If NO, stop here and put all materials in the folder. Go on to the next site on your list.

Q19a. Does the privacy policy disclose the method(s) by which the parent can provide consent? NO YES
0 1

*If NO, stop here and put all materials in the folder. Go on to the next site on your list.
If YES, proceed to Q19b.*

Q19b. Which method(s) is or are specified? (circle YES or NO for each):

	<u>NO</u>	<u>YES</u>
a. telephone number to call	0	1
b. form to be printed and faxed or mailed	0	1
c. email notification	0	1
d. Other _____	0	1

Stop here and put all materials in the folder. Go on to the next site on your list.

Q20. Is there a link to the privacy policy on the site's home page or, if you are examining the children's area of a Web site, on the home page of the children's area? NO YES
0 1

*If NO, skip to Q20b.
If YES, print the privacy policy and attach it to this survey form. If the privacy policy cannot be printed, copy it in its entirety and paste it into another document. If you still cannot print the privacy policy, ask a proctor for assistance. Then, proceed to Q.20a.*

Q20a. Record the wording of the label for the link to the privacy policy here:

Skip to Q21.

Q20b. Is there a privacy policy anywhere on the site? NO YES
0 1

*If NO, stop here and put all materials in the folder. Go on to the next site on your list.
If YES, proceed to Q21.*

Q21. Does the privacy policy disclose that the site does or may collect personal information? NO YES
0 1

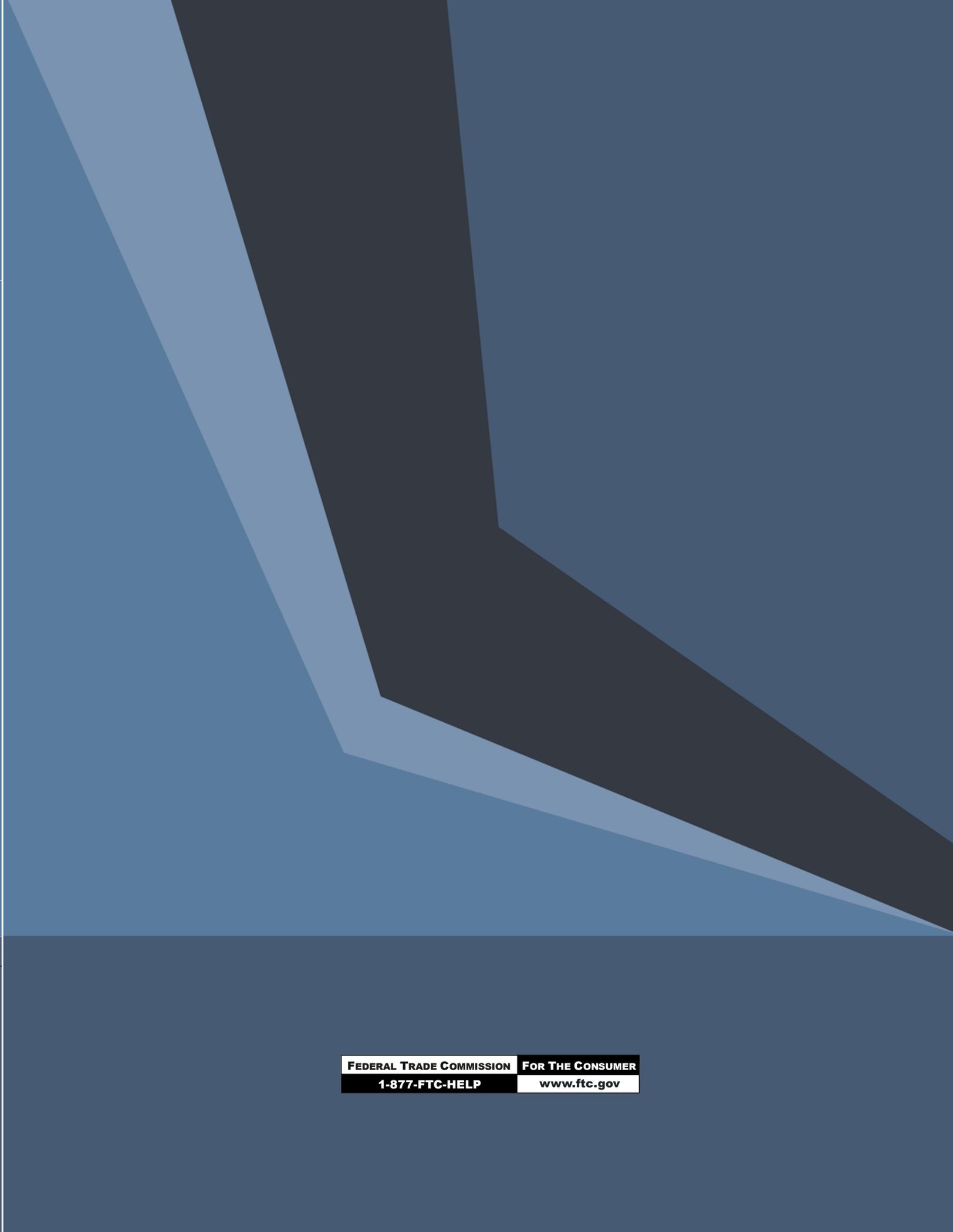
Stop here and put all materials in the folder. Go on to the next site on your list.

Comments:

APPENDIX C: SAMPLE WEBSITE LIST

1. www.21stcenturytoys.com
2. www.7up.com
3. www.aaroncarter.com
4. www.afterearth.com
5. www.ajkids.com
6. www.alfy.com
7. www.americangirl.com
8. www.americangirlstore.com
9. www.ant.com
10. www.applejacks.com
11. www.archiecomics.com
12. www.bandai.com
13. www.barbie.com
14. www.barneyonline.com
15. www.batmanbeyond.com
16. www.batmantas.com
17. www.bigidea.com
18. www.billybear4kids.com
19. www.birdseye.com
20. www.blipz.com
21. www.bonnebell.com
22. www.bonus.com
23. www.britneyboutique.com
24. www.buildabear.com
25. www.bulbagarden.com
26. www.burgerking.com
27. www.candystand.com
28. www.capncrunch.com
29. www.carlscoolkids.com
30. www.cartoonnetwork.com
31. www.cgazette.com
32. www.chat1.com
33. www.chevrontcars.com
34. www.coloring.com
35. www.cornnuts.com
36. www.crayola.com
37. www.cupcakeparty.com
38. www.cyberkids.com
39. www.dare.com
40. www.dbzcardgame.com
41. www.donkeykong64.com
42. www.enchantedlearning.com
43. www.eploids.com
44. www.ezone.com
45. www.familyeducation.com
46. www.fisher-price.com
47. www.fleetkids.com
48. www.foxkids.com
49. www.funbrain.com
50. www.funimation.com
51. www.funschool.com
52. www.furby.com
53. www.gamescene.com
54. www.garrink.com
55. www.generationgirl.com
56. www.goldenbooks.com
57. www.groovygames.com
58. www.harrypotter.com
59. www.hbo4kids.com
60. www.headbone.com
61. www.healthypet.com
62. www.homeworkcentral.com
63. www.hotwheels.com
64. www.humongous.com
65. www.jebikes.com
66. www.keebler.com
67. www.kelloggs.com
68. www.kidchatters.com
69. www.kiddonet.com
70. www.kidscom.com
71. www.kidsdomain.com
72. www.kidsreads.com
73. www.kidswb.com
74. www.kidzonks.com
75. www.kirby64.com
76. www.larry-boy.com
77. www.lego.com
78. www.legomindstorms.com
79. www.limitedtoo.com
80. www.lisafrank.com

- | | | | |
|------|--|------|--|
| 81. | www.lissaexplains.com | 121. | www.simplesearch.com |
| 82. | www.lunchables.com | 122. | www.simthepark.com |
| 83. | www.mamamedia.com | 123. | www.smashbrothers.com |
| 84. | www.marioparty.com | 124. | www.snapcracklepop.com |
| 85. | www.marvel.com | 125. | www.starburst.com |
| 86. | www.mary-kateandashley.com | 126. | www.starwarskids.com |
| 87. | www.maxsteeltv.com | 127. | www.switchinggoals.com |
| 88. | www.mca.com | 128. | www.thecase.com |
| 89. | www.moonprincess.com | 129. | www.tonythetiger.com |
| 90. | www.mrpotatohead.com | 130. | www.toucansam.com |
| 91. | www.myjungle.com | 131. | www.ty.com |
| 92. | www.nabiscoworld.com | 132. | www.upperdeck.com |
| 93. | www.nancydrew.com | 133. | www.usapoke.com |
| 94. | www.neopets.com | 134. | www.virtualdog.com |
| 95. | www.nick.com | 135. | www.warioland3.com |
| 96. | www.nickjr.com | 136. | www.warnerbros.com |
| 97. | www.noggin.com | 137. | www.wb11.com |
| 98. | www.p2kthemovie.com | 138. | www.whymilk.com |
| 99. | www.pages4kids.com | 139. | www.wonka.com |
| 100. | www.pappyland.com | 140. | www.yahooligans.com |
| 101. | www.pepsiworld.com | 141. | www.youruleschool.com |
| 102. | www.petz.com | 142. | www.yucky.com |
| 103. | www.pfgoldfish.com | 143. | www.zeeks.com |
| 104. | www.pikachu.com | 144. | www.zelda.com |
| 105. | www.pikachudance.com | | |
| 106. | www.pmhq.com | | |
| 107. | www.pokecheats.com | | |
| 108. | www.pokemon.com | | |
| 109. | www.pokemoncrater.com | | |
| 110. | www.pokemonparadise.com | | |
| 111. | www.pokemonsnap.com | | |
| 112. | www.pokemonstadium.com | | |
| 113. | www.popsicle.com | | |
| 114. | www.psypoke.com | | |
| 115. | www.puzzles.com | | |
| 116. | www.rockyandbullwinkle.com | | |
| 117. | www.safesurfin.com | | |
| 118. | www.sanrio.com | | |
| 119. | www.scholastic.com | | |
| 120. | www.sikids.com | | |



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