



April 18, 2013

The Honorable Donald Clark
Office of the Secretary
Federal Trade Commission
Room H-113 (Annex E)
600 Pennsylvania Avenue, NW
Washington, DC 20580

Re: Request for Delay of Implementation of COPPA Rules

Dear Secretary Clark:

The Internet Association writes to respectfully request that the Commission extend the July 1, 2013 effective date until January 1, 2014 for its new rules implementing the Children's Online Privacy Protection Act ("COPPA"). We are a newly formed trade association representing leading Internet companies and their global community of users.

As previously noted in our supplemental comments for the COPPA Rulemaking period, The Internet Association is dedicated to maintaining child safety and protecting children's online privacy. While we share the Commission's goal to safeguard's children's privacy online, the new Rules raise complex compliance issues for our companies. Some of the issues are described below.

- 1. Child-Directed Sites and Services Have Strict Liability for Third Parties Collecting Information on their Sites.** The new rule requires a child-directed website or service (including a general audience site with actual knowledge that a user is a child) that allows a third-party plug-in or an advertising network to collect children's personal information to comply with COPPA's parental notice-and-consent requirement. This is true even if information is collected only through the plug-in and not by the underlying content provider. Imposing strict liability on a content provider for the activities of a third-party is a new standard that generally is not found in any other regulatory regime applicable to the Internet.
- 2. Third-Party Ad Networks and Social Plug-Ins that Collect Personal Information from Children on Third Party Sites Are Subject to COPPA.** Under the new Rules, a third party is subject to COPPA if it has "actual knowledge" that it is collecting personal information through a child-directed site. This change raises a number of definitional





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questions regarding a third party's specific obligations and the criteria for actual knowledge.

Given the complex compliance issues coupled with technological challenges the new Rules present, The Internet Association respectfully requests that the Commission delay the July 1 effective date of the new rules until January 2014. We are happy to discuss these issues in greater detail with the Commission and look forward to working with the Commission to reach a balanced solution to protect children's safety and privacy online.

Sincerely,

Michael Beckerman
President & CEO
The Internet Association