

April 23, 2013

Via E-Mail: [dclark@ftc.gov](mailto:dclark@ftc.gov)

Donald S. Clark, Secretary  
Federal Trade Commission  
600 Pennsylvania Ave. N.W.  
Washington, D.C. 20580

**RE: Extension of Time for Compliance with Amendments to the Children's Online Privacy Protection Rule**

Dear Secretary Clark:

The undersigned trade organizations respectfully request that the Federal Trade Commission (the "FTC" or "Commission") extend the effective date for the amendments to the Children's Online Privacy Protection Rule ("COPPA Rule" or the "Rule") from July 1, 2013 to January 1, 2014. Collectively, we reflect a broad cross section of online content and service providers. We wish to detail for you some of the difficulties that our members have encountered in preparing for the July 1st deadline that have necessitated this request.

Our members have been working diligently to absorb the impact of the Rule and to implement its new obligations. As responsible citizens of the business community, our members have been engaged in a long-term review of their own products and services since the initial notice of proposed rulemaking in September 2011, through the second round of additional proposed amendments in August 2012, culminating in the final amendments released in December 2012. In fact, the undersigned trade associations and many of our individual members have been actively engaged in the process from its inception, by providing comments in response to all three rounds of solicitation for comments issued by the Commission, participating in the Commission's public events on the topic, and engaging with the Commission through smaller group discussions and meetings.

Despite this record of engagement and advocacy, as the Commission is aware, the final amendments released in December 2012 contained several unanticipated material changes from previous versions. The expansion of data elements that are considered to be "personal information" have brought a number of new entities under the Rule, and expanded obligations for entities that were already subject to the existing Rule. In many cases, the amendments contained in the COPPA Rule significantly impact the long standing business model that these companies have relied upon in planning the capabilities of their products and services since COPPA's inception. This has made the redesign of products and services, often occurring at the mid-stream point in product development cycles, a complex and difficult task.

Despite our members' efforts to understand the impact of the entire amended COPPA Rule on their businesses, and to integrate these changes within their organizations, many unanswered questions remain open in the Internet community. While our members appreciate the staff's willingness to host public events to answer general questions about implementation of

the Rule and to meet with smaller groups to discuss specific questions and concerns, implementation has been challenging without the benefit of the Commission's FAQs, which are not expected until early May. We expect that the FAQs will help explain how some of the nuances of the Rule are intended to be implemented, which will likely necessitate modifying new and existing products and services.

Our members have expressed frustration at the short timeline for implementation. In practice, product development cycles and strategic planning can last for extended periods of time, over the course of years in many cases. For products already on the marketplace, determining how to retool and update software, and then pushing those software updates to market, is a time consuming process. Making large-scale changes to products already in development presents an enormous challenge to the business community, especially in light of the many questions about implementation that remain regarding the COPPA Rule.

The amendments to the COPPA Rule warrant thorough consideration and careful planning. In the dozen years since COPPA was enacted, the Rule has been subject to review three times, reflecting careful deliberation by the Commission over potential changes to it. A modest delay until January 1, 2014 will allow the business community to "get it right" the first time, and fully implement strategies for compliance with the COPPA Rule to guide their businesses for years to come.

Thank you for your consideration. We look forward to working with the Commission on these important issues.

Respectfully submitted,

American Advertising Federation	National Cable & Telecommunications
American Association of Advertising Agencies	Association
Association of National Advertisers	National Retail Federation
Direct Marketing Association	NetChoice
Electronic Retailing Association	Newspaper Association of America
Entertainment Software Association	Online Publishers Association
Interactive Advertising Bureau	Retail Industry Leaders Association
MPA – The Association of Magazine Media	Software & Information Industry Association
Motion Picture Association of America	Toy Industry Association
National Association of Broadcasters	U.S. Chamber of Commerce