



UNITED STATES OF AMERICA
FEDERAL TRADE COMMISSION
WASHINGTON, D.C. 20580

Office of Commissioner
Julie Brill

To: Don Clark
From: Yael Weinman
Date: October 1, 2012
Re: COPPA Rule: Comments to be placed on the public record

Apple, Inc.

On September 20, 2012, Commissioner Julie Brill met with representatives from Apple, Inc. (“Apple”).¹

During the meeting, the Apple representatives expressed concerns relating to the proposed new definition of “operator” set forth in the Commission’s COPPA Rule Supplemental Notice of Proposed Rulemaking and Request for Comment. Specifically, Apple is concerned that the proposed expansion of “operator” could cover Apple and other platforms that support apps but do not control how apps handle user information. Apple would like platforms to be specifically excluded from the definition of “operator.”

Facebook, Inc.

On September 21, 2012, Commission Julie Brill met with representatives of Facebook, Inc. (“Facebook”).²

The Facebook representatives discussed the company’s consideration of opening up the social media site to children under the age of 13. In connection with that possibility, Facebook expressed some concerns relating to COPPA and the proposed revisions to the Rule. Specifically, Facebook would like the COPPA Rule to expressly allow platforms to obtain

¹ The following Apple representatives attended the meeting: Bruce Sewell, General Counsel; Jane Horvath, Director of Global Privacy; Eric Albert, Director of Product Security and Privacy for customer-facing products; Kalinda Raina, Privacy Counsel; Cathy Foster and Nick Amman, Corporate and Government Relations employees; and David Stites, a privacy engineer. DPIP attorney Laura Berger also attended.

² The following Facebook representatives attended the meeting: Sheryl Sandberg, COO; Elliot Schrage, Vice President, Communications and Public Policy; Erin Egan, Chief Privacy Officer, Policy; Colin Stretch, Deputy General Counsel, and Krista Kobeski, site integrity analyst. DPIP attorney Laura Berger also attended.

consent from parents on behalf of apps—such consent to be obtained only one time which would be on behalf of all apps.

Facebook is also concerned about its potential liability for data collected by its “plug-ins” on other websites—the Facebook representatives pointed out that that it often does not know or have control when developers add the Facebook “plug-ins.”

Facebook also expressed concern about the potential liability of the third-party websites that load Facebook “plug-ins”—the Facebook representatives pointed out that third party websites may choose to not load the Facebook “plug-ins” because of the third party website’s potential liability under the COPPA Rule.