



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

Office of Commissioner
Julie Brill

To: Don Clark
From: Yael Weinman
Date: November 7, 2012
Re: COPPA Rule: Comments to be placed on the public record

On November 7, 2012, Commissioner Julie Brill met with representatives from Apple in connection with the agency's proposed modifications to the COPPA Rule.¹

The Apple representatives expressed concern about the Commission's proposed definition of personal information collected "on behalf of an operator" as information collected "in the interest of, as a representative of, or for the benefit of, the operator." Apple is concerned that this proposal could create COPPA liability for Apple and other platforms that sell applications. Apple's representatives pointed out that it does not know whether apps sold on its platform collect user information, or how collected information is used. Apple would like platforms that sell apps to be excluded from liability under the COPPA Rule.

Apple's representatives also expressed concern about the Commission's proposal to make an operator liable if the operator "knows or has reason to know" it is collecting personal information from a child-directed website. Apple is concerned that the proposal could discourage platform providers from reviewing apps for sale, because reviewing an app may give the platform provider "reason to know" it is collecting information from a child-directed website or online service and thus trigger COPPA liability.

¹ The following representatives for Apple attended the meeting: Cathy Novelli, VP-Worldwide Gov't Affairs; Jane Horvath, Director-Global Privacy; Nick Ammann, Director-Gov't Affairs; and Tim Powderly, Director-Gov't Affairs. Steve Bellovin, chief technologist, Yael Weinman, attorney advisor for Commissioner Brill, and Matt McDonald, intern for Commissioner Brill, also attended.