



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

Office of Commissioner
Julie Brill

To: Don Clark
From: Yael Weinman
Date: November 14, 2012
Re: COPPA Rule—Comments to be placed on the public record

On November 14, 2012, representatives of the Software and Information Industry Association (SIIA) met with Commissioner Julie Brill and FTC staff to discuss the supplemental proposed amendments to the FTC’s COPPA Rule.¹

The representatives raised objections to the Commission’s proposal to include persistent identifiers alone within the definition of personal information. The representatives stated that persistent identifiers, such as an IP address or device number, do not by themselves allow for the identification or contacting of a specific individual. They indicated the proposal could have unintended consequences; specifically, websites might have to collect *more* information about users to comply with COPPA and give notice and obtain parental consent. The representatives also raised concerns that the proposal’s exception for “support for internal operations” did not include additional protections for legitimate uses of persistent identifiers.

The representatives raised concerns about the Commission’s proposal to make host websites and third-party plug-ins co-operators under the COPPA Rule through the proposed definition of “on behalf of” and the proposed “reason to know” standard. They point out that host websites do not control or access the data collected by plug-ins, and that plug-ins have no relationship with, or control over, the websites that install their plug-ins.

The representatives voiced concern that the proposed definition of mixed-audience, “family-friendly” websites would sweep in additional general audience websites and inappropriately expand COPPA’s scope.

The representatives raised concern as to whether platforms such as app stores and social networks would be potentially liable for apps they host. They also raised concerns about the COPPA liability of educational sites and services.

¹ In attendance on behalf of SIIA were: Dan Mullaney, Pearson; David Lieber, Google; Rick Lane, News Corp; Jared Sher, News Corp; Mark MacCarthy, SIIA; and David LeDuc, SIIA. In attendance from the FTC were: Yael Weinman, Attorney Advisor for Commissioner Brill; Kathleen Benway, Attorney Advisor for Commissioner Brill; Christine DeLorme, Attorney Advisor for Chairman Leibowitz; and Matt McDonald, intern for Commissioner Brill.

The representatives emphasized the broad use of technology in educational settings and the current trend of adaptive learning that analyzes a student's performance to improve the experience; for instance, by giving a student more difficult questions as he learns, or focusing on areas where a student is having difficulty. Online educational offerings can also inform teachers about students' performance. They expressed support for schools acting as agents of parents to provide consent in educational settings, and would like to see this principle included in a revised COPPA rule.