

*Before the*  
**Federal Trade Commission**  
Washington, DC

*In re*

Children’s Online Privacy Protection Rule:  
AgeCheq Application for Parental Consent  
Method

Project No. P-145410

**COMMENTS OF  
COMPUTER & COMMUNICATIONS INDUSTRY ASSOCIATION**

In response to the request for comments<sup>1</sup> issued by the Federal Trade Commission (“FTC” or “the Commission”) and published in the Federal Register at 79 Fed. Reg. 51,514, the Computer & Communications Industry Association (“CCIA”) submits the following comments.

CCIA represents large, medium and small companies in the high technology products and services sectors, including computer hardware and software, electronic commerce, telecommunications and Internet products and services. CCIA members employ more than 600,000 workers and generate annual revenues in excess of \$465 billion.<sup>2</sup>

**I. Introduction**

CCIA writes in support of common consent mechanisms (“CCMs”), which are a class of tools for establishing verified parental consent pursuant to the requirements of the final Children’s Online Privacy Protection Rule (“the Rule” or “COPPA Rule”).<sup>3</sup> CCMs, which

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<sup>1</sup> *Notice of Workshop and Request for Public Comments*, Project No. P145410, available at <https://ftcpublic.commentworks.com/ftc/coppaagecheqapp/>.

<sup>2</sup> A list of CCIA members is available at <http://www.cciagnet.org/members>.

<sup>3</sup> 16 C.F.R. § 312.

include other platform or safe harbor methods of parental consent,<sup>4</sup> provide a centralized method of providing notice to parents and obtaining verifiable parental consent for the variety of apps and websites used by their children.<sup>5</sup> CCIA does not comment on the merits of AgeCheq's specific methodology, but to support common consent mechanisms generally.

The importance and advantages of CCMs have been recognized by a wide range of stakeholders, from the creators of online content for children to technological innovators and privacy advocates.<sup>6</sup> The Commission should encourage the development and adoption of common consent mechanisms as they provide all the rigor of the Rule's enumerated consent methods, with the significant additional benefits of being designed to respond to the realities of the current mobile and online environments.

## **II. Common consent mechanisms are beneficial to consumers and businesses without presenting additional risk to consumers' personal information.**

There are a variety of approaches to designing common consent mechanisms that are compliant with the Commission's COPPA Rule,<sup>7</sup> and it is not CCIA's intent to support any particular approach in this filing. Regardless of the method employed, CCMs provide a number of benefits to consumers and businesses, many of which were recognized by the Commission in its final Rule,<sup>8</sup> while the risks posed by CCMs to consumers' personal information are no greater than those posed by the methods enumerated in the Rule,<sup>9</sup> and may be reduced.

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<sup>4</sup> Children's Online Privacy Protection Rule, 78 Fed. Reg. 3989.

<sup>5</sup> *Id.*

<sup>6</sup> *See e.g.* The Walt Disney Co. (comment 170, 2011 NPRM), at 17-19; Microsoft (comment 107, 2011 NPRM), at 13-15; and Center for Democracy & Technology (comment 15, 2012 SNPRM).

<sup>7</sup> *See* 78 Fed. Reg. 3989.

<sup>8</sup> *Id.*

<sup>9</sup> 16 C.F.R. § 312.5(b)(2). The COPPA Rule enumerates six methods of obtaining verifiable parental consent: 1) providing a consent form to be signed and returned by the parent via mail, fax, or scan; 2) requiring a parent to use a credit or debit card (or other online payment system); 3) having a parent call a toll-free number; 4) having a parent video-conference with trained personnel; 5) checking a parent's government-issued ID; or 6) receiving consent over email with additional confirmation by email, letter, or telephone. *See also* 78 Fed. Reg. 3991 (noting that the Rule's

As the Commission has noted, CCMs provide both consumers and businesses with an efficient system of administering notice and consent for multiple operators and numerous parents through a single tool.<sup>10</sup> CCMs are thus reflective of the modern digital environment, which is characterized by large online and mobile marketplaces and a corresponding explosion of app developers and service administrators.<sup>11</sup> The Rule’s enumerated consent methods were manageable when children largely interacted with services in “walled gardens” administered by a single entity. Today, those same methods place a heavy burden on parents to juggle a range of one-on-one consent processes for numerous operators.

For businesses, CCMs would ease the burden of providing individualized notice and consent to the parents of thousands of users by instead allowing operators to largely automate the process. By significantly decreasing costly administrative overhead, CCMs and platform-based methods of obtaining parental consent promote COPPA’s goals, including the development of innovative interactive content and services for children in online environments. The streamlined notice and consent processes offered by CCMs would especially encourage smaller operators who are less likely to have dedicated regulatory compliance staff.

CCMs are equally beneficial to parents. CCMs would significantly simplify the process of granting or denying consent to the operators of the numerous apps that parents’ multiple children might be using. Rather than parents individually providing verified consent through different methods to each operator for each child, CCMs present a single tool for notice and consent delivery for numerous associated operators and their apps, with a single initial identity

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list of consent mechanisms is not exhaustive and urging industry to innovate in creating additional useful mechanisms).

<sup>10</sup> 78 Fed. Reg 3989.

<sup>11</sup> See TechCrunch, "iTunes App Store Now Has 1.2 Million Apps, Has Seen 75 Billion Downloads To Date" (June 2, 2014), *available at* <http://techcrunch.com/2014/06/02/itunes-app-store-now-has-1-2-million-apps-has-seen-75-billion-downloads-to-date/>; *see also* TechCrunch, "Google Play Quarterly App Revenue More Than Doubled Over Past Year, Thanks To Games, Freemium Apps" (June 24, 2014), *available at* <http://techcrunch.com/2014/06/23/google-play-quarterly-app-revenue-more-than-doubled-over-past-year-thanks-to-games-freemium-apps/>.

verification step. In some CCM designs, the common space could also allow for centralized presentation of up-to-date information for parents about operators' privacy and disclosure practices, and a CCM's persistent connection with operators might provide parents with ongoing controls, including the ability for parents to revoke previously granted consent. Just as with the initial verification and grant process, this is an improvement over the enumerated methods, as parents would not have to reestablish contact with the operators of each app or website for which they wish to revisit consent.

Lastly, CCMs can reduce risk to consumers' personal information and enhance privacy. Depending on design, some CCMs can "eliminate[] the need for . . . operators to separately collect online contact information from [a] child to obtain parental consent."<sup>12</sup> In such cases, the only personal information necessary to obtain verifiable consent comes from the parent, and that is also limited to a single initial instance of identity verification to the CCM. A single identity verification for multiple operators reduces opportunities for a harmful disclosure of personal information, as compared to methods in which parents attempt to grant consent to numerous different parties on an individualized basis through a variety of processes.

### **III. Conclusion**

CCIA, without comment as to the merits of AgeCheq's particular method, encourages the Commission to support common consent mechanisms and platform-based methods of obtaining consent. CCMs meet the Commission's requirements as promulgated in the final COPPA Rule, streamline the process of obtaining verifiable parental consent for consumers and businesses alike, and promote innovation and privacy-protective practices consistent with COPPA's goals.

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<sup>12</sup> 78 Fed. Reg. 3989.

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