CHILDREN'S ONLINE PRIVACY PROTECTION ACT (COPPA)

DEFINITIONS

Definitions (16 C.F.R. § 312.2)

Child
An individual under the age of 13.

Collects or collection
The gathering of any personal information from a child by any means, including but not limited to:
(a) Requesting that children submit personal information online;
(b) Enabling children to make personal information publicly available through a chat room, message board, or other means, except where the operator deletes all individually identifiable information from postings by children before they are made public, and also deletes such information from the operator's records; or
(c) The passive tracking or use of any identifying code linked to an individual, such as a cookie.

Commission
The Federal Trade Commission.

Delete
To remove personal information such that it is not maintained in retrievable form and cannot be retrieved in the normal course of business.

Disclosure
With respect to personal information:
(a) The release of personal information collected from a child in identifiable form by an operator for any purpose, except where an operator provides such information to a person who provides support for the internal operations of the website or online service and who does not disclose or use that information for any other purpose. For purposes of this definition:
  (1) Release of personal information means the sharing, selling, renting, or any other means of providing personal information to any third party, and
  (2) Support for the internal operations of the website or online service means those activities necessary to maintain the technical functioning of the website or online service, or to fulfill a request of a child as permitted by Sec. 312.5(c)(2) and (3); or
(b) Making personal information collected from a child by an operator publicly available in identifiable form, by any means, including by a public posting through the Internet,

or through a personal home page posted on a website or online service; a pen pal service; an electronic mail service; a message board; or a chat room.

Federal agency
An agency, as that term is defined in Section 551(1) of title 5, United States Code.

Internet
Collectively the myriad of computer and telecommunications facilities, including equipment and operating software, which comprise the interconnected world-wide network of networks that employ the Transmission Control Protocol/Internet Protocol, or any predecessor or successor protocols to such protocol, to communicate information of all kinds by wire, radio, or other methods of transmission.

Online contact information
An e-mail address or any other substantially similar identifier that permits direct contact with a person online.

Operator
Any person who operates a website located on the Internet or an online service and who collects or maintains personal information from or about the users of or visitors to such website or online service, or on whose behalf such information is collected or maintained, where such website or online service is operated for commercial purposes, including any person offering products or services for sale through that website or online service, involving commerce:
(a) Among the several States or with one or more foreign nations;
(b) In any territory of the United States or in the District of Columbia, or between any such territory and
(1) Another such territory, or
(2) Any State or foreign nation; or
(c) Between the District of Columbia and any State, territory, or foreign nation. This definition does not include any nonprofit entity that would otherwise be exempt from coverage under Section 5 of the Federal Trade Commission Act (15 U.S.C. 45).

Parent
Includes a legal guardian.

Person
Any individual, partnership, corporation, trust, estate, cooperative, association, or other entity.

Personal information
Individually identifiable information about an individual collected online, including:
(a) A first and last name;
(b) A home or other physical address including street name and name of a city or town;

(c) An e-mail address or other online contact information, including but not limited to an instant messaging user identifier, or a screen name that reveals an individual's e-mail address;
(d) A telephone number;
(e) A Social Security number;
(f) A persistent identifier, such as a customer number held in a cookie or a processor serial number, where such identifier is associated with individually identifiable information; or a combination of a last name or photograph of the individual with other information such that the combination permits physical or online contacting; or
(g) Information concerning the child or the parents of that child that the operator collects online from the child and combines with an identifier described in this definition.

Third party

Any person who is not:
(a) An operator with respect to the collection or maintenance of personal information on the website or online service; or
(b) A person who provides support for the internal operations of the website or online service and who does not use or disclose information protected under this part for any other purpose.

Obtaining verifiable consent

Making any reasonable effort (taking into consideration available technology) to ensure that before personal information is collected from a child, a parent of the child:
(a) Receives notice of the operator's personal information collection, use, and disclosure practices; and
(b) Authorizes any collection, use, and/or disclosure of the personal information.

Website or online service directed to children

A commercial website or online service, or portion thereof, that is targeted to children. Provided, however, that a commercial website or online service, or a portion thereof, shall not be deemed directed to children solely because it refers or links to a commercial website or online service directed to children by using information location tools, including a directory, index, reference, pointer, or hypertext link. In determining whether a commercial website or online service, or a portion thereof, is targeted to children, the Federal Trade Commission or NCUA will consider its subject matter, visual or audio content, age of models, language or other characteristics of the website or online service, as well as whether advertising promoting or appearing on the website or online service is directed to children. The Federal Trade Commission or NCUA will also consider competent and reliable empirical evidence regarding audience composition; evidence regarding the intended audience; and whether a site uses animated characters and/or child-oriented activities and incentives.