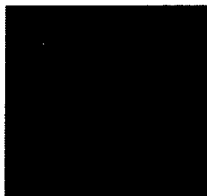


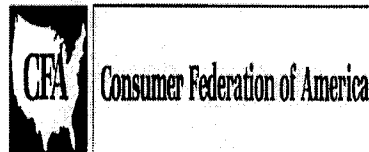
ORIGINAL

P994504

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JUNKBUSTERS



CENTER FOR MEDIA EDUCATION

July 30, 1999

Secretary
Federal Trade Commission
Room H-159
Sixth Street and Pennsylvania Ave., NW
Washington, DC 20580

Re: Children's Online Privacy Protection Rule -FTC File No. P994504
Supplement Comments for the Record

The Center for Media Education (CME), Consumer Federation of America (CFA) and Junkbusters Corporation ("CME/CFA, et al.") would like to thank the Federal Trade Commission (FTC) for allowing them to participate in the Public Workshop on Children's Online Privacy Protection Rule held July 20, 1999. CME/CFA, et al. are gratified that the FTC has continued to investigate methods of verifiable parental consent to ensure that the intent of the Children's Online Privacy Protection Act ("COPPA") are met. CME/CFA, et al. appreciate the opportunity to submit these additional comments in response and to supplement some of the discussions which took place during the workshop.

This supplement includes (1) a summary of the CME survey submitted to the FTC and discussed at length during the workshop; (2) additional data regarding the profitability of collecting personally identifiable information from children; (3) a response and discussion of the proposals for a sliding scale method of verifiable consent; and (4) an assessment of the criteria for verifiable parental consent with a proposed mechanism for determining whether parents have truly given consent to the collection of identifiable information.

I. CME Assessment of Data Collection Practices of Children's Web Sites: A Summary

During the first two weeks of July, 1999, the Center for Media Education conducted a brief assessment of data collection practices of Web sites targeting children. A total of 155 children's Web sites were analyzed. Two different samples of children's Web sites were selected. The first, containing 75 sites, was a random sample of children's Web sites. The second, containing 80 sites, was a sample of the most popular children's sites. Below we describe the evaluation criteria, the sampling method, our findings, and we list the URLs of Web sites included in both samples.

A. Evaluation Criteria

1. Privacy Statement

The first evaluation criterium was whether or not a Web site had a "Privacy Statement." For that purpose, we used a broad definition. Any statement which attempted to explain the Web site's data collection practices was considered a "Privacy Statement." The privacy statements were not evaluated for content and quality, but rather strictly for their presence on the Web site.

2. Collection of personally identifying information

Web sites were determined to be collecting personally identifying information if they collected any one of the following: e-mail address; first and last name; address; phone number; and any other information connected with a full name and/or e-mail address. These data are considered to be personally identifying according to the Children's Online Privacy Protection Act.

3. Method of obtaining parental consent

After we determined whether a Web site collected personally identifying information, the data collection process was examined in order to determine whether verifiable parental consent was obtained. Sites were grouped into three categories:

- a) No attempt to obtain parental consent was made;
- b) An attempt to obtain parental consent was made by asking for the parents' e-mail address;
- c) Parental consent was requested through an off line (non e-mail based) mechanism such as printing and sending a form, obtaining a credit card number, and/or use of an 800 number.

For those sites which required e-mail consent, CME researchers submitted an e-mail address and then recorded whether the message sent to the given e-mail address required an affirmative action on the part of the recipient before the collected data was retained, or whether it was simply informing the recipient that data had been collected from the child.

4. Data Collection Purposes

CME researchers also assessed the data collection purposes of those sites that requested an e-mail addresses for parental consent.

B. Sampling Method

Sample I : 75 Random Children's Web Sites¹

CME researchers selected at “random” Web sites from those listed in the Altavista/Looksmart Kids Directory located at www.altavista.looksmart.com under the following sub-category: Home & Family / For Kids. The “For Kids” category contained a total of nine sub-categories: New & Cool, Computers, Entertainment, Preschool, Hobbies & Activities, School & Homework, Sports, Style, and Toys. All sub-categories were selected, with the exclusion of the “Style” category which is directed to parents and contains sites selling children products to adults. Within each of the eight remaining categories, sites were selected based on the following criteria:

-If the sub-category contained additional sub-categories within it, CME researchers selected the sixth site from the second level of sub-categories. Entertainment, Hobbies & Activities, School & Homework, Toys all had additional sub-categories.

-CME researchers selected and analyzed several sites listed in the remaining sub-categories which were not further sub-divided: New & Cool - eight sites, Preschool - seven sites, Sports - seven sites. Sites within each category were chosen by selecting the 6th site until the allotted number of sites were filled.

- CME researchers did not review sites with “.gov,” “.edu,” or “.org” suffixes nor any directory sites.²

Sample II : Top 80 Children's Web Sites³

CME researchers next reviewed Web sites determined by third parties to be very popular Web sites tailored for and used by children. The researchers surveyed 80 Web sites. Sites 1 thru 73 were listed on the Web site “100hot Kids Sites” (www.100hot.com/kids). CME researchers did not review “.org” and “.edu” sites nor sites which were clearly targeted to an older audience. Web sites 74 and 75 were included among the top Web sites listed in “Selling to Kids,” March

¹See List in Appendix A.

² If a “6th” site of a sub-divided sub-category turned out to be a .gov, .edu, .org, or directory site, the next eligible site was selected.

³ See List in Appendix B

31, 1999. Though a total of 15 sites were included in the "Selling to Kids" list, CME researchers determined that only five of these sites were targeted to the under 13 age group. Of these five sites, three were previously included in the Hot 100. Web sites 76 thru 80 were among the top ten kids Web sites according to Media Metrix, as reported in "But First, Another Word From Our Sponsor," New York Times, February 18, 1999. Of these ten sites, four were previously included in the Hot 100 or Selling To Kids lists, and one site was inactive.

C. Findings⁴

Sample I - Random Sample

Privacy Statements

Of the 71 sites that collected personal information, nearly three quarters (73 %) posted no privacy statement.

Data Collection

Of the 75 sites reviewed, 71 sites (95%) collected personally identifiable information.

Parental Consent

Of the 71 sites that collected data, 67 sites (94.4%) did not obtain any form of parental consent; only 2.8% (two sites) obtained verifiable prior parental consent using an opt in mechanism such as print and send, fax, and/or 800 telephone number. And only two sites (2.8%) obtained parental consent after data was collected using the opt out mechanism of e-mail. (Of these two sites, one site require the parent to take an affirmative action before the data is activated). In other words, less than 6 percent of the sites that collected personal information attempt to get any kind of parental permission.

Purpose of Data Collection

The two sites that attempted to notify the parent via e-mail collected personal information either to register the child on the Web site or to subscribe the child to an e-mail list.

Sample II - Top 80 Children's Web Sites

Privacy Statements

Of the 70 top children's sites that collected personal information, more than a quarter (26% or 18 sites) posted no privacy statement.

Data Collection

Of the 80 sites reviewed, 70 sites (88%) collected personally identifiable information.

⁴See Charts at Appendix C.

Parental Consent

Of the 70 sites that collected data, 52 sites (74.3%) did not obtain any form of parental consent; only nine sites (12.9%) obtained verifiable prior parental consent using an opt in mechanism such as print and send, fax, and/or 800 telephone number; and nine sites (12.9%) obtained parental consent after data collection using the opt out mechanism of e-mail (of these nine sites, two sites require the parent to take an affirmative action before the data is activated). In other words, less than 26% of the sites that collected personal information attempted to get any kind of parental permission.

Purpose of Data Collection

Of the nine sites that attempted to notify the parent via e-mail, seven sites collected personal information to register the child on the Web site, one site requested personal information for a newsletter subscription, and another site requested personal information for submission of content to the site.

The findings reveal that a disturbingly large number of children's sites are still collecting personal information from children without providing notification of their privacy policies or obtaining parental consent. This is particularly troubling since companies had nine months to implement the Children's Online Privacy Protection Act without waiting for the FTC to work out the details. The findings underscore the urgent need for clear and effective rules to protect children's privacy online.

CME/CFA, et al. are particularly concerned that a number of online companies are proposing FTC rules that would enable Web sites to collect personal information from children and simply send an e-mail to parents without ever obtaining parental consent. Consent through e-mail alone is not only unverifiable as we discussed at length in our first filing, but it would also lower the standard from an opt-in (prior parental consent) to an opt-out (notification of data collection after the fact) which clearly runs counter to Congressional intent.

II. Data on Profitability of Children's Information

Several participants during the workshop maintained that they are currently not making a profit off of children's Web sites. Industry representatives stopped short of suggesting that they were providing a public service by providing access to children's Web sites without a profit. This argument was brought forward in connection with the supposedly high cost of implementing non e-mail based consent mechanisms. There is clear evidence, however, which directly counters the proposition that operating a children's Web site is not profitable. In fact, marketing to children and their families is a very lucrative and growing business.

For example, a recent Jupiter/NFO Consumer Survey found that 37 percent of children who are online have researched or bought products online. Jupiter forecasts that "...kids will account for \$100 million of the e-commerce dollars in 2002." (Jupiter Communications, "Kids and Teens to Spend \$1.3 Billion Online in 2002," 6/7/99) (Children were defined

as 2-12 year olds.)

Also, 52 percent of children have asked their parents to purchase products that they have seen while surfing the Web, according to a survey by NFO Interactive. The study calculated that one in six children have actually made such a purchase." (NUA Internet Surveys, "NFO Interactive: Children Ready to But Online", 6/11/99.) Moreover, it has been estimated that children in general persuade their parents to spend upward of \$160 billion a year in purchases and that children are responsible for \$15 billion in spending each year by themselves, according to Consumer Reports. (Jupiter Communication, "Kids: Evolving Revenue Models for the 2-12 Market" August 1998.) Clearly, children and their families are a lucrative market that online Web site developers are trying to reach.

In addition, it should be clarified that Web sites are going to directly profit from selling personally identifiable information collected at their sites. As an indication of the value of a name or an e-mail address obtained online we cite here two companies who trade e-mail addresses online. Net Creations PostMasterDirect.com's sells lists of opt-in e-mail addresses for 20-30 cents per name (<http://www.postmasterdirect.com/>). Similarly, cmgexpress.net sells names for an average of 20 cents per e-mail address (<https://www.cmgexpress.net/>). Any costs that might incur from ensuring verifiable parental consent must therefore be weighed against the considerable profits Web site operators are going to make off of children and their families.

III. Analysis of Sliding Scale Proposal

Several participants at the workshop advocated implementing a "sliding scale" approach to identifying acceptable mechanisms of obtaining prior parental consent for the collection of personally identifiable information from children. Those supporting such a scale presume that some activities that are available for children to participate in online and that require submission of personally identifiable information are more likely to evince the types of child privacy and welfare concerns contained in COPPA than other activities⁵. A sliding scale suggests that those activities that are more dangerous to children's privacy and welfare should be subject to more stringent mechanisms for ensuring parental consent than those activities that are deemed to be less dangerous, but still involve the collection of personally identifiable information prior to participation.

CME/CFA, et al. disagree with this distinction between more or less sensitive activities. COPPA does not distinguish between specific online activities requiring the submission of

⁵While the workshop panelists advocating a sliding scale did not mention which activities would exist at the "top of the scale," most likely it would include those online activities (such as chat-rooms) in which children can make public postings of identifiable information. See Cong. Rec. S11657 (daily ed. Oct. 7, 1998) (statement of Sen. Bryan outlining goals of the legislation).

personally identifying information that invoke the concerns underlying the act. The sole and only triggering act that requires commercial online operators to abide by the Statute's requirements is the collection of personal information. 15 U.S.C. § 6502 (b)(1)(A). Therefore, instituting a sliding scale would require the FTC to reach beyond the scope of the intent of COPPA.

Furthermore, some participants in the workshop argue that because COPPA contained the language "reasonable effort" in the section describing verifiable parental consent⁶, the Act anticipated methods of varying levels of verifiability. The reasonableness language cannot be read without the rest of the sentence: reasonable efforts to ensure notification and consent. Having implicitly admitted (by calling for more stringent mechanisms of obtaining consent in some situations) that some currently viable mechanisms exist that are more likely to achieve notice and consent than others, a sliding scale would employ those mechanisms *less* likely to ensure notice and consent in those circumstances (yet undefined) deemed to be less "dangerous" to children. The Statute requires that the effort taken, reasonable or otherwise, must be to ensure notice and consent, not to employ efforts which do not ensure notice and consent. Ensure implies certainty, not best-efforts under the circumstances. The only way to support a "sliding scale" scheme of obtaining consent is by reading "reasonable effort to ensure" as really meaning "reasonable effort at attempting to ensure" which is not supported by the Statute's language or legislative history.

As CME/CFA, *et al.* have argued previously, e-mail consent does not "ensure" actual parental verification. Some of the arguments put forth by industry representatives at the workshop suggested that consent through e-mail alone would be verifiable and therefore consent through e-mail should be included into the Rules by the Commission. We do not believe that the arguments put forward were particularly convincing. To support their argument, a representative of the Walt Disney Company presented the data gathered from visitors to their children's Web site (<http://disney.go.com/sign-in/>). At that site children under thirteen are asked for personally identifying information and their and their parents' e-mail address in order to register. A notification and request for activation is then sent by the Disney site to the e-mail that supposedly is that of the parent.

⁶ COPPA requires Web site operators to obtain consent using:

any reasonable effort (taking into consideration available technology) ... to ensure that a parent of a child receives notice of the operator's personal information collection, use, and disclosure practices, and authorizes the collection, use, and disclosure, as applicable, of personal information and the subsequent use of that information before that information is collected from that child.

15 U.S.C. § 6501(9).

According to Disney, 33 percent of respondents agreed to the data collection and registration within 14 days, 30 percent replied “no,” and 37 percent never responded. It was suggested that since a moderate number of 33 percent agreed to have their child's account activated, these numbers must represent parents rather than children, since otherwise the “yes” response would have been much higher.

Clearly, the FTC cannot base its decision whether or not to accept consent through e-mail on this data. There is absolutely no evidence that would confirm who actually signed up, whether it was the parent or a child in the parent's place. It could, for example, just as well be argued that really only 33 percent of children are clever and mischievous enough at that age to bypass their parents and consent in their parent's place. The point is, CME/CFA, et al. are not aware of the methodology or sampling used to devise these conclusions and we urge the FTC also not to rely on such a study without this knowledge either. Only with a comprehensive analysis and research methodology as suggested below (see “verifiable” proposal below), should the FTC use any data to make such an important decision.

Moreover, we should consider that the sample of Disney Web site visitors is most likely not a representative sample of the entire universe of parents with children who go online. Disney's response rate is based on a self-selected group and should not be interpreted by the FTC as representative of the average child and parent that goes online. For example, it could be that parents with children who go to the Disney site are more likely to be involved in their children's online activities, and could even have been present at the computer at the time of registration. From a statistical point of view, these numbers are based on an unscientific sampling method.

As CME/CFA, et al. have argued before, non e-mail based consent methods are more likely than e-mail based consent mechanisms to involve the parent. It is unknown at this point how high the rate of children who try to bypass their parents. However, off-line consent mechanisms are more likely to have the parents involved in the various steps of printing out forms, signing forms, finding an envelope and stamp, and writing the mailing address. Similarly, as also suggested by workshop participants, operators of 800 telephone numbers are more likely to detect whether or not they are dealing with a child or parent. Providing an e-mail and clicking on an hyperlink as a form of consent is child's play, done quickly and thoughtlessly by anybody, not necessarily by the parent.

Moreover, a “sliding scale” approach to mechanisms of obtaining prior parental consent and notice, whether distinguished by their applicability to specific online activities or their relative ability to ensure consent and notice, cannot overcome the Statutory requirement.⁷ Also,

⁷ This requirement excludes those that meet the exceptions outlined in 15 U.S.C. 6502(b)(2).

it would be very costly and difficult to enforce such an approach, especially if one Web site has various levels of sub-pages that would be subject to various sections of the “sliding scale.”

III. Proposal for Verifying Parental Consent⁸

COPPA requires sites to obtain “verifiable parental consent” before making certain uses of data about children. The FTC must define what “verifiable” means. A logical way to do this is to propose a verification program, to analyze how well it works, and to improve it over time. The following discussion sketches an initial verification program based on two components:

- 1) mechanisms for assuring that sites are keeping adequate records for verification purposes, and
- 2) mechanisms for empirically determining whether those records correspond with parents' reports on whether they granted consent.

A verification program is an essential part of enforcement, and it is independent of the method used to obtain consent, but it does not obviate the need for minimum technical standards for obtaining consent. The Commission should separately rule on these, for example, by stating that e-mail alone is not an adequate means of obtaining consent. The methodology proposed here is based on statistical sampling, using well-understood techniques from industrial settings.⁹

The minimization of costs is an important goal. Businesses do not want to be faced with a large economic burden in proving their compliance with the law. This proposal lightens that burden to the minimum possible: businesses are merely required to keep a list of the parents from whom they obtained consent, and to make that list available if required. This is data that would be collected automatically anyway, so the additional cost of maintaining it is near zero. Even in the unlikely event of an audit, no large processing effort is required; simply dumping data onto a floppy disk or tape. This advantage of cost minimization is particularly important for small businesses.

The basic idea is to randomly sample a small number of parents from the list kept by a site, contact the parents asking whether they granted consent to the site, and to apply a statistical test to the replies. Various complications must be allowed for: some parents will not bother to

⁸ Proposal created by Jason Catlett of Junkbusters Corp.

⁹ To determine whether the percentage of defective light bulbs in a batch is below acceptable limits, rather than test every bulb, which would be expensive and time-consuming, a very small percentage of bulbs is chosen at random and tested. Statistical methods are used to draw the conclusion that the probability of the defect rate being above acceptable limits is less than 5%, for example.

respond; others may forget having granted permission and may erroneously report that they did not consent. While not trying to deprive any parent of any legal rights, a single response or non-response in the context of this program is unimportant compared to the averages: each factor measured will form a pattern across a number of sites tested, and unusual variations will point to a bad actor or a company whose procedures are substandard.

The verification program relies on the opportunity for the public to "challenge" an "offending" site to demonstrate compliance. Challenges would be issued by the FTC, based on a randomized selection component, its own judgment, and reports from the public. It should be made clear that a majority of the audits are performed on a purely random basis. There should be no stigma attached to being audited.

The FTC could perform the assessments itself, but there are several advantages to appointing independent assessors, including lowering the cost of enforcement and raising the degree of comfort for the companies being audited.

The FTC would call for proposals for independent assessors, then choose several and publish their contact details. This is important for parents who wish to verify the legitimacy of the request from the assessor to indicate whether they gave permission. Typical assessors would be tier-one accounting firms, which routinely provide audits and "attestations" to companies' assertions about their business practices. Such firms are widely regarded as trustworthy to keep the information they have to deal with confidential.

Appropriate privacy safeguards should be observed, such as destroying the raw survey information after an appropriate period of time. The results should become a matter of a public record. This transparency will have a benefit similar in nature to the FAA's publication on airline safety and reliability statistics.

Sites would be required to maintain a list of the names and physical addresses for all parents whom they claim granted consent. In the event of a challenge, the list is supplied to the nominated assessor. The defending site may "seed" the version of the list provided with a small number of "decoy" names according to standard practice in the direct marketing industry; this provides a way of tracing misuse, and is very unlikely to affect the result. If there is extreme suspicion from the defending site, a separate auditing company could hold the list and perform the sampling, while another assessor performs the verification.

Given a list, one or both of two kinds of challenges can be performed. The defending site must not be told which challenge is to be performed, lest it "doctor" the list accordingly. The first kind of challenge is "record keeping quality." The challenge consists of a "challenge list" of names and addresses (perhaps as few as 25). A good challenge list would consist of at least a dozen names known to have granted consent, and a dozen known not to have granted consent. The names are simply looked up in the defending site's list to determine whether they occur. If

the number of mismatches in the site's reply is not small, it is probably not keeping adequate records.

The second kind of challenge is "consent quality." A random sample of perhaps a few hundred names is taken from the defending site's list. The assessor contacts those individuals and asks whether consent was granted. Both types of challenges are necessary. Without the first, a company could "keep two sets of books:" one small list that will pass inspection, and another larger one that it actually uses. Without the second, it can be sloppy and assume consent when none was really granted.

A letter used in the "consent quality" challenge might look something like this:

Mr J. Parent
123 Main St
Anytown, West Virginia

Dear Mr Parent:

This letter asks for your help in a program that checks whether companies are obeying a law that requires them to obtain the consent of a parent before collecting personal information from children. The program works by choosing a small number of parents at random and collecting their answers.

If you are willing to help, please circle the appropriate answers on the attached card and mail it in the postage-paid business reply envelope enclosed. Alternatively, you can reply by calling the 800 number on the card or visiting the web site on the card.

You are under no obligation to answer this survey in any way, but if you do you will have the satisfaction of knowing you helped protect the privacy of our nation's children.

If you would like to know more about the Children's Online Privacy Protection Act or this program, or if you wish to verify the authenticity of this request, please write, call or visit [http:// \[more details inserted here\]](http:// [more details inserted here])
Thank you for your time.

Sincerely

A. Signatory
Assessor Corp.

The contents of the card might look something like this:

For each of the following three companies, please circle the answer that best applies to whether your family previously gave that company permission to collect personal information such as an e-mail address from any child in your household. If there are no children in your household, please check here: [] If you are not the only parent or guardian in your household who might have given permission, please ask the other parent while answering these questions.

- 1) Did you give permission to ABC.com to collect information?
Definitely / Probably / Not sure / Probably not / Definitely not
- 2) Did you give permission to XYZ.com to collect information?
Definitely / Probably / Not sure / Probably not / Definitely not
- 3) Did you give permission to NXNT.com to collect information?
Definitely / Probably / Not sure / Probably not / Definitely not

ABC.com would be changed to the name of the defending site of the moment. XYZ.com would be the name of a randomly-chosen fairly well-known site, not currently being assessed. NXNT.com would be a non-existent but plausible-sounding site. The goal of the two "distraction" sites XYZ and NXNT is to avoid the implication that only one site is being assessed, and to catch unreliable respondents (those who claim to have definitely given permission to the non-existent site, for example). The order of ABC, XYZ and NXNT would be randomized.

The assessor would tabulate a set of summary statistics counting the number of each possible kind of response. These include:

- 1) "nixies" - envelopes returned by the postal service as undeliverable
- 2) no response (within a certain time limit)
- 3) confused, irate, and unusable responses
- 4) patently unreliable responses
- 5) uncertain responses ("don't knows")
- 6) apparently valid responses

Statisticians are accustomed to developing decision procedures that cover every possible combination of results, and specialists such as members of the American Statistical Association could be retained to develop methods in this case. However, a very simple ad-hoc method could be devised for the short term. For example, if the number of valid responses saying they definitely didn't grant permission exceeds the number who say they probably or definitely did grant permission, the site is almost certainly not complying to a reasonable degree. For the first

few months of the program, a simple criterion erring somewhat on the side of leniency could be applied. The assessor's reports would be made available for public scrutiny. Over time, as the number of assessments completed will allow the development of a sense of what is plausible and normal, and bad actors will stand out more conspicuously in the figures.

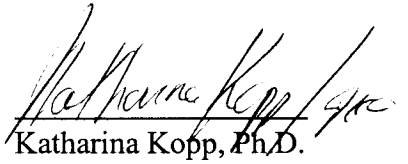
The advantages of this method include:

- * technological neutrality: the method is independent of the means of gaining consent; in fact the assessor doesn't even know such details.
- * empirically driven: the assessment method focuses purely on results. Companies can see that there is no way to fake compliance: a bad actor's pretense is not even examined.
- * low cost: the vast majority of sites incur no auditing burden, because they are not chosen. The additional cost of maintaining a list is near zero, because this is something that the company almost certainly has to do anyway for internal business reasons. For the minority who do receive a challenge, their required action is very simple and inexpensive: supply a copy of the list. The cost to the enforcement entity of performing a challenge is small because only a relatively small number of families need be checked.
- * impartiality and confidentiality: the assessor is impartial, and the defending site could even be given a choice of assessors, and can take protective steps such as seeding their list.
- * reproducible reassurance: the public is assured that sites can be held accountable.

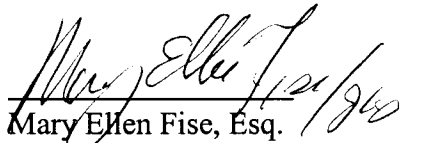
Conclusion

The FTC has an opportunity to enact effective rules regarding verifiable parental consent that would ensure the security of children's online privacy. The FTC should be mindful of the large number of Web sites that still collect personal information from children without notification of their privacy policies. The FTC should also consider the evidence which shows that information collection and marketing to children can be profitable. The FTC should not adopt any mechanism which do not comply with COPPA and would allow varying levels of verifiability, such as the "sliding scale" model endorsed by several participants at the workshop.

Finally, the FTC should endorse enforcement and compliance policies which would ensure that Web sites are keeping adequate records for verification and allow it to determine when actual consent has been given. CME/CFA, et al. thank the FTC for the attention it has given to the issues surrounding children's privacy and look forward to sound, effective rules that comport with the intent of COPPA.

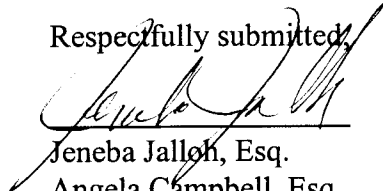


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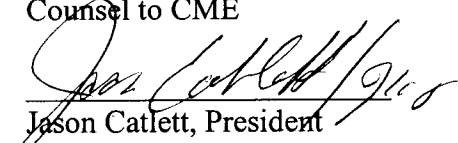


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APPENDIX A

Sample I - 75 Random Children's Web Sites

1. www.gap.com/onlinestore/gapkid
2. www.KidsLoveAMystery.co
3. www.cowboypal.com
4. www.thejazzclub.com/beaniebon
5. www.swift.com/azatlan
6. www.pfmagic.com
7. www.kidscount.com
8. www.smpplanet.com/webpage/webpage.html
9. www.americanliterature.com/YR/index.html
10. wbanimation.warnerbros.com
11. www.boneville.com
12. www.imaginengine.com/dark
13. www.corynet.com/faces
14. www.bcconnex.net/~kidworld
15. www.caspervideo.com
16. www.sidewalksongs.com
17. www.colgate.com/kidsworld
18. www.period.com/puzzles
19. www.dog-tv.com
20. www.worldvillage.com
21. www.currecomm.com/teletubbies
22. www.humongous.com
23. www.magictheatre.com/net.html
24. www.bfranklincrafts.com
25. <http://family.go.com>
26. www.greenvalley.com
27. www.yourperfectlandscape.com/kidsgarden.html
28. www.benjerry.com
29. www.bigtop.com
30. www.dir-fun.com
31. www.paperparadise.com
32. www.opdag.com
33. www.learn2.com
34. www.wylandkids.com
35. www.treasurestomemories.com
36. www.ducksbreath.com
37. www.ccph.com
38. 206.16.44.56/tlc/acpf.html
39. www.nutritioncamp.com
40. www.historychannel.com
41. www.pacificnet.net/~aperling
42. www.absurdmath.inter.net/abmath

43. www.skypub.com
44. <http://daybreak.simplenet.com>
45. www.onlineclass.com
46. www.eddytheeco-dog.com
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49. www.twsnow.com
50. www.sportingnews.com
51. www.showjump.com
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55. www.antiquetoy.com
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59. www.alldolls.net
60. www.legoworld.com
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63. www.5ss.simplenet.com/swafw
64. www.bunlimited.com/furby
65. www.mwfp.com
66. www.timeforkids.com
67. www.delta-air.com/fantastic/ffl/htm
68. www.kellogs.com
69. www.lucasarts.com
70. www.lawrencegoetz.com
71. www.gymnnykids.com
72. www.rahul.net/renoir/monster
73. www.ecamps.com
74. www.bennygood.sport.com
75. www.mickeysplace.com

APPENDIX B

1. www.disney.com
2. www.discoverykids.com
3. www.foxkids.com
4. www.dccomics.com
5. www.kids.warnerbors.com
6. www.mcworld.com
7. www.lego.com
8. www.sega.com
9. www.nick.com
10. www.nintendo.com
11. www.yahooligans.com
12. www.bonus.com
13. www.etoys.com
14. www.youruleschool.com
15. www.unitedmedia.com
16. www5.toyrus.com
17. www.worldvillage.com
18. www.mca.com
19. www.barbie.com
20. www.ajkids.com
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26. www.kidscom.com
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29. www.auntannie.com
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51. gustown.com
52. www.nikolai.com
53. kids.ot.com
54. www.kidland.com
56. www.wordcentral.com
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65. www.galacticgalaxy.com
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67. judyanddavid.com
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69. www.yoyouniverse.com
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74. www.cartoonnetwork.com
75. www.curiosity.com
76. www.pokemon.com
77. www.ant.com
78. www.nickjr.com
79. www.gameshark.com
80. www.nsync.com

APPENDIX C
CME Surveys of Children's Web Sites

Table 1 Collection of Personal Information

	Sites that Collect Personal Data. % of total sample
June 98 FTC Kids Sites Total of 212 sites	89% 188/212
July 99 CME Top Sites Total of 80 sites	88% 70/80
July 99 CME Random Sample Total of 75 sites	95% 71/75

Table 2 No Privacy Notice/Statement

	No Privacy Notice/Statement % of sites that collect information
June 98 FTC Kids Sites Total of 188 sites	58% 109/188
July 99 CME Top Sites Total of 70 sites	26% 18/70
July 99 CME Random Sample Total of 71 sites	73% 52/71

Table 3 Consent Mechanisms

	Verifiable Prior Parental Consent, Opt In % of data collecting sites (Print and Send, Fax, 800#)	E-mail Consent After Data Collection, Opt Out % of data collecting sites	No Consent At All % of data collecting sites
June 98 FTC Kids Sites Total of 188 sites	1.6% 3/188	9% 17/188	89.4% 168/188
July 99 CME Top Sites Total of 70 sites	12.9% 9/70	12.9% 9/70	74.3% 52/70
July 99 CME Random Sample Total of 71 sites	2.8 % 2/71	2.8% 2/71	94.4% 67/71



GEORGETOWN UNIVERSITY LAW CENTER
INSTITUTE FOR PUBLIC REPRESENTATION

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P994504
B25940100003

July 30, 1999

Mr. Donald S. Clark
Secretary
Federal Trade Commission
600 Pennsylvania Avenue, Room H-159
Washington, DC 20580

Re: Children's Online Privacy Protection Rule -- Coment, P995404

Dear Mr. Clark:

Attached please find an original and five copies of a supplement Comments in the above-captioned proceeding. You may reach me at (202) 662-9543 if you need any additional information.

Sincerely,

Jeneba Jalloh
Counsel for
CME/CFA, et al.