



Office of the Secretary

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

November 23, 2005

Harry A. Valetk, Esq.
General Counsel
Entertainment Software Rating Board
317 Madison Avenue
New York, NY 10017

Re: ESRB Application for Approval of Modified COPPA Safe Harbor Program

Dear Mr. Valetk:

This letter is to inform you that the Federal Trade Commission has approved the application of the Entertainment Software Rating Board (“ESRB”) to modify its safe harbor program under the Children’s Online Privacy Protection Rule, 16 C.F.R. Part 312. As you know, the Rule requires approved self-regulatory programs to submit any proposed changes to the Commission for approval. 16 C.F.R. § 312.10(c)(3). Pursuant to this provision, on September 19, 2005, ESRB submitted proposed changes to its program for Commission approval.

The Commission has determined that ESRB’s revised program would continue to satisfy the Rule’s criteria for approving safe harbor programs. These criteria include implementing requirements substantially similar to those in the Rule that provide the same or greater protections for children; providing effective, mandatory mechanisms for assessing participants’ compliance with the requirements; and offering effective incentives for participants to comply. 16 C.F.R. § 312.10(b). ESRB’s proposed revisions do not materially alter the program’s requirements, assessment mechanisms, or compliance incentives. The revised program therefore would continue to meet each of the Rule’s performance standards.

The Commission therefore is pleased to approve ESRB’s application to revise its safe harbor program. We look forward to continuing to work with ESRB and other safe harbor programs to provide important protections for children’s online privacy. The Commission reserves the right to revoke this approval if at any time it determines that the approved self-regulatory guidelines and their implementation do not, in fact, meet the requirements of the Rule.

By direction of the Commission

Donald S. Clark
Secretary