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National Telecommunications and Information Administration
U.S. Department of Commerce
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Washington, DC 20230.
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**RE: Comments of Child, Health and Consumer Advocates
Commercial Data Privacy and Innovation in the Internet Economy: A Dynamic
Policy Framework
Department of Commerce, Internet Policy Task Force**

We the undersigned Child, Health and Consumer Advocates write to comment on the Department of Commerce's Internet Policy Task Force's Green Paper on Commercial Data Privacy. We urge the Department of Commerce to support stronger protections for children and adolescents online. The "Green Paper" fails to address the concerns of sensitive users such as children and adolescents, and includes only a brief mention of COPPA. Adolescents and children are a significant portion of the online population. They are more vulnerable and less experienced than adults. Thus, a proper framework for privacy must provide children and adolescents with greater protections than adults.

With regard to children, who currently have some privacy protections under COPPA, we urge the Department of Commerce to support the recommendations made in the attached comment to the FTC on its 2010 COPPA Rule review.¹ The comment argues that the COPPA

¹ Comments of CDD et. al., *Request for Public Comment on the Federal Trade Commission's Implementation of the Children's Online Privacy Protection Rule* (June 30, 2010), available at

definition of personal information should be updated to include, among other items, behavioral targeting information. The comment also urges that COPPA covered “online services” should be read broadly to include the wide range of technologies used to collect personal information, such as online gaming, digital signage, mobile phones and applications, and third party advertising networks. In addition, the FTC should improve its definition of “directed at children” and “actual knowledge” to reflect the data it collects on food marketing and the potential for ad networks to direct ads at children. Finally, the FTC should regularly compile reports from entities that collect children’s data and regularly review COPPA safe harbor programs.

As the Department Commerce notes in the Green Paper, data not covered by a specific statute such as COPPA falls into “gaps” in the privacy framework.² We are particularly concerned that the collection and use of data from adolescents falls into such a gap. Thus, we call for adolescent data to receive protections in line with OECD Fair Information Practices.³ Specifically, we urge that companies that collect data from teens be required provide greater controls, transparency, and limits on information collection. In addition, Privacy Impact Assessments (PIAs) should detail what protections companies are offering adolescents as well as children, and to spell out if they offer none.⁴ This level of transparency will improve consumer knowledge about privacy protections, and will spur companies to provide substantive protections to these vulnerable populations.⁵ Similarly, as companies implement Fair Information Practices

<http://www.ftc.gov/os/comments/copparulerev2010/547597-00046-54855.pdf>. [hereinafter COPPA Comments].

² Internet Policy Task Force, *Commercial Data Privacy and Innovation in The Internet Economy: A Dynamic Policy Framework*, 12 (Dec 2010), available at http://www.ntia.doc.gov/reports/2010/IPTF_Privacy_GreenPaper_12162010.pdf [hereinafter, Green Paper].

³ COPPA Comments, *supra* note 1, at 42.

⁴ cf. Green Paper, *supra* note 2, at 34.

⁵ cf. Green Paper, *supra* note 2, at 35.

Principles, they should detail what, if any, enhanced application of those principles are offered to children and adolescents.

We attach our comments in the FTC's COPPA Rule Review of 2010 for the record. We also expect to submit more extensive comments in the current FTC Privacy initiative. We ask that the Department of Commerce consider these forthcoming comments in developing its proposals for the "white paper."

Center for Digital Democracy [CDD]

American Academy of Child and Adolescent Psychiatry

American Academy of Pediatrics

Children Now

Consumer Action

Consumer Federation of America

Consumer Watchdog

National Consumers League

Privacy Rights Clearinghouse

World Privacy Forum

Respectfully Submitted,

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