



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

Office of Commissioner
Julie Brill

To: Don Clark
From: Yael Weinman
Date: December 5, 2012
Re: COPPA Rule: Comments to be placed on the public record

On December 5, 2012, representatives from the Direct Marketing Association (DMA) and the Association of National Advertisers (ANA) met with Commissioner Julie Brill and FTC staff to discuss the agency's proposed modifications to the COPPA Rule.¹

The representatives expressed concern about the Commission's proposal to expand the definition of "personal information" to include persistent identifiers. They described how third-party service providers, such as ad networks, routinely collect persistent identifiers from users and do not know whether the sites hosting their services are child-directed. In the representatives' view, the proposal could make third-party service providers strictly liable for collecting data from children under 13.

The representatives also expressed concern that the Commission's proposed definition of persistent identifiers was vague and proposed the Commission define it more narrowly. They suggested the Commission should explicitly state what data collection activities it is hoping to prohibit.

The representatives expressed support for the "e-mail plus" method of parental consent and oppose its elimination.

The representatives expressed concern about the proposal to include screen or user names in the definition of "personal information," arguing the proposal is too broad and vague. They would like the Commission to be more specific about permissible uses for collected screen or user names.

The representatives requested more clarification of the proposal to include photos, audio, or video as personal information. They argued that photos do not necessarily permit the

¹ The following representatives from DMA and ANA attended the meeting: Stuart Ingis (Counsel for DMA), Emilio W. Cividanes (Counsel for DMA), and Dan Jaffe (Group Executive Vice President, Government Relations for ANA). Yael Weinman, attorney advisor for Commissioner Brill, Kathleen Benway, attorney advisor for Commissioner Brill, and Matt McDonald, intern for Commissioner Brill, also attended.

contacting of a child, and asked the Commission to clarify under what circumstances photos would constitute personal information.

The representatives asked the Commission to clarify that the presence of child celebrities and celebrities who appeal to children will be considered one of many factors in assessing whether a website is child-directed; it should not by itself determine whether a website is child-directed.