

Clark, Donald S.

From: DeLorme, Christine Lee
Sent: Monday, November 05, 2012 2:03 PM
To: Clark, Donald S.
Subject: Fw: COPPA - Apps
Attachments: FPF COPPA COMMENTS 09.2012.pdf

Don,

Here's another communication for the public record re coppa.

Christine

From: Jules Polonetsky
Sent: Monday, November 05, 2012 1:30 PM
To:
Cc:
Subject: COPPA - Apps

Dear Chairman Leibowitz

Do you have a few minutes to talk about COPPA and apps? In our COPPA filing, FPF raised the idea of allowing platforms to obtain parental consent on behalf of individual or groups of kid friendly apps. We see very few apps that are ready to implement COPPA compliance on their own, as the FTC staff documented in their review of kid targeted apps. And from our conversations with Facebook, Disney and Apple, we understand the hesitation platforms have with the challenge today of being responsible for the activities of apps, if the platforms were to handle the consent process under the current and proposed rule.

As a result, we believe that the current or proposed rules are likely to ensure the perpetuation of the status quo where kids technically do not create accounts, but obviously do use apps. Since millions of kids are using smartphones, downloading apps and accessing social networks, COPPA could risk becoming outmoded even as it is being updated - unless the issue of kids and apps can be addressed.

Under the proposed rule, a platform that offers apps to its customers would be highly unlikely to offer such an opportunity to developers

because of the broad liability they might shoulder if they were considered an operator of those apps. Although platforms range in the level of review or oversight they provide for the activity of apps, we are certain that no platform could reasonably commit to being responsible under COPPA for the activity of hundreds of thousands of apps.

We developed proposed language that we vetted with businesses and with kid safety/privacy experts and have met with the FTC staff. We included the model language in our COPPA comments which I have attached. By allowing platforms to handle parental consent for apps, subject to parental approval of each app but in a manner that limits the platform's liability, we hope to open the door for parents to make decisions about the apps their kids use in a privacy friendly manner.

I would welcome the chance to come by and discuss this issue with you and your staff.

Jules

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Jules Polonetsky
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