



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

Office of Commissioner  
Julie Brill

To: Don Clark  
From: Yael Weinman  
Date: November 6, 2012  
Re: COPPA Rule: Comments to be placed on the public record

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On November 6, 2012, Commissioner Julie Brill met with representatives from Facebook in connection with the agency's proposed modifications to the COPPA Rule.<sup>1</sup>

The Facebook representatives expressed concern about the company's potential liability for data collected by its "plug-ins" incorporated on third-party websites. Facebook's representatives pointed out that the Facebook service is not directed to children, and the company does not have knowledge of or control over child-directed sites that incorporate the Facebook plug-ins. The representatives suggested that one possible approach would be for the Commission to narrow the proposed definition of "on behalf of" to an "agency" type relationship.

Facebook's representatives also expressed concern about the Commission's proposal to make a company liable in connection with its plug-ins if it "knows or has reason to know" that a website on which its plug-in is incorporated is a child-directed website. One approach the Facebook representatives proposed is that a general-audience plug-in provider would be liable only when it has actual knowledge that the company—through the plug-in—is collecting personal information from a child.

The Facebook representatives expressed their view that Facebook should not be held liable if it had actual knowledge that its plug-in was incorporated on a child-directed site. Rather, they opined, Facebook's liability would be triggered only if it had actual knowledge it was collecting information from a child. Facebook's representatives stated that it is technically impossible for Facebook to stop websites from incorporating its plug-ins; all Facebook can do is, after the fact, delete data that has already been collected through plug-ins.

Facebook's representatives discussed the possibility that the company might open up its site to children under 13. In connection with that possibility, they indicated support for the

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<sup>1</sup> Erin Egan and Robert Sherman attended the meeting on behalf of Facebook. Yael Weinman, attorney advisor for Commissioner Brill, and Matt McDonald, intern for Commissioner Brill, also attended.

Future of Privacy Forum's (FPF) proposal, which would allow platforms to give notice and collect verifiable parental consent one time on behalf of all apps hosted on the platform. At that time, parents can decide whether to block access to an individual app.