



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

Office of Commissioner
Edith Ramirez

To: Don Clark, Secretary
From: Alyssa O'Connor
Date: November 27, 2012
Re: COPPA Rule: Comments to be Placed on the Public Record

On November 7, 2012, Janis Kestenbaum, Attorney Advisor to Commissioner Edith Ramirez, and Alyssa O'Connor, Honors Paralegal, met with representatives from Apple, Inc. ("Apple") to discuss proposed modifications to the FTC's COPPA Rule.¹

During the meeting, the Apple representatives expressed general satisfaction with the supplemental NPRM but identified two key areas of concern. First, Ms. Novelli noted that Apple believes that the proposed "reason to know" standard would be problematic. Second, Ms. Novelli mentioned Apple's concern that the proposed definition of "operator" could encompass platform providers, including mobile application ("app") stores like the Apple App Store. Ms. Novelli and Ms. Horvath requested that an explicit exemption for such entities be added to the text of the final Rule.

The Apple representatives then explained how Apple reviews mobile app privacy policies through the App Store's curation process. Ms. Novelli and Ms. Horvath stated that Apple utilizes a "360-degree" approach: Apple cannot ensure complete compliance with its Programmer License Agreement (PLA)—which requires observance of all applicable laws, including COPPA—but Apple can block or remove an app from the App Store at any point for noncompliance. Ms. Novelli clarified that once a consumer purchases an app, Apple has no control over app data collection, even if the app runs on an Apple device with an Apple operating system.

Finally, the Apple representatives discussed how Apple has built privacy protection and parental controls into iOS 6, Apple's most recent mobile operating system. Ms. Horvath stated that iOS 6 automatically notifies users before a mobile app collects user data. Additionally, Ms. Novelli elaborated on iOS 6's parental control options—such as password protections, app age ratings, and the ability to manage access to individual apps—while Ms. Horvath demonstrated on an iPad.

¹ Attending on behalf of Apple, Inc. were Cathy Novelli, Vice President, Worldwide Government Affairs; Jane Horvath, Director of Privacy; Tim Powderly, Director, Federal Government Affairs; and Nick Ammann, Senior Manager, Federal Government Affairs.