



United States of America
FEDERAL TRADE COMMISSION
WASHINGTON, DC 20580

Office of Chairman Jon Leibowitz

To: Don Clark, Secretary
From: Jillian Wagman
Date: November 9, 2012
Re: COPPA Rule: Comments to be Placed on the Public Record

On November 9, 2012, representatives from Viacom and Nickelodeon (hereafter referred to as “Viacom”) met with FTC Chairman Leibowitz, his Chief of Staff, attorney advisors, and other agency staff to discuss the supplemental proposed amendments to the FTC’s COPPA rule.¹

Viacom stated that, while the company has worked closely with the FTC to become COPPA compliant, it is concerned about the proposed new category of “kid-friendly” websites. Viacom targets its kid-friendly websites to very specific age groups that correspond with the viewership of its different television stations. Some children are aspirational and go to websites that are geared toward an older age group. Viacom is concerned that it will have to treat its websites geared toward teens differently by asking for user age before entry is allowed (site-gating) or reverting to a website that is geared toward children of all ages. By doing this, children end up pushed toward websites that are less concerned about protecting the privacy of all users, which could negatively affect the children that COPPA aims to protect.

Viacom is also concerned that the definition of what is personally identifiable information is too broad. Viacom wants to be able to support internal operations by ensuring that users are not served the same ad more than once and to make suggestions about other content that a user may be interested in. The company suggested that the FTC consider using the Digital Advertising Alliance’s guidelines, which allow tracking for analytics and reporting.

Viacom raised the issue of plugins and liability. It is concerned that sharing liability with plugin providers for COPPA violations is impractical. Viacom believes that the plugins should be responsible for the content that they are serving and the platforms should be responsible for their content. According to Viacom, the way that Internet traffic is currently flowing, children will not remain on a site if it does not have a robust social networking system in place. Viacom currently does not include plugins that collect personal information on its websites directed toward children.

¹ In attendance on behalf of Viacom were DeDe Lea (Executive Vice President) and Keith R. Murphy (SVP, Government Relations and Regulatory Counsel). In attendance on behalf of Nickelodeon were Stephen Youngwood (EVP, Digital Media) and Antonious Porch (SVP, Digital Media). In attendance from the FTC were Chairman Leibowitz, Joni Lupovitz, Steve Bellovin, Rick Quaresima, Beth Delaney, Lisa Harrison, and Jillian Wagman.