



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

Office of Commissioner
Julie Brill

To: Don Clark
From: Kathleen Benway
Date: November 19, 2012
Re: COPPA Rule: Comments to be placed on the public record

On November 19, 2012, representatives from Viacom met with Commissioner Julie Brill and FTC staff to discuss the agency's proposed modifications to the COPPA Rule.¹

Viacom's representatives expressed concern about the SNPRM's proposed new category of "child-friendly" mixed audience sites. Viacom believes the proposal is inconsistent with COPPA's data minimization policy because it requires operators to collect more information than necessary in order to provide parents notice and obtain consent. Viacom also argued the proposal will have the unintended effect of reducing the number of sites available to children; child-friendly mixed audience sites may simply block children in order to avoid getting parental consent.

Viacom's representatives were also concerned about the SNPRM's proposal to define persistent identifiers as "personal information." Viacom argued that the proposal is too broad and limits the use of data for necessary activities to maintain a website, such as copyright enforcement, content recommendations, and ad frequency capping. The representatives suggested that the FTC consider using the Digital Advertising Alliance's guidelines for "internal operations," which includes uses such as intellectual property protection, consumer protection, authentication, security, and market research.

The representatives were also concerned with the proposal to make host websites and third-party plug-ins jointly responsible under COPPA. The representatives stated that first-party sites like Viacom's don't know what data third-party plug-ins collect, and argued that Viacom should not be held liable for the actions of plug-ins. Viacom proposed that plug-ins and host websites could come to an agreement about liability through contract or industry self-regulation.

¹ The following representatives from Viacom attended the meeting: Keith Murphy (SVP, Government Relations and Regulatory Counsel), Stephen Youngwood (EVP, Digital Media), and Antonious Porch (SVP, Digital Media). Kathleen Benway, attorney advisor for Commissioner Brill, and Matt McDonald, intern for Commissioner Brill, also attended.