

The Children's Online Privacy Protection Rule: A Six-Step Compliance Plan for Your Business

When it comes to the collection of personal information from children under 13, the Children's Online Privacy Protection Act (COPPA) puts parents in control. The Federal Trade Commission, the nation's consumer protection agency, enforces the COPPA Rule, which spells out what operators of websites and online services must do to protect children's privacy and safety online. For example, if your company is covered by COPPA, you need to have certain information in your privacy policy and get parental consent before collecting some types of information from kids under 13.

Effective July 1, 2013, the FTC updated the COPPA Rule to reflect changes in technology. Violations can result in law enforcement actions, including civil penalties, so compliance counts.

Here's a step-by-step plan for determining if your company is covered by COPPA — and what to do to comply with the Rule.

Step 1: Determine if Your Company is a Website or Online Service that Collects Personal Information from Kids Under 13.

COPPA doesn't apply to everyone operating a website or other online service. Put simply, COPPA applies to operators of websites and online services that collect personal information from kids under 13. Here's a more specific way of determining if COPPA applies to you. You must comply with COPPA if:

Your website or online service is directed to children under 13 and you collect personal information from them.

OR

Your website or online service is directed to children under 13 and you let others collect personal information from them.

OR

Your website or online service is directed to a general audience, but you have actual knowledge that you collect personal information from children under 13.

OR

Your company runs an ad network or plug-in, for example, and has actual knowledge that you collect personal information from users of a website or service directed to children under 13.

To determine if you're covered by COPPA, look at how the Rule defines some key terms.

“Website or online service”

COPPA defines this term broadly. In addition to standard websites, examples of others covered by the Rule include:

- mobile apps that send or receive information online (like network-connected games, social networking apps, or apps that deliver behaviorally-targeted ads),
- internet-enabled gaming platforms,
- plug-ins,
- advertising networks,
- internet-enabled location-based services,
- voice-over internet protocol services.

“Directed to children under 13”

The FTC looks at a variety of factors to see if a site or service is directed to children under 13, including the subject matter of the site or service, visual and audio content, the use of animated characters or other child-oriented activities and incentives, the age of models, the presence of child celebrities or celebrities who appeal to kids, ads on the site or service that are directed to children, and other reliable evidence about the age of the actual or intended audience.

“Personal information”

Each of these is considered personal information under COPPA:

- full name;
- home or other physical address, including street name and city or town,
- online contact information like an email address or other identifier that permits someone to contact a person directly — for example, an IM identifier, VoIP identifier, or video chat identifier;
- screen name or user name where it functions as online contact information;
- telephone number;
- Social Security number;
- a persistent identifier that can be used to recognize a user over time and across different sites, including a cookie number, an IP address, a processor or device serial number, or a unique device identifier;

-
- a photo, video, or audio file containing a child’s image or voice;
 - geolocation information sufficient to identify a street name and city or town; or
 - other information about the child or parent that is collected from the child and is combined with one of these identifiers.

“Collect”

Under COPPA, you’re collecting information if you:

- request, prompt, or encourage the submission of information, even if it’s optional;
- let information be made publicly available (for example, with an open chat or posting function) unless you take reasonable measures to delete all or virtually all personal information before postings are public and delete all information from your records; or
- passively track a child online.

If another company collects personal information through your child-directed site or service — through an ad network or plug-in, for example — you’re responsible for complying with COPPA. If you have actual knowledge that you’re collecting personal information directly from users of a child-directed site or service, you’re responsible for complying with COPPA, too.

Step 2: Post a Privacy Policy that Complies with COPPA.

Assuming you’re covered by COPPA, the next step is to post a privacy policy. It must clearly and comprehensively describe how personal information collected online from kids under 13 is handled. The notice must describe not only *your* practices, but also the practices of any others collecting personal information on your site or service — for example, plug-ins or ad networks.

Include a link to your privacy policy on your homepage and anywhere you collect personal information from children. If you operate a site or service directed to a general audience, but have a separate section for kids, post a link to your privacy policy on the homepage of the kids’ part of your site or service.

Make those links clear and prominent. Consider using a larger font or a different color type on a contrasting background. A fineprint link at the bottom of the page or a link that isn’t distinguishable from other links on your site won’t do the trick.

To comply with COPPA, your privacy policy should be clear and easy to read. Don’t add any unrelated or confusing information. Here’s what your policy must include:

- ☑ **A list of all operators collecting personal information.** Name each operator collecting or maintaining children’s personal information through your site or service. For each operator, include a name and contact information (address, telephone number, and email address). If more than one operator is collecting information, it’s okay to give contact information for only one as long as that

operator will respond to all inquiries from parents about your site or service’s practices. Even so, you still have to list all the operators in your privacy policy.

☑ **A description of the personal information collected and how it’s used.** Your policy must describe:

- ▶ the types of personal information collected from children (for example, name, address, email address, hobbies, etc.);
- ▶ how the personal information is collected — directly from the child or passively, say, through cookies;
- ▶ how the personal information will be used (for example, for marketing to the child, notifying contest winners, or allowing the child to make information publicly available through a chat room); and
- ▶ whether you disclose personal information collected from kids to third parties. If you do, your privacy policy must list the types of businesses you disclose information to (for example, ad networks) and how they use the information.

● **A description of parental rights.** Your privacy policy must tell parents:

- ▶ that you won’t require a child to disclose more information than is reasonably necessary to participate in an activity;
- ▶ that they can review their child’s personal information, direct you to delete it, and refuse to allow any further collection or use of the child’s information;
- ▶ that they can agree to the collection and use of their child’s information, but still not allow disclosure to third parties unless that’s part of the service (for example, social networking); and
- ▶ the procedures to follow to exercise their rights.

Step 3: Notify Parents Directly Before Collecting Personal Information from Their Kids.

COPPA requires that you give parents “direct notice” before collecting information from their kids. In addition, if you make a material change to the practices parents previously agreed to, you have to send an updated direct notice.

The notice should be clear and easy to read. Don’t include any unrelated or confusing information. The notice must tell parents:

- that you collected their online contact information for the purpose of getting their consent;
- that you want to collect personal information from their child;
- that their consent is required for the collection, use, and disclosure of the information;

-
- the specific personal information you want to collect and how it might be disclosed to others;
 - a link to your online privacy policy;
 - how the parent can give their consent; and
 - that if the parent doesn't consent within a reasonable time, you'll delete the parent's online contact information from your records.

In certain circumstances, it's okay under COPPA to collect a narrow class of personal information without getting parental consent. But you may still have to give parents direct notice of your activities. (See the chart at the end for a list of those limited exceptions.)

Step 4: Get Parents' Verifiable Consent Before Collecting Information from Their Kids.

Before collecting, using or disclosing personal information from a child, you must get their parent's verifiable consent. How do you get that? COPPA leaves it up to you, but it's important to choose a method reasonably designed in light of available technology to ensure that the person giving the consent is the child's parent. If you have actual knowledge that you're collecting personal information from a site or service that is directed to children, you may get consent directly or through the child-directed site or service.

Acceptable methods include having the parent:

- sign a consent form and send it back to you via fax, mail, or electronic scan;
- use a credit card, debit card, or other online payment system that provides notification of each separate transaction to the account holder;
- call a toll-free number staffed by trained personnel;
- connect to trained personnel via a video conference; or
- provide a copy of a form of government issued ID that you check against a database, as long as you delete the identification from your records when you finish the verification process.

If you will use a child's personal information only for internal purposes and won't disclose it, you may use a method known as "email plus." Under that method, send an email to the parent and have them respond with their consent. Then you must send a confirmation to the parent via email, letter, or phone call. If you use email plus, you must let the parent know they can revoke their consent anytime.

You must give parents the option of allowing the collection and use of their child's personal information without agreeing to disclosing that information to third parties. If you make changes to the collection, use, or disclosure practices the parent already agreed to, you must send the parent a new notice and get their consent.

Check the chart for the narrow exceptions to the general rule that you must get parental consent before collecting personal information from kids. Even if you fall within an exception to the consent requirement, you still may have specific notice requirements.

Step 5: Honor Parents' Ongoing Rights with Respect to Information Collected from Their Kids.

Even if parents have agreed that you may collect information from their kids, parents have ongoing rights — and you have continuing obligations.

If a parent asks, you must:

- give them a way to review the personal information collected from their child;
- give them a way to revoke their consent and refuse the further use or collection of personal information from their child; and
- delete their child's personal information.

Any time you're communicating with a parent about personal information already collected from their child, take reasonable steps to ensure you're dealing with the child's parent. At the same time, make sure the method you use to give parents access to information collected from their kids isn't unduly burdensome on the parent. Under COPPA, it may be okay to terminate a service to a child if the parent revokes consent, but only if the information at issue is reasonably necessary for the child's participation in that activity.

Step 6: Implement Reasonable Procedures to Protect the Security of Kids' Personal Information.

COPPA requires you to establish and maintain reasonable procedures to protect the confidentiality, security, and integrity of personal information collected from children. Minimize what you collect in the first place. Take reasonable steps to release personal information only to service providers and third parties capable of maintaining its confidentiality, security, and integrity. Get assurances they'll live up to those responsibilities. Hold on to personal information only as long as is reasonably necessary for the purpose for which it was collected. Securely dispose of it once you no longer have a legitimate reason for retaining it.

Looking for more about the Children's Online Privacy Protection Rule? Visit the Children's Privacy page of the [FTC's Business Center](#). For additional advice, read [Complying with COPPA: Frequently Asked Questions](#). Visit [OnGuard Online.gov](https://www.onguardonline.gov) for general information about protecting kids' privacy online. Email us at COPPAhotline@ftc.gov if you have other questions.

Limited Exceptions to COPPA's Verifiable Parental Consent Requirement

In general, you must get a parent's verifiable consent before collecting personal information from their child. But there are some limited exceptions to that requirement that allow you to collect information without parental consent. Keep in mind that the kind of information you may collect under each exception is narrow. You can't collect anything more. Also, if you collect information under one of these exceptions, you can't use it or disclose it for any other purpose.

Reason you may collect information without parental consent	The kind of information you may collect	Limits on how you may use the information	If you collect information under this exception, what you must tell parents in your direct notice
To get verifiable parental consent	child's and parent's name and online contact information	You must delete their contact information if you don't get consent within a reasonable time.	
To give voluntary notice to a parent about their child's participation on a site or service that doesn't collect personal information	parent's online contact information	You can't otherwise collect, use, or disclose the information.	<p>You must:</p> <ul style="list-style-type: none"> • tell parents you collected their online contact information to let them know about their child's activities on a site or service that doesn't collect personal information; • tell them their online contact information won't be used for any other purpose; • tell them they may refuse their child's participation and require that you delete their contact information; and • hyperlink to your privacy policy.
To respond directly to a child's specific one-time request (for example, if the child wants to enter a contest)	child's online contact information	You can't use the information to contact the child again and you must delete it after you respond to the request.	

Reason you may collect information without parental consent	The kind of information you may collect	Limits on how you may use the information	If you collect information under this exception, what you must tell parents in your direct notice
<p>To respond directly more than once to a child’s specific request (for example, if the child wants to receive a newsletter)</p>	<p>child’s and parent’s online contact information</p>		<p>You must:</p> <ul style="list-style-type: none"> • tell parents you collected their online contact information to let them know their child has asked for multiple online communications; • tell parents you collected their child’s online contact information to provide the multiple communications they asked for; • tell parents the online contact information won’t be used for any other purpose and won’t be disclosed or combined with other information; • tell parents that if they don’t opt out, you may use the child’s online contact information for that purpose; and • hyperlink to your privacy policy.
<p>To protect a child’s safety</p>	<p>child’s and parent’s name and online contact information</p>		<p>You must:</p> <ul style="list-style-type: none"> • tell parents you collected the names and contact information to protect a child’s safety; • tell parents the information won’t be used or disclosed for any other purpose; • tell parents they may refuse to permit the use of the contact information and require you to delete it; and • hyperlink to your privacy policy

Reason you may collect information without parental consent	The kind of information you may collect	Limits on how you may use the information	If you collect information under this exception, what you must tell parents in your direct notice
<p>To protect the security or integrity of your site or service, to take precautions against liability, to respond to judicial process, or — as permitted by law — to provide information to law enforcement</p>	<p>child’s name and online contact information</p>	<p>You can’t use the information to contact a specific person, conduct behavioral advertising, or amass a profile on a person.</p> <p>You can’t use personal information other than a persistent identifier for this exception.</p>	
<p>To provide support for internal operations of your site or service.</p> <p>This includes:</p> <ul style="list-style-type: none"> • maintaining or analyzing the functioning of the site, • performing network communications, • authenticating users of the site or personalizing content, • serving contextual ads or frequency capping, • protecting the security or integrity of the user or the site • legal or regulatory compliance, or • fulfilling a child’s request under the one-time contact or multiple contact exceptions. 	<p>persistent identifier</p>		

Reason you may collect information without parental consent	The kind of information you may collect	Limits on how you may use the information	If you collect information under this exception, what you must tell parents in your direct notice
<p>If you have actual knowledge that a person’s information was collected through a child-directed site, but their previous registration indicates the person is 13 or over</p> <p>This exception applies only if:</p> <ul style="list-style-type: none"> • you collect only a persistent identifier and no other personal information; • the person affirmatively interacts with your site or service to trigger the collection; and • you have already conducted an age-screen of the person indicating he or she is 13 or over. 	<p>persistent identifier</p>	<p>You can’t collect other personal information.</p>	

For More Information

The FTC works for the consumer to prevent fraudulent, deceptive, and unfair practices in the marketplace and to provide information to businesses to help them comply with the law. For free information, visit the BCP Business Center, business.ftc.gov. To file a complaint, visit ftc.gov or call toll-free, 1-877-FTC-HELP (1-877-382-4357); TTY: 1-866-653-4261. Watch a video, [How to File a Complaint](#), to learn more. The FTC enters consumer complaints into the [Consumer Sentinel Network](#), a secure online database and investigative tool used by hundreds of civil and criminal law enforcement agencies in the U.S. and abroad.

Your Opportunity to Comment

The National Small Business Ombudsman and 10 Regional Fairness Boards collect comments from small businesses about federal compliance and enforcement activities. Each year, the Ombudsman evaluates the conduct of these activities and rates each agency's responsiveness to small businesses. Small businesses can comment to the Ombudsman without fear of reprisal. To comment, call toll-free 1-888-REGFAIR (1-888-734-3247) or go to www.sba.gov/ombudsman.



July 2013

Federal Trade Commission | business.ftc.gov