

Reevaluating the COPPA Rule

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In the two decades following the enactment of the Children's Online Privacy Protection (COPPA) Rule, technological developments have changed the online landscape considerably. Recognizing this, the Federal Trade Commission (FTC) held a public workshop on October 7, 2019, to discuss whether, given the proliferation of smart devices, video games, online channels, and EdTech, the Rule, which was last updated in 2013, needs further revision.

The Rule requires certain website operators to obtain parental permission to collect, use, or disclose personal information of children under 13. It applies to operators who target children or who have actual knowledge that children are using their website. FTC Commissioner Christine Wilson, who opened the first session, made clear that the FTC is taking an expansive view of the responsibilities of online platform operators under COPPA. Referring to the recent \$170 million fine against YouTube and Google, she noted that platform operators are now "on notice regarding their obligations under COPPA. Specifically, if those operators gain knowledge that user-generated content on their platforms is directed at children, they must comply with COPPA if they collect personal information from viewers of that content ... even if the operator does not view its target demographic as children under 13." Commissioner Noah Phillips emphasized the importance of making sure that any Rule changes are consistent with the statutory directives from Congress and remaining mindful of the potential implications for competition.

The workshop presented an important opportunity for diverse stakeholders to respond to the questions in the FTC's Request for Comments and to address the costs and benefits of legal and technical approaches to protecting children's privacy online. Four panels made up of representatives from business, academia, government, and consumer groups discussed a broad range of topics, including behavioral advertising, EdTech, and third-party content. Business representatives raised the issue of conflicting privacy laws, noting that COPPA, the soon-to-be-enacted California Consumer Privacy Act, and the GDPR, vary on age limits and other requirements. Advocacy groups encouraged the FTC to use its authority under Section 6 (b) of the FTC Act to get more information from companies about how they collect and use children's data.

Changes to the COPPA Rule and its enforcement could have far-reaching implications for companies, even those that do not make children's products or content. Given the importance of stakeholder input, and in response to requests, the FTC has [extended the deadline](#) for comments until December 9, 2019. Comments can be submitted [here](#).

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