Thursday, August 26, 2021

As a former Assistant Attorney General, I have a soft place in my heart for Attorneys General as consumer protection advocates. Most state AGs have the primary jurisdiction to enforce compliance with consumer protection laws in their states. Some are more aggressive than others, such as New Mexico Attorney General Hector Balderas, who recently sued Rovio Entertainment, the maker of Angry Birds, alleging that Rovio violated the Children’s Online Privacy Protection Act (COPPA) by collecting data on players under the age of 13 and disclosing it to advertisers.

According to Balderas’s allegations, Rovio monetizes children by collecting data while they are playing Angry Birds and uses the data for targeted advertising, also known as behavioral advertising.

Although the case is in its infancy, it is a reminder to parents, grandparents, and caretakers of children under the age of 13 that there are laws in place that require consent of parents or guardians of minors under the age of 13 for the collection of their data during their online activity. If you are a caretaker for a child under the age
of 13, whether you are a parent or otherwise, it is important to keep track of the consents given in the past, or when you give consent for the child to use an online platform, such as a game. The consents are there as protections for children’s information and the use and sale of it. Laws such as COPPA have been enacted by Congress for the protection of children, but if parents and other caretakers are not paying attention and availing themselves of the protection, they may unwittingly fail to protect the child’s data.

Before giving consent for a child to use an online platform that collects, uses, or sells their data, read the online platform’s privacy policy to see what they are doing with the data. Do you agree with how they are sharing your child’s online activity data? Are they selling it?

If you have already given consent and your child uses an online platform frequently, go back and read the privacy policy to see if it has changed or if you still agree with it (or read it for the first time). Talk to your child about online activity and how their information is being collected, used and sold. Educate your child about the consequences of online activity.

Although AGs do their best to protect all of us as consumers, we can’t rely on them alone. We have to take responsibility to protect ourselves and our children from harm, including harm associated with online activity.

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