FTC Issues Report to Congress on COPPA Staffing, Enforcement and Remedies

Hunton Andrews Kurth’s Privacy and Cybersecurity


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On August 25, 2022, the FTC issued its Federal Trade Commission Report to Congress on COPPA Staffing, Enforcement and Remedies. The document was prepared in response to the joint explanatory statement accompanying the Consolidated Appropriations Act of 2022, which directed the FTC to provide a report detailing (1) the current amount of resources and personnel focused on enforcing the COPPA Rule; (2) the number of investigations into violations of the COPPA Rule in the past five years; and (3) the types of relief obtained, if any, for completed COPPA investigations.

The Report indicates that, while there is no discrete unit assigned to work exclusively on COPPA matters, the agency dedicates approximately nine to eleven full-time equivalent staff to its COPPA program annually. In addition, the Report states that during the period from May 2017 through May 2022, the FTC had 80
formal investigations open involving possible COPPA violations, including investigations relating solely to COPPA, and investigations where COPPA compliance was a component of a broader investigation.

During this time period, the FTC announced 11 COPPA cases and sent warning letters to three companies. The Report states that the FTC has obtained relief, including civil penalties (noting that it has obtained larger civil penalties than it had previously), data and algorithmic deletion requirements, and requirements that companies implement a comprehensive privacy program with biennial assessments from an independent third-party assessor. The report concludes that “with more resources, however, the FTC could do more.” FTC Commissioner Christine Wilson issued a concurring statement, stating that she “take[s] pride in the array of COPPA cases” brought during her tenure, urging the FTC to prioritize the COPPA Rule review, and asking Congress “to seek information regarding the status of, and the level of resources devoted to, the COPPA Rule review to determine whether it is being appropriately prioritized or given short shrift.”

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