COPPA

COPPA -- Children's Online Privacy & Protection Act -- governs the collection, use, and disclosure of personal information collected from children under age 13
Federal Agency with Oversight – Federal Trade Commission (FTC)
District Oversight / Responsibility:

- Anyone, including teachers, who is selecting and evaluating online resources, websites, and apps that will be used by students under age 13

Key Terms:
Personal Information means individually identifiable information about an individual collected online, including

- First and last name
- Home or other physical address including street name and name of a city or town
- Online contact information (Screen name or user name that functions in the same manner as online contact information)
- Telephone number
- Social Security Number
- Persistent identifier that can be used over time and across different Web sites or online services. These include, but are not limited to,
    - Customer number held in a cookie
    - Internet Protocol (IP) address
    - Processor or device serial number
    - Unique device identifier
- Photo, video, or audio file where such file contains the child's image or voice
- Geolocation information sufficient to identify street name and city or town
- Information concerning the child or the parents that the operator collects online from the child and combines with an identifier described above

Data Collection:

- **Active Data Collection** – operator directly solicits information from children or enables children to make their personal information available
- **Passive Data Collection** – tracking or use of "any identifying code linked to an individual, such as a cookie," as well as any other "identifiers" that can be used to identify, contact, or locate a child over time and across different websites or online services

COPPA requires operators (online service providers, website operators, etc.) to

- **Provide notice to parents**
    - Wishes to collect personal information from an individual child
    - Type of information it wishes to collect
    - Purpose of information collection
    - Means by which parents can provide and revoke consent
- **Obtain verifiable parental consent before** they begin **collecting, using or disclosing** information from children under age 13
    - COPPA permits a school to obtain parental consent on the operator's behalf, as long as the operator uses the information only on behalf of the school pursuant to the agreement between the school and the operator. [from COPPA FAQs M(1) – M(3)]

    - An operator must obtain consent directly from the parents if it wants to use the data collected from the school for its own commercial purposes [from COPPA FAQs M(1) – M(3)]
- **Manage Disclosures to Third-Parties**

- **Maintain a Privacy Policy in easy to understand terms on their website**
    - Names of all operators that collect or maintain personal information from children
    - Define the type of information the provider collects, and whether collection is active or passive (see *Data Collection* above)
    - Uses, or potential uses, of the information
    - Disclosure and uses by third-parties
    - Parents may give limited consent to the collection and use of their child's personal information without consenting to its disclosure
    - Operator cannot condition a child's participation in an activity on his disclosure of more information than is "reasonably necessary"
    - Parent may review his or her child's personal information, request its deletion, and refuse consent to further data collection
- **Retention and Disposal of personal information**
    - Retain personal information "for only as long as is reasonably necessary"
    - Protect against unauthorized access even when disposing of information

COPPA and Schools – See *Complying with COPPA: Frequently Asked Questions*, section *M: COPPA and Schools* for specific guidance from the FTC (the document linked below provides guidance for schools on COPPA compliance issues related to providing access to online services for students under age 13)

https://www.ftc.gov/tips-advice/business-center/guidance/complying-coppa-frequently-asked-questions#Schools

Resources:

- Electronic Code of Federal Regulations – Children's Online Privacy & Protection Act -- http://www.ecfr.gov/cgi-bin/text-idx?SID=ad417dd5af1c499aa56467636227509e&tpl=/ecfrbrowse/Title16/16cfr312_main_02.tpl
- FTC COPPA Rule -- https://www.ftc.gov/enforcement/rules/rulemaking-regulatory-reform-proceedings/childrens-online-privacy-protection-rule
- Federal Register -- http://www.gpo.gov/fdsys/pkg/FR-2013-01-17/pdf/2012-31341.pdf
- FTC Press Release about changes to COPPA -- https://www.ftc.gov/news-events/press-releases/2012/12/ftc-strengthens-kids-privacy-gives-parents-greater-control-over