

United States of America
FEDERAL TRADE COMMISSION
WASHINGTON, D.C. 20580

May 15, 2013

NAME, TITLE
COMPANY
ADDRESS
CITY

Dear X:

One or more of your mobile apps may be directed to children, and may collect a persistent identifier, such as a mobile device identifier or IP address. Important changes to the Children's Online Privacy Protection Rule

¹ take effect on July 1, 2013. The staff of the Federal Trade Commission, the federal agency that implements and enforces the Children's Online Privacy Protection Act (COPPA),² wants to help ensure you are aware of those changes and your compliance responsibilities.

Please note that we have not yet evaluated your apps or your company's practices to determine if they comply with COPPA as it is now – or as it will be starting July 1, 2013. We are sending you this letter to both alert you to the upcoming COPPA Rule changes and to encourage you to review your apps, your policies, and your procedures for compliance.

The revised COPPA Rule requires developers of apps that are directed to children under 13 – or that knowingly collect personal information from children under 13 – to post accurate privacy policies, provide notice, and obtain verifiable parental consent before collecting, using, or disclosing any “personal information” collected from children.

Until now, “personal information” has included categories such as a first and last name, a home or other physical address including street name and name of a city or town, an e-mail address, a telephone number, or a Social Security number. But as of July 1, 2013, the definition of “personal information” will include persistent identifiers, such as cookies, IP addresses and mobile device IDs, that can recognize users over time and across different websites or online services.

If you collect a persistent identifier covered by the Rule after July 1 – even if you don't collect a name, e-mail address, or any other information – you must provide notice and obtain

¹ The COPPA Rule is published at 16 C.F.R. Part 312.

² The law is published beginning at 15 U.S.C. § 6501.

parental consent, unless you use that identifier only to maintain or analyze the functioning of the application, perform network communications, authenticate users of the app, serve contextual advertising, or conduct other specific activities defined as “support for internal operations” in the Rule.³ The expanded definition of “personal information” also includes a photo or video with a child’s image, or a recording of a child’s voice.

The revised Rule has additional “musts” for developers of child-directed apps. For example:

- x You must give notice and get parental consent for personal information collected on your applications from third parties, such as ad networks, unless an exception applies.
- x You must take reasonable steps to release children’s personal information only to companies that are capable of keeping it secure and confidential.
- x You must meet new data retention and deletion requirements.

Please take the time to review the upcoming changes to COPPA. We also strongly encourage you to review your apps and your policies and procedures for compliance. As with all of our enforcement activities, the Commission will exercise its prosecutorial discretion in