



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

Division of Privacy and Identity Protection

VIA FEDERAL EXPRESS

May 15, 2013

NAME, TITLE
COMPANY
ADDRESS
CITY

Dear X:

One or more of your mobile apps may be directed to children in the United States 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 take effect on July 1, 2013. The Children's Online Privacy Protection Rule implements the Children's Online Privacy Protection Act (COPPA).² COPPA and its related rules apply to foreign-based Web sites and online services that are involved in commerce in the United States or its territories.³ This would include foreign-based sites or services that are directed to children in the United States, or that knowingly collect personal information from children in the U.S. The staff of the Federal Trade

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, 2012, even if you don't collect a name, email address, or any other information – you must provide notice and obtain 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 of the app.”⁴ 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 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 enforcing the COPPA Rule, particularly with respect to small businesses that have attempted to comply with the Rule in good faith in the early months after the Rule becomes effective.⁵

You can find the full text of the revised COPPA Rule and more information about the changes and new requirements at <http://www.ftc.gov/opa/2012/12/coppa>. If you have any questions, please contact Allison Lefrak at 202-326-2804 or Katherine White at 202-326-2878 or send an email to the COPPA compliance hotline at coppahotline@ftc.gov.

Sincerely,

Maneesha Mithal
Associate Director
Division of Privacy and Identity Protection

⁴ Section 312.2 of the COPPA Rule defines “support for the internal operations of the Web site or online service.”

⁵ The Commission may seek injunctive relief or financial penalties of up to \$16,000 per violation of COPPA.