

Children's Online Privacy Protection Act (COPPA) [16 CFR 312]

COPAA is administered by the Federal Trade Commission and applies to:

- Operators of commercial websites, online services, and mobile apps that are directed at children under 13 and “collect, use, or disclose personal information” from those kids.
- And operators of websites and online services that are for a general audience but have “actual knowledge” that they are collecting, using, or disclosing personal information from children under 13.
- COPPA generally does not apply directly to state government agencies, schools, or nonprofits.
- COPAA could affect researchers if they meet the criteria above

This Act protects children's privacy by giving parents tools to control what information is collected from their children online. The Act requires the Commission to announce the regulations and require operators of commercial websites and online services directed to children under 13 or knowingly collecting personal information from children under 13 to:

- (a) notify parents of their information practices;
- (b) obtain verifiable parental consent for the collection, use, or disclosure of children’s personal information;
- (c) let parents prevent further maintenance or use or future collection of their child’s personal information;
- (d) provide parents access to their child’s personal information;
- (e) not require a child to provide more personal information than is reasonably necessary to participate in an activity; and
- (f) maintain reasonable procedures to protect the confidentiality, security, and integrity of the personal information.

Personal information (as described in the regulations) means individually identifiable information about an individual collected online, including:

- (1) A first and last name;
- (2) A home or other physical address including street name and name of a city or town;
- (3) Online contact information as defined in this section;
- (4) A screen or user name where it functions in the same manner as online contact information, as defined in this section;
- (5) A telephone number;
- (6) A Social Security number;
- (7) A persistent identifier that can be used to recognize a user over time and across different Web sites or online services. Such persistent identifier includes, but is not limited to, a customer number held in a cookie, an Internet Protocol (IP) address, a processor or device serial number, or unique device identifier;

- (8) A photograph, video, or audio file where such file contains a child's image or voice;
- (9) Geolocation information sufficient to identify street name and name of a city or town; or
- (10) Information concerning the child or the parents of that child that the operator collects online from the child and combines with an identifier described in this definition.

Schools may act as the parent's agent and consent to the collection of information if ...

- The consent is limited to information related to the education context; and
- Information must be for the use and benefit of the school and not for commercial purposes

There are fines for non-compliance. Contact UK's Privacy Team (Jenny Smith at Jenny@uky.edu or Joe Brown at Joe.Brown@uky.edu) if you have any questions.

Data Source - <https://www.ftc.gov/legal-library/browse/statutes/childrens-online-privacy-protection-act>; <https://www.edweek.org/technology/coppa-and-schools-the-other-federal-student-privacy-law-explained/2017/07>