Cooley

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The Federal Trade Commission has proposed additional revisions to its proposed Rule implementing the Children's Online Privacy Protection Act ("COPPA Rule"). The newly proposed changes include modifications of the definitions of *operator, personal information, support for internal operations, and website or online service directed to children.* The FTC's proposed changes aim to clarify questions raised by comments made in response to its Notice of Proposed Rulemaking issued in September 2011.*

The proposed changes to the definition of *operator* would potentially affect ad networks, social-networking features, mobile-app plug-ins, and other services that may collect information through other sites and mobile applications directed at children. Such services would potentially be considered co-operators under the Rule and, thus, covered by COPPA requirements.

The FTC also proposes changes to its definitions of *personal information, support for internal operations,* and *website or online service directed toward children* that would give online services directed at children the ability to use unique identifiers such as cookies for a broader range of purposes than originally proposed in the September 2011 proposals without triggering COPPA rules. Acceptable uses of unique identifiers would include personalizing the content on the website or online service, improving the website or online service, and serving contextual advertising on the website or online service.

Written comments for these new proposed rules are due on or before September 10, 2012 (16 C.F.R. Part 312). Final COPPA rules are expected fall of this year.

NOTES
* Read our *Cooley Alert* on the September 2011 Notice of Proposed Rulemaking.

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