Developments in Parental Consent
COPPA Background

- Law came into effect in 2000 and is the only federal child-specific privacy law in the United States.

  - Goals

    - Allow parents to make informed choices about when and how children’s personal information is collected, used, and disclosed online; and,

    - Enable parents to monitor their children’s interactions and help protect them from the risks of inappropriate online disclosures.
Basic Requirement

- Operators of commercial websites and online services must provide **NOTICE** and obtain parents’ **CONSENT** before collecting personal information from children under age 13.
Why require consent?

- Keeps parents informed about their child’s sharing of personal information online
- Recognizes the differing privacy concerns of parents – not one size fits all
- Ensures that companies carefully consider whether to collect personal information from children
Challenges of parental consent model

- Difficult to draft understandable privacy notices
- Requires parents to understand privacy implications
- Cost to company
- Time and hassle for parents
- Policy decisions around circumstances to require consent and when it is unnecessary
Pillars of Parental Consent under COPPA

- Importance of Notice of privacy practices
- Flexible standard: companies can choose method
- Some methods approved by Commission as meeting standard to provide certainty to companies
- Process to consider new methods
What needs to go in the notice?

- Direct Notice:
  - Ensure that key information is presented to parents in a succinct “just-in-time” notice;
  - Provide a clear roadmap for operators as to content of direct notice depending upon its collection and use practices.

- Privacy Policy
  - Who is collecting information – all operators at the site/service
  - What information is collected and how is it used;
  - That parent has control of the information.
Parental Consent

- **Flexible Standard:**
  - Must be reasonably calculated, in light of available technology, to ensure that person providing CONSENT is the child’s parent (or legal guardian).

- **Approved Methods:**
  - The Rule provides a non-exhaustive list of approved methods that the Commission has determined satisfy this standard.

- **Can use other methods and can seek Commission or Safe Harbor approval of additional methods.**
What do we want in a consent method?

- Provides parents information they need to make an informed choice
- Method ensures it is the parent providing consent
- Not privacy intrusive for parents
- Low cost for companies and easy for parents
Commission-Approved Consent Methods from Rule

- Signed consent form sent back via fax, mail, or electronic scan
- Use of credit, debit, or other online payment system, if it provides notification of each transaction to account holder;
- Toll-free number staffed by trained personnel
- Connect to trained personnel via a video-conference;
- Use of government-issued identification checked against a database, provided that the parent’s ID is deleted promptly after verification;
- Retains “email plus” for internal uses of PI.
Commission-Approved Consent Methods Using New Process

- Knowledge-based authentication
- Facial Recognition Technology
Thank you!

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