

Increased Enforcement of Children's Privacy Laws Presents Risk for Broadcasters

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The Federal Trade Commission (FTC) has indicated that it will be stepping up enforcement under the Children's Online Privacy Protection Act (COPPA), raising concerns about the information that broadcasters may collect through websites, social media or mobile applications.

COPPA prohibits operators of websites, which can include traditional Internet sites as well as social media pages, online communities and mobile applications, from collecting, using or disclosing personal information about children 12 years old or younger without first obtaining permission from their parents. Personal information includes any information that can be used to identify or contact a child, such as the child's name, address, e-mail address, phone number and so forth. Broadcasters can unwittingly collect such information through contest pages, online comment sections or bulletin boards, social networking pages and applications for the iPhone and other mobile devices. Even if a child discloses his or her own personal information, the operator of the site on which the information is posted may be liable under COPPA.

A senior FTC attorney indicated at a recent American Bar Association program that the Commission will soon be launching a new set of COPPA enforcement actions. The FTC is particularly interested in social networking sites, where so-called "fan pages" have "many, many, many underage participants."

The FTC's renewed interest in children's online privacy comes as it is revising its COPPA rules. Among the items under consideration are whether to expand the definition of personal information to include items such as website cookies, location information collected from

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mobile devices and photographs or videos of children. The FTC is expected to publish its findings soon. The FTC is also considering whether the restriction should be raised to cover teenagers 17 years old and under. The Federal Communications Commission (FCC) is independently considering certain privacy issues, such as how some television broadcasters and cable operators target children with interactive advertising and on-screen games.

*Not admitted to the District of Columbia Bar, supervised by principals of the firm.