

SPRECKELS UNION SCHOOL DISTRICT

CHILDREN’S ONLINE PRIVACY PROTECTION ACT (COPPA) INFORMATION FACT SHEET

In order to assist parents in protecting their children’s online privacy, the Spreckels Union School District provides the following COPPA Information Fact Sheet.

Fact 1: What is COPPA?

COPPA is a federal law to achieve parental control over information collected from children under the age of 13 by online service providers, commercial websites and mobile applications.

Fact 2: Businesses Governed by COPPA

COPPA pertains exclusively to: (1) operators of commercial websites or online services; (2) directed to children under the age of 13; (3) that collect, use, or disclose personal information from children under the age of 13 (hereinafter “operators”).

Fact 3: What Constitutes Personal Information?

Children’s personal information includes: (1) name; (2) address; (3) online contact information (username); (4) telephone number; (5) social security number; (6) persistent identifier; (7) photograph, image, audio file; or (8) geo-locational data.

Fact 4: Directed at Children 13 Years Old or Under

COPPA establishes many factors to determine whether an online service or website is directed at children. These factors include: (1) subject matter; (2) visual content; (3) the use of animated characters or child oriented activities; (4) music or audio content; (5) child celebrities, models or actors; and (6) appeal to children’s language; (7) advertising and data regarding the audience composition.

Fact 5: Operators Must Post a Privacy Policy

Operators directed at children under 13 years of age must prominently post a privacy policy online. At minimum, the policy must include: (1) the contact information for operators collecting or maintaining personal information; (2) a description of the personal

information collected or retained; and (3) information that the parents can review or delete the child's personal information.

Fact 6: Operators Must Receive Parental Consent Before Collecting Personal Information

COPPA requires operators to obtain verifiable parental consent before collecting any information from a child. Operators must make "reasonable" efforts to ensure parents are notified of an operator's personal information collection practices.

Fact 7: Exceptions to Parental Consent Requirement

Operators need not obtain prior parental consent and limited circumstances including: (1) one time contact; (2) "ask the author" direct email where information is deleted; (3) e-cards; and/or (4) push notifications.

Fact 8: Parents Can Have Children's Information Deleted

A parent can contact the operator directly and demand that they delete the child's personal information. If the operator no longer maintains personal information, they must make a statement to that effect. An operator has the prerogative to terminate the child's use of the service.

Fact 9: Operators Often Rely on Schools to Provide Consent

COPPA pertains to operators, not schools or school districts. However, schools and school districts may choose to play an important role. Operators often rely on an educational institution's consent to an educational use of a website in lieu of direct notice or verifiable parental consent. Where the online service is purely educational, an operator can presume school consent is parent consent. The District will provide parents a list of online service providers to provide them the option to either discontinue use or delete their child's personal information.

Fact 10: Terms of Service

The District uses many online service providers to enhance our students' educational experience and prepare them for the 21st century workforce. The District reviews various "terms of service" with online providers to protect student privacy. The terms of service do not change the operator's obligations under COPPA to obtain parental consent when an operator is collecting, using or disclosing personal information from a child 13 years of age, or younger.

Fact 11: COPPA Does Not Prevent Access to Inappropriate Websites

COPPA is designed to give parents control over online collection of personal information, not to protect children from viewing inappropriate websites. The District's Acceptable Use Agreement prohibits using District resources or servers to access inappropriate content.

Fact 12: Operators Need Not Confirm Your Child's Age

COPPA does not require operators to ask the age of online service users. Moreover, operators are allowed to rely on the information users provide. COPPA does not prevent users from misrepresenting their age, but where the operator has "actual knowledge" that the user is under 13 years of age, notice and parental consent provisions apply.

Fact 13: Where Can I Find More Information About COPPA?

The Federal Trade Commission ("FTC") is the agency that enforces COPPA and provides information to the general public. Information about COPPA can be found in the FTC *Children's Privacy* section. Also, you can email questions directly to the FTC at CoppaHotLine@ftc.gov.

Fact 14: Complaints About an Operator

If you believe an online service provider or operator of a commercial website is in violation of COPPA, the FTC has an online complaint form or a toll-free telephone number (877) FTC-HELP.

Fact 15: Penalties

Based on various factors including the seriousness of the violation, prior violations, the number of children involved, the type of personal information collected and the size of the company, courts can impose penalties of up to \$41,484 per violation against online operators.