
Social Media Law Blog

Highlighting Legal Issues Regarding Social Media

SheppardMullin

FTC Updates COPPA FAQs

By Rachel Tarko Hudson on August 5, 2013

Posted in Advertising

Following up on the new Children's Online Privacy Protection Act (COPPA) Rule that went into effect on July 1, 2013, the Federal Trade Commission has released an updated set of FAQs to provide additional clarity and information about the new Rule. Notably, the FAQs provide further guidance on COPPA's "actual knowledge" standard as well as regarding the newly added and revised categories of personal information included in the new Rule.

Based on the FAQs' guidance concerning "actual knowledge," ad networks should put in place procedures to track and respond to receiving direct communication from a child-directed content provider of the child-directed nature of its content or when one of the ad network's representatives recognizes the child-directed nature of the content, as both scenarios may give rise to "actual knowledge" on the part of the ad network. The FAQs also recommend prominently disclosing on your website or service contact information and instructions or a contact person at the company in order for people to report COPPA information. This step could reduce the risk that merely providing notice to any employee in your organization will serve as "actual knowledge" by the organization.