



Commissioner J. Thomas Rosch

United States of America
FEDERAL TRADE COMMISSION
WASHINGTON, DC 20580

November 16, 2012

TO: Donald S. Clark, Secretary

FROM: Kelsey A. Buntjer

SUBJECT: COPPA Rule: Meeting Notes to be Placed on the Public Record

On November 16, 2012, Erin Egan, the Chief Privacy Officer at Facebook, and Robert Sherman, the Manager of Privacy and Public Policy at Facebook, met with Beth Delaney, David Koehler, and Kelsey Buntjer, members of Commissioner Rosch's Office, to discuss the proposed changes to the FTC's COPPA Rule set forth in recent Federal Register Notices.

Ms. Egan and Mr. Sherman noted that Facebook's main concerns about the proposed changes are set forth in the two comments it has filed with the FTC. In particular, Facebook is very concerned about the newly proposed definitions for "websites directed to children," "support for internal operations," and "personal information."

Ms. Egan and Mr. Sherman discussed their basic concern that the proposed changes would greatly, and inadvertently, expand COPPA liability and would exceed the authority granted to the Commission by the COPPA Act.

There was a general discussion regarding the feasibility of holding website publishers and applications and plug-ins jointly liable. Ms. Egan and Mr. Sherman suggested that perhaps the best way to assign liability is to hold the child-directed websites responsible for the plug-ins and applications that they upload to their websites. Ms. Egan discussed how Facebook plug-ins operate and explained the Facebook-specific issues that were raised by the proposed changes to the COPPA Rule. She pointed out that the definition of persistent identifier would be much improved if it excluded an IP address standing on its own. Mr. Sherman discussed the importance of IP addresses to the proper functioning of the Internet. Both noted that some of the issues relating to the "persistent identifier" definition could be corrected by expanding the "support for internal operations" exemption.

Ms. Egan and Mr. Sherman noted that they would find another round of public comments to be helpful.