

# Supplemental Comments of CDT to the FTC on COPPA

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## Supporting Documents

The Center for Democracy & Technology ("CDT") respectfully submits these supplemental comments in response to the Request for Public Comment ("RFC") on the Federal Trade Commission's Implementation of the Children's Online Privacy Protection Rule ("COPPA Rule" or "the Rule"). CDT has also submitted a set of individual comments addressing specific questions raised by the Commission in the RFC, along with a broader set of Joint Comments on behalf of itself, The Progress & Freedom Foundation, and the Electronic Frontier Foundation. This document provides additional discussion of the constitutional and privacy problems raised by recommendations to expand COPPA to cover older minors. CDT's earlier submitted comments addressed the problems briefly, but now that several commenters to the FTC are specifically urging statutory modifications to COPPA to cover communications by and with older minors, it is appropriate to address the concerns in greater detail. We appreciate the opportunity to express our views on these vital questions.

By its statutory terms, COPPA is limited to addressing the collection of information from young minors – children who are 12 years old or younger. The Commission, of course, lacks the authority to alter this statutory term or to extend COPPA-like rules to cover older age groups. Nevertheless, two sets of comments urge the Commission to extend COPPA to older minors, or at a minimum to recommend to Congress that COPPA be extended. One set of comments specifically assert that COPPA or the COPPA Rule should simply be extended to reach the speech of and with minors up to age 17 (with a variation of the COPPA Rule for 16 and 17 year olds). A second set of comments argued not to extend COPPA, but instead to create an additional data privacy framework that would apply only to teens.

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