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Leading child advocacy, health, and privacy groups call on FTC to Investigate Children’s Digital Media Marketplace Before Proposing any Changes to Privacy Protections for Children

Threats to young people from digital marketing and data collection must be analyzed to ensure meaningful safeguards under the Children’s Online Privacy Protection Act (COPPA).

WASHINGTON, DC and BOSTON, MA – December 5, 2019 – A coalition of 31 advocacy groups is urging the Federal Trade Commission to use its subpoena authority to obtain information from leading digital media companies that target children online. In comments filed today by the Institute for Public Representation at Georgetown and organized by Center for Digital Democracy (CDD) and the Campaign for a Commercial-Free Childhood (CCFC), the coalition explained the opaque data and digital marketing practices targeting kids. The comments are filed with the FTC as part of its early review of the rules protecting children under the Children’s Online Privacy Protection Act (COPPA). The advocates’ call was supported by Sesame Workshop, the leading producer of children’s educational programming, in a separate filing.

To better assess the impacts on children from today’s digital data-driven advertising system, and features such as cross-device tracking, artificial intelligence, machine learning, virtual reality, and real-time measurement—the advocates urge the commission to gather and analyze data from leading companies that target children. Any proposed changes to COPPA must be based on empirical data, which is consistent with calls by Commissioners Wilson, Phillips, and Simons that rulemaking must be evidence-based.

In their comments, the organizations ask the FTC to use its authority under rule 6(b) to:

- Examine today’s methods of advertising to children and their impact, including their discriminatory effects
- Examine practices concerning data collection and retention
- Illuminate children’s presence on “general audience” platforms and those platforms’ awareness of children’s presence
- Identify how the data of children is being used by contemporary data platforms, including “marketing clouds,” “identity management” systems, in-house data management platforms, and data brokers
- Illuminate the efficacy—or lack thereof—of safe harbors

Groups that have signed the comments are Campaign for a Commercial-Free Childhood; Center for Digital Democracy; American Academy of Pediatrics; Badass Teachers Association; Berkeley Media Studies Group; Center for Science in the Public Interest; Children and Screens; Color of Change; Common Sense Media; Consumer Action; Consumer Federation of America; Consumer

Federation of California; Consumer Reports; Consumer Watchdog; Corporate Accountability; Defending the Early Years; Electronic Frontier Foundation; Electronic Privacy Information Center; Obligation, Inc.; Parent Coalition for Student Privacy; Parents Across America; Parents Television Council; P.E.A.C.E. ([Peace Educators Allied For Children Everywhere](#)); Privacy Rights Clearinghouse; Public Citizen; Public Knowledge; The Story of Stuff; TRUCE (Teachers Resisting Unhealthy Childhood Entertainment); UnidosUS; United Church of Christ; and U.S. Public Interest Research Group (U.S. PIRG).

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The following can be attributed to Kyle Yasuda, MD, FAAP, President, American Academy of Pediatrics:

"As children become more digitally connected, it becomes even more important for parents, pediatricians and others who care for young children to understand how digital media impacts their health and development. Since digital technology evolves rapidly, so must our understanding of how data companies are engaging with children's information online. As we pursue the promise of digital media for children's development, we must design robust protections to keep them safe based on an up-to-date understanding of the digital spaces they navigate."

The following can be attributed to Josh Golin, Executive Director of Campaign for Commercial-Free Childhood:

"As kids are spending more time than ever on digital devices, we need the full power of the law to protect them from predatory data collection -- but we can't protect children from Big Tech business models if we don't know how those models truly work. The FTC must use its full authority to investigate opaque data and marketing practices before making any changes to COPPA. We need to know what Big Tech knows about our kids."

The following can be attributed to Katharina Kopp, Director of Policy, Center for Digital Democracy (CDD):

"Children are being subjected to a purposefully opaque 'Big Data' digital marketing system that continually gathers their information when they are online. The FTC must use its authority to understand how new and evolving advertising practices targeting kids really work, and whether these data practices are having a discriminatory, or other harmful impact, on their lives."

The following can be attributed to James P. Steyer, CEO and Founder of Common Sense:

"Kids and families have to be the priority in any changes to COPPA and in order to do that, we must fully understand what the industry is and isn't doing when it comes to tracking and targeting kids. Tech companies are never going to be transparent about their business practices which is why it is critical that the FTC use its authority to look behind the curtain and shed light on what they are doing when it comes to kids so that if any new rules are needed, they can be smart and well-informed."

The following can be attributed to Katie McInnis, Policy Counsel, Consumer Reports:

"We're glad the FTC is asking for comments on the implementation of COPPA through the 2013 COPPA rule. But the Commission should have the fullest possible picture of how children's personal information is being collected and used before it considers any changes. It's well-documented that compliance with COPPA is uneven among apps, connected toys, and online services. The FTC must fully understand how kids' personal information is treated before the 2013 rule can be modified, in order to ensure that children and their data are protected."

The following can be attributed to Marc Rotenberg, President, Electronic Privacy Information Center (EPIC):

"The FTC should complete its homework before it proposes changes to the regulations that safeguard children's privacy. Without a clear understanding of current industry practices, the agency's proposal will be ill-informed and counterproductive."

The following can be attributed to Lindsey Barrett, Staff Attorney and Teaching Fellow, Institute for Public Representation, Georgetown Law *The FTC should conduct 6(b) studies to shed light on the complex and evolving profiling practices that violate children's privacy. Children are being monitored, quantified, and analyzed more than ever before, and the Commission cannot make informed decisions about the rules that protect them online based on limited or skewed information about the online ecosystem.*

The following can be attributed to Robert Weissman, President, Public Citizen:

"The online corporate predators are miles ahead of the FTC, employing surveillance and targeting tactics against children that flout the protections enshrined in COPPA. The first thing the FTC should do is invoke its investigative powers to get a firm grasp on how Big Tech is systematically invading children's privacy."

The following can be attributed to Cheryl A. Leanza, Policy Advisor, UCC OC Inc.:

"In the modern era, our data are our lives and our children's lives are monitored and tracked in more detail than any previous generation to unknown effect. Parents seek to pass on their own values and priorities to their children, but feel subverted at every turn by unknown algorithms and marketing efforts directed to their children. At a minimum, the FTC must collect basic facts and trends about children and their data privacy."

The following can be attributed to Eric Rodriguez, Senior Vice President, UnidosUS:

"All children should have the right to privacy and live free from discrimination, including in digital spaces. Latino children are targeted by digital marketing efforts and with real consequences to their health and wellbeing. UnidosUS urges the Commission to use its authority and study how children of color operate in the digital space, what happens to their personal data, and how well they are protected by COPPA. Only then can the Commission take effective and objective action to strengthen COPPA to protect an increasingly diverse youth population."

