

# Children's Online Privacy Protection Rule (COPPA)



**Michelle Merola**

Partner, Associate General Counsel  
[mmerola@hodgsonruss.com](mailto:mmerola@hodgsonruss.com)  
518-736-2917



**Gary M. Schober**

Partner  
[gschober@hodgsonruss.com](mailto:gschober@hodgsonruss.com)  
716-848-1289



**Patrick E. Fitzsimmons**

Partner  
[pfitzsim@hodgsonruss.com](mailto:pfitzsim@hodgsonruss.com)  
716-848-1710

The Children's Online Privacy Protection Act of 1998 (COPPA) is a federal law designed to protect the privacy of children under the age of 13. The law was passed in response to concerns about Internet marketing techniques that target children and, in the process, collect personal information without any parental notification. Thus, COPPA applies to operators of commercial websites and online services (including mobile apps) directed to children under 13 that collect, use, or disclose personal information. It also applies to operators of general audience websites or online services with actual knowledge that they are collecting, using, or disclosing personal information from children under 13.

In order to comply with COPPA, a website operator or online service provider must:

- Incorporate a detailed privacy policy that describes the information collected from its users.
- Obtain verifiable parental consent prior to collection of personal information from a child under the age of 13.
- Upon request, disclose to parents any information collected on their children by the website.
- Provide the right to revoke consent and have personal information deleted.
- Limit collection of personal information when a child participates in online games and contests.
- Protect the confidentiality, security, and integrity of any personal information that is collected online from children.

These requirements are likely to be supplemented

by pending Federal legislation that would expand protections to those under the age of 17. California lawmakers have already passed similar legislation — California Age-Appropriate Design Code Act— which goes into effect in 2024. In the meantime, businesses can expect to see more vigorous enforcement actions. Specifically, the Federal Trade Commission (FTC)—the agency that enforces COPPA—has announced that it “intends to scrutinize compliance with the full breadth of the substantive prohibitions and requirements of the COPPA Rule and statutory language.” And the FTC backed this statement up with a record-breaking \$275 million dollar settlement with Epic Games, the developer of Fortnite, over alleged COPPA violations. Given the focus on children's privacy, COPPA-covered entities should heed the FTC's warning by reviewing their existing compliance practices. And Hodgson Russ lawyers have experience advising companies on, not only what the law requires, but how the FTC enforces it.

For more information about how Hodgson Russ can assist your organization with COPPA compliance, email or call one of our [Privacy and Security](#) lawyers.

