

FTC Updates COPPA FAQs in Advance of July 1 Rule Changes

June 6, 2013

This week, the Federal Trade Commission announced the latest update to its [frequently asked questions](#) (“FAQs”) document to assist online operators as they prepare for changes to the Children’s Online Privacy Protection (“COPPA”) Rule, which go into effect on July 1, 2013. The updated FAQs address the parental notice and consent obligations for operators that feature a Facebook “Like” button on their site. The new question and answer (see FAQ I.10) read as follows:

10. I have a child-directed website. Can I put the Facebook Like button on my site without providing notice and obtaining verifiable parental consent?

Section 312.5(c)(8) of the Rule has an exception to its notice and consent requirements where:

- *a third-party operator only collects a persistent identifier and no other personal information;*
- *the user affirmatively interacts with that third-party operator to trigger the collection; and*
- *the third-party operator has previously conducted an age-screen of the user, indicating the user is not a child.*

If the third-party operator meets all of those requirements, and if your site doesn't collect personal information (except for that covered by an exception), you don't need to provide notice or obtain consent. This exception doesn't apply where the third party collects more information than a persistent identifier — for example, where the third party also collects user comments or other user-generated content. In addition, a child-directed website can't rely on this exception to treat particular visitors as adults and track their activities. If your inclusion of the Facebook Like button satisfies all these criteria, you may rely on this exception under the Rule.

The new Q&A is the latest effort by FTC Staff (also see [here](#), [here](#), and [here](#)) to educate operators of websites and online services directed to children about their obligations under the amended Rule.