

## WHAT IS COPPA?

### The Children's Online Privacy Protection Act

COPPA applies to the online collection of personal information from children under 13. The rules spell out what a Website operator must include in a privacy policy, when and how to seek verifiable consent from a parent and what responsibilities an operator has to protect children's privacy and safety online.

Lucky Kat TV strictly adheres to the FTC's COPPA guidelines and works with third party Truste to ensure our continued compliance.

## HOW COPPA AFFECTS YOU

You'll need to be aware of the COPPA guidelines when you upload videos to the D.A.R.E. Channel or if you send us photos of local D.A.R.E. activities for posting on LKTV.

The information below is a condensed version of the published guidelines provided by the Federal Trade Commission staff. These will help give you a better understanding of the measures LKTV takes to protect kids. **We've bolded LKTV's compliance and highlighted what you should understand for your own involvement on the Website.**

## **COPPA - Children's Online Privacy Protection Act**

A commercial Website directed to children under 13 that collects personal information from children must comply with the Children's Online Privacy Protection Act.

### **Personal Information**

The COPPA Rules apply to individually identifiable information about a child that is collected online, such as full name, home address, email address, telephone number or any other information that would allow someone to identify or contact the child. The Act and Rule also cover other types of information -- for example, hobbies, interests and information collected through cookies or other types of tracking mechanisms -- when they are tied to individually identifiable information.

**LKTV gathers limited personal information for the purposes of tracking points and coins for the player. LKTV does not track hobbies, interests, etc.**

### **Direct Notice to Parents and Verifiable Parental Consent**

Before collecting, using or disclosing personal information from a child, an operator must obtain verifiable parental consent from the child's parent. This means an operator must make reasonable efforts to ensure that before personal information is collected from a child, a parent or guardian receives notice of the operator's information practices and consents to those practices.

**LKTV verifies parental consent via email correspondence during registration**

### **Public Disclosures**

When operators want to disclose a child's personal information to third parties or make it publicly available (ex. through a chat room or message board), the sliding scale requires them to use a more reliable method of consent, including:

1. getting a signed form from the parent via postal mail or facsimile;
2. accepting and verifying a credit card number in connection with a transaction;
3. taking calls from parents, via a toll-free number staffed by trained personnel;
4. email accompanied by digital signature;

**The LKTV Video Channels and the D.A.R.E. Channel fall under Public Disclosures. A paid Membership verifies a parent's consent on LKTV. If a child does not have a paid Membership, you must obtain parental consent before including them in a video you upload to the D.A.R.E. Channel. This would also apply if you upload a child's photo.**

In a monitored chat room, if all individually identifiable information is stripped from postings before it is made public and the information is deleted from the operator's records, an operator does not have to get prior parental consent.

**LKTV does not have any chat rooms on the site.**

### **Disclosures to Third Parties**

An operator must give a parent the option to agree to the collection and use of the child's personal information without agreeing to the disclosure of the information to third parties. However, when a parent agrees to the collection and use of their child's personal information, the operator may release that information to others who uses it solely to provide support for the internal operations of the website or service, including technical support and order fulfillment.

**LKTV does not disclose personal information to third parties.**

### **Exceptions**

The regulations include several exceptions that allow operators to collect a child's email address without getting the parent's consent in advance. These exceptions cover many popular online activities for kids, including contests, online newsletters, homework help and electronic postcards.

Prior parental consent is not required when:

- an operator collects a child's or parent's email address to provide notice and seek consent;
- an operator collects an email address to respond to a one-time request from a child and then deletes it;
- an operator collects an email address to respond more than once to a specific request -- say, for a subscription to a newsletter. In this case, the operator must notify the parent that it is communicating regularly with the child and give the parent the opportunity to stop the communication before sending or delivering a second communication to a child;
- an operator collects a child's name or online contact information to protect the safety of a child who is participating on the site. In this case, the operator must notify the parent and give him or her the opportunity to prevent further use of the information;
- an operator collects a child's name or online contact information to protect the security or liability of the site or to respond to law enforcement, if necessary, and does not use it for any other purpose.

### **New Notice for Consent**

An operator is required to send a new notice and request for consent to parents if there are material changes in the collection, use or disclosure practices to which the parent had previously agreed. Take the case of the operator who got parental consent for a child to participate in contests that require the child to submit limited personal information, but who now wants to offer the child chat rooms. Or, consider the case of the operator who wants to disclose the child's information to third parties who are in materially different lines of business from those covered by the original consent -- for example, marketers of diet pills rather than marketers of stuffed animals. In these cases, the Rule requires new notice and consent.

### **Access Verification**

At a parent's request, operators must disclose the general kinds of personal information they collect online from children (for example, name, address, telephone number, email address, hobbies), as well as the specific information collected from children who visit their sites. Operators must use reasonable procedures to ensure they are dealing with the child's parent before they provide access to the child's specific information.

**This is done when they register for the site.**

They can use a variety of methods to verify the parent's identity, including:

- obtaining a signed form from the parent via postal mail or facsimile;
- accepting and verifying a credit card number;
- taking calls from parents on a toll-free telephone number staffed by trained personnel;
- email accompanied by digital signature;
- email accompanied by a PIN or password obtained through one of the verification methods above.

Operators who follow one of these procedures acting in good faith to a request for parental access are protected from liability under federal and state law for inadvertent disclosures of a child's information to someone who purports to be a parent.

### **Revoking & Deleting**

At any time, a parent may revoke his/her consent, refuse to allow an operator to further use or collect their child's personal information, and direct the operator to delete the information. In turn, the operator may terminate any service provided to the child, but only if the information at issue is reasonably necessary for the child's participation in that activity. For example, an operator may require children to provide their email addresses to participate in a chat room so the operator can contact a youngster if he is misbehaving in the chat room. If, after giving consent, a parent asks the operator to delete the child's information, the operator may refuse to allow the child to participate in the chat room in the future. If other activities on the Web site do not require the child's email address, the operator must allow the child access to those activities.

**Parents may request their child's information be deleted at any time.**

### **Safe Harbors**

Industry groups or others can create self-regulatory programs to govern participants' compliance with the Children's Online Privacy Protection Rule. These guidelines must include independent monitoring and disciplinary procedures and must be submitted to the Commission for approval. The Commission will publish the guidelines and seek public comment in considering whether to approve the guidelines. An operator's compliance with Commission-approved self-regulatory guidelines will generally serve as a "safe harbor" in any enforcement action for violations of the Rule.

**LKTV works with third party TRUSTE to ensure compliance at all times.**

### **Enforcement**

The Commission may bring enforcement actions and impose civil penalties for violations of the Rule in the same manner as for other Rules under the FTC Act. The Commission also retains authority under Section 5 of the FTC Act to examine information practices for deception and unfairness, including those in use before the Rule's effective date. In interpreting Section 5 of the FTC Act, the Commission has determined that a representation, omission or practice is deceptive if it is likely to: mislead consumers; and affect consumers' behavior or decisions about the product or service. Specifically, it is a deceptive practice under Section 5 to represent that a Web site is collecting personal identifying information from a child for one reason (say, to earn points to redeem a premium) when the information will be used for another reason that a parent would find material -- and when the Web site does not disclose the other reason clearly or prominently.

In addition, an act or practice is unfair if the injury it causes, or is likely to cause, is: substantial; not outweighed by other benefits; and not reasonably avoidable.

For example, it is likely to be an unfair practice in violation of Section 5 to collect personal identifying information from a child, such as email address, home address or phone number, and disclose that information to a third party without giving parents adequate notice and a chance to control the collection and use of the information.

If you have any questions regarding COPPA or Lucky Kat TV's compliance, please email us at [dareinfo@luckykattv.com](mailto:dareinfo@luckykattv.com) or call 1-855-LK-4-Kids.

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