Children and Teens' Online Privacy Protection Act

Legislation to strengthen protections for minors online

S 1628, co-authored by Sens. Markey (D-Mass.) and Cassidy (R-La.)

What does the Children and Teens' Online Privacy Protection Act do?
COPPA 2.0 amends the Children's Online Privacy Protection Act of 1998 to strengthen protections related to the online collection, use, and disclosure of personal information of children and minors up to age 16.

How are children and teens uniquely vulnerable?
Young people’s brains gradually develop and they do not become capable of critically assessing what they see online until they are older. This enables businesses to manipulate kids and teens without them even realizing they are being manipulated. Research suggests over 75% of 8- to 11-year-olds cannot distinguish ads from other content, and less than half of 12- to 15-year-olds understand search results are paid for, even if identified as an “ad.” And they are much more likely to accept advertisements as truthful, accurate, and unbiased.

Children and teens are also prone to oversharing without understanding the consequences of their sharing. They believe that the information they share remains on their device or within an app or game, and that deleting that information on the device or within the app will delete it from the internet. They also do not understand that an app may gather information about them from sources outside the app. Most teens - mistakenly - believe they can easily delete information online.

Why do we need an update to the existing law?
Current COPPA is almost twenty-five years old, and applies only to children under the age of 13. This leaves a whole group of teens vulnerable to third-party trackers and apps that have been known to seek more data, especially from teens. COPPA 2.0 empowers teens to make decisions for themselves by recognizing their growing autonomy and asking for consent before data collection, while also strengthening special protections for younger children by flatly prohibiting behavioral and targeted marketing.

Existing law also allows for sites and apps to turn a blind eye to young people using their services and has enabled bad actors to claim they do not have strictly defined "actual knowledge" of underage users, even though they tell marketers they can reach children. COPPA 2.0 would offer protections for children if sites and apps reasonably know children or minors are on their site or app, such as if they profile users by age.

Finally, COPPA 2.0 will enhance enforcement by establishing a Youth Privacy and Marketing Division at the Federal Trade Commission. This division will assess emerging concerns related to youth privacy and marketing practices.

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3 Children's Commissioner. Who Knows What About Me? (Nov. 18, 2018).