



## COPPA 101 FOR EDUCATORS

### The Children's Online Privacy Protection Act

The Children's Online Privacy Protection Act of 1998 (COPPA) is a Federal law designed to help parents remain in control of what personal information websites and other online services can collect from their young children.

COPPA is administered by the Federal Trade Commission (FTC). It applies to operators of websites, apps or other online services that collect, use, or disclose personal information from children under the age of 13, and to operators of websites, apps or online services that have actual knowledge that they are collecting personal information from users of another website, app or online service directed to children.

**This COPPA 101 is not legal advice.** Instead, we hope to introduce basic issues of COPPA and privacy, and help elementary and middle school educators consider ways to build parent confidence about education technology and protections for personal information of young students, including:

- Clearly communicating to parents (and students) how edtech tools and smart use of student data can improve schools and provide younger students with more individualized learning experiences;
- Understanding how websites, apps and other online services may collect and use student personal information; and
- Improving district and school practices and policies for adopting education technology and protecting personal information of younger students.

### COPPA IN SCHOOLS

The Children's Online Privacy Protection Act doesn't directly apply to schools that are part of the local government because they aren't commercial 'operators' of websites, apps or other online services. (**Note:** COPPA may apply directly to for-profit schools.) However, schools frequently allow or require students to use commercial sites and services (e.g. email, apps) that are covered by COPPA. When schools do this, they become intermediaries between operators and parents and must notify parents and get verifiable parental consent.

When schools take on the role of intermediaries between operators and parents in the notice and consent process, there are specific requirements that must be met.

- Frequently, schools obtain parental consent for a student's use of websites and online services at the beginning of the school year, when they are already seeking parental consent for in-school Internet access and informing parents about other school policies. However, in order to comply with COPPA, this upfront consent must be obtained for each website and service, and only after providing parents with notice of each operator's collection, use, and disclosure practices. This way, when an operator is authorized by a school to collect personal information from children, the operator can presume that the authorization is based on the school having obtained the parent's consent.

- Additionally, a school's ability to consent on a parent's behalf is limited to the educational context – in other words, it applies only when an operator collects personal information from students for an educational purpose, not for other commercial purposes. Schools taking on the role of intermediaries are therefore required to take on the role of also protecting student privacy.
- There are important legal questions about whether individual teachers can consent on a parent's behalf, or if that can only be done by leaders authorized to sign contracts for the school.

In sum, COPPA provides important protections for children's personal information in the commercial space, and also recognizes the special role that schools may play in providing consent for the online collection of information from kids exclusively for educational services – for example, online testing.

In addition, under the Family Educational Rights and Privacy Act (FERPA), schools and educational institutions have specific obligations to protect student privacy, including for students aged 13 and older. These obligations include protecting personal information from children's education records from further disclosure or uses without the written consent of the parent, unless permitted to do so under FERPA.

#### COPPA DEFINITION OF PERSONAL INFORMATION:

The definition of Personal Information that falls within COPPA compliance requirements includes: children's names, nicknames, email addresses, telephone numbers, home addresses and other geo-location information, social security numbers, photos, video, and audio files of the child, any persistent identifier or tracker that can be used to recognize an individual's use over time and/or across different websites, as well as any information that enables physical or online communication or contact with a specific individual.

#### BEYOND COPPA – ADDRESSING CONCERNS ABOUT PRIVACY AND YOUNG CHILDREN:

Even when schools aren't covered by COPPA, they should address parent concerns about privacy. Educators working to bring better technology and personalized learning resources to younger students are uniquely positioned to help parents understand the value of these tools – as well as the steps you take to improve student data privacy and security. iKeepSafe has valuable tools, training and technology assessments to help educators build parent confidence, and continue expanding access to innovations in teaching and learning.

#### ADDITIONAL INFORMATION ABOUT COPPA AND PRIVACY FOR YOUNG CHILDREN:

- Federal Trade Commission Updates on COPPA Rules <https://www.ftc.gov/enforcement/rules/rulemaking-regulatory-reform-proceedings/childrens-onlineprivacy-protection-rule>
- Federal Trade Commission COPPA Guidance for Operators of Websites and Other Services <https://www.ftc.gov/tips-advice/business-center/privacy-and-security/childrens-privacy>
- Federal Trade Commission Review on COPPA, Schools and Testing <https://www.ftc.gov/news-events/blogs/business-blog/2015/01/testing-testing-review-session-coppaschools>
- iKeepSafe's COPPA Safe Harbor Program <http://ikeepSAFE.org/privacy/coppa/>
- Protecting Privacy in Connected Learning Toolkit from the Consortium for School Networking <http://www.k12blueprint.com/sites/default/files/CoSN-Privacy-Toolkit.pdf>
- Student Privacy Initiative from Berkman Center at Harvard University <https://cyber.law.harvard.edu/research/studentprivacy>