

Child Privacy Law

Federal Law:

Child Online Privacy Protection Act allows parents to be able to control what types of personal information a commercial business can collect on their age 12 or under children.

Who Has to Comply with COPPA?

- A commercial website directed to children under the age 13 or directed to a general audience if the website has actual knowledge that it's collecting personal information on children.
- Third party services that collect information from a website that collects information from children who use that website.

Our game could be covered by this:

COPPA applies to business including:

- Social media platforms, including YouTube, Facebook, and Instagram
- App developers who create apps directed to children
- Mobile apps that connect to the internet and collect personal information on children
- Ad networks
- Websites that allow children to play games online

It appears that we could comply with our obligations under COPPA by doing the following:

- We would need to post a privacy policy online. Such a policy should clearly describe our practices for collecting personal information from children.
- We would also need to expressly notify parents of our privacy practices.
- The law would also require us to get verifiable consent from parents before collecting covered information from children.
- The law would also require us to maintain collected data confidential and secure and not share any data with third parties who may not be able to keep it confidential and secure.
- The law also requires us to delete data when the purpose for collecting it has been fulfilled.
- We would also need to be able to provide parents access to their children's information and give them the ability to delete it.

A legally compliant privacy policy needs to:

- Provide direct notice to parents about parental consent.
- Give parents the choice of consenting to the collection and use of data (and also give them the opportunity to prevent further use or collection of the data).

- Provide parents access to the PII.
- Maintain confidentiality and keep the information secure.
- Retain the PII collected as long as necessary.

COPPA defines “personal information” extremely broadly. It includes, among other things, any child under age 13’s:

- Names and physical addresses
- Email addresses and online contact information, including screen names and usernames
- “Persistent identifiers” (data that is tied to and identifies a particular child and that’s used to track that child over time and across other websites; this includes customer numbers stored in cookies, IP addresses and the serial numbers of devices used to access the internet)
- Telephone numbers
- Social Security Numbers
- Photos, videos or audio files that contain a child’s image or voice
- Location data that could be used to determine a child’s address
- Any data collected from a child that relates to the child or the child’s parents and can be used to identify the child by combining it with other data

Our game would likely be subject to COPPA. It is subject to the law if we have actual knowledge or any reason to believe that kids 12-under are using our game. We would usually need to get verifiable parental consent **before** we collect any personal information online from children under 13. There are certain limited exceptions.

There are law firms that specialize in helping game developers comply with COPPA and this may be something we want to explore. List of some of the many law firms below.

Resources:

Link to the actual law

<https://www.ftc.gov/legal-library/browse/rules/childrens-online-privacy-protection-rule-coppa>

<https://www.gamedeveloper.com/business/think-your-game-is-exempt-from-coppa-think-again->

<https://iapp.org/news/a/childrens-online-gaming-privacy-platform-looks-to-make-compliance-seamless-for-developers>

<https://news.bloomberglaw.com/privacy-and-data-security/video-game-content-creators-face-coppa-liability-hazards>

<https://www.khlaw.com/insights/video-game-developer-settles-alleged-violations-federal-and-state-privacy-laws-governing>

<https://www.wsgr.com/en/insights/video-game-app-developer-agrees-to-pay-dollar500000-for-childrens-and-minors-ccpa-coppa-and-ads-violations.html>

Below is a link to how to get the parent's consent

<https://www.consentcheq.com/gdpr-for-child-parent-audiences/>

FTC FAQ's on COPPA

<https://www.ftc.gov/business-guidance/resources/complying-coppa-frequently-asked-questions>

Law firms who can assist game developers with privacy in MA:

<https://www.morse.law/practice/corporate/privacy-data-security/>

<https://www.sheppardmullin.com/esports-amp-games>

<https://www.hklaw.com/en/professionals/m/mahony-ieuan-g>

MA Laws

Massachusetts Consumer Protection Law (Chapter 93A)

Conduct that violates COPPA could also violate the Massachusetts Consumer Protection Law (Chapter 93A) if the conduct is unfair or deceptive.