



International Internet Policy Priorities Response

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International Venues

1. In addition to those venues listed, the NTIA should advance its priorities at more specialised venues, such as Child Online Protection (COP). It would be prudent to engage with COP in particular because the issue of child safety online should be a central topic of the NTIA's resources.

Privacy Issues

1. One of the foremost issues facing the NTIA relates to child safety online. Despite the enactment of COPPA in 1998, it appears that some of the most frequently visited websites in the USA are still collecting and using the personal data of children under 13. For example, in early April 2018, a coalition of organisations, including the Center for Digital Democracy filed a complaint with the FTC, alleging that YouTube was collecting and processing the data of children under 13 without parental consent.¹
2. It is therefore apparent that while COPPA requires that companies which process personal data of children under 13 to obtain parental consent, the self-regulatory system that has been created under it is ineffective and inefficient. Without an effective method of age verification and obtaining parental consent, children will continue to have their information collected and processed unlawfully.
3. Under COPPA, it is necessary for online companies which reasonably believe their service might be used by children under the age of 13 or target their services at children under the age of 13 to verify the age of individuals using their service.
4. In its present state, COPPA does not mandate a method of verifying the identity of children visiting websites which may be used by children under the age of 13. The lack of any clear guidance has led to many of the most frequently visited websites in the USA merely using a neutral age gate system.

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<https://www.democraticmedia.org/article/advocates-say-googles-youtube-violates-federal-childrens-privacy-law>



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5. However, the neutral age gate system is fundamentally flawed. It is reliant on the individual using the website acting truthfully. There is no effective way of ensuring that a child who has self-certified that they are aged 13 or above has in fact told the truth. This is an ineffective method of verifying age, especially given that there are innovative products already on the market which can preclude individuals lying about their age online.
6. In addition to the deficiency posed by age verification, there is a serious problem when it comes to verifiable parental consent.
7. Where a business has reason to believe that a user of its website may be below the age of 13, it will attempt to obtain verifiable parental consent. The COPPA Safe Harbor Program suggests several methods of obtaining verifiable parental consent. However, many businesses only use one method.
8. Businesses frequently use what is known commonly as “email plus” in order to collect verifiable parental consent. Email plus operates by prompting the child to enter the email of its parent. The parent then receives an email to a link to a webpage where they can consent to data collection on behalf of their child.
9. Email plus is an ineffective method of allowing parents or legal guardians to give consent on behalf of children under the age of 13. There are two major issues with email plus.
10. First, there is nothing to prevent the a child who is under the age of 13 creating a false email account and pretending to be its own parent or an adult with bad motives pretending to be both parent and child or colluding with another person to do that.
11. The FTC has recognized since at least 1999 that email plus is “not as reliable as other enumerated methods of verifiable parental consent”.² Nonetheless, it is a

² 64 FR at 59902 (“[E]mail alone does not satisfy the COPPA because it is easily subject to circumvention by children.”).



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widely used method and there appears to be an inertia at the FTC to enact any change, despite the email plus being easily circumvented.

12. Secondly, email plus stymies innovation. Only 4 of the 7 approved Safe Harbor organisations introduce novel methods of obtaining verifiable parental consent, which they provide in addition to the options set out in the Safe Harbor programme. This creates little incentive for businesses which must comply with COPPA to use anything other than email plus.
13. However, there are more efficient, more secure methods of verifying the age of individuals and there are more efficient, more secure methods of allowing parents or legal guardians to give effective consent. For example, a digital identity platform such as Yoti would be able to solve the critical issues facing COPPA, empowering individuals on the internet while protecting websites from being subject to large fines by the FTC. One such example is Yoti.
14. Yoti is a digital identity app, which allows individuals to share verified identity attributes which are linked to government-issued documents, such as a passport. Companies are then able to request only the attributes which they think are necessary to complete a task. It also permits greater flexibility in the method by which the data is sent; for example, a company could ask whether an individual was above the age of 13, rather than asking for their specific age.
15. By using the core Yoti service, websites are able to verify the age of individuals visiting their website. This can allow them to create an extremely effective method of precluding children under a given age visiting their websites.
16. Moreover, by using digital identity platform such as Yoti, companies will be able to comply with the principle of data minimisation, which they are likely to need to, being caught by the recent enactment of the EU General Data Protection Regulations (GDPR).



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17. Yoti could also solve the issue surrounding parental consent. In addition to the core Yoti service, Yoti also provides Yoti Connections. Yoti Connections can allow a company to set up an online portal for parents or legal guardians to use. Within that portal, the parent or legal guardian would be able to use the core Yoti service to prove their identity, and would then be able to give or withhold consent for their child to access the website, and in turn give or withhold consent for that website to collect data on the child.

Summary

18. In summary, the NTIA should take two actions.

19. First, it should consider whether its activities would be bolstered by engaging with specialised venues, such as Child Online Protection (COP).

20. Secondly, it should prioritise child safety online. The COPPA in its current form is inefficient and ineffective. It fails to properly protect children operating online, creating an infrastructure in which businesses are able to monetise illegally children.