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Privacy Law ALERT

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FTC Votes to Keep July 1 Compliance Deadline for COPPA; California Bill Would Require Removing Children's Personal Information from Social Networking Sites

The Federal Trade Commission voted unanimously this week to keep the July 1, 2013, compliance date for the new [COPPA Rule](#). Representatives from several industry groups had asked the FTC to delay the compliance date to give businesses more time to make the changes necessary to comply with the new Rule. However, in a [letter](#) to these representatives, the FTC explained that businesses have been able to follow the rulemaking process for the past three years and that the new Rule was announced in December 2012, leaving companies six months to study the new Rule and make any necessary changes.

The FTC also stated that “the Commission will exercise prosecutorial discretion in enforcing the Rule, particularly with respect to small businesses that have attempted to comply with the Rule in good faith in the early months after the Rule becomes effective. Further, the Commission follows a policy for reducing, or in appropriate circumstances waiving, civil penalties for violations of a statutory or regulatory requirement by a small entity.”

The FTC reminded businesses that it has set up a hotline at CoppaHotLine@ftc.gov so that businesses can ask specific questions about the new Rule and recently updated its [COPPA FAQs](#) to include information about the new Rule.

We summarized the new Rule in a previous [Alert](#).

California Considering a Bill Requiring Removal of Personal Information from Children's Social Media Accounts

The California Senate has approved [Senate Bill 501](#), which, if enacted, would provide significant fines for social networking sites that fail to remove the personal information of a child within 96 hours of receiving such a request. The bill provides that “a social networking Internet Web site shall remove the

personal identifying information of a registered user in a timely manner upon his or her request. In the case of a registered user who identifies himself or herself as being under 18 years of age, the social networking Internet Web site shall also remove the information in a timely manner upon the request of a parent or legal guardian of the registered user.”

A request submitted by a registered user must include sufficient information to verify the identity of the user and must specify any known location of the information that is the subject of the request.

A social networking site that willfully and knowingly violates any provision of the bill would be liable for a civil penalty of up to \$10,000 for each violation.

“Personal identifying information” is defined as a person’s address, telephone number, driver’s license number, state identification card number, Social Security number, employee identification number, mother’s maiden name, demand deposit account number, savings account number, or credit card number. “In a timely manner” is defined as within 96 hours of delivery of the request.

According to the [Los Angeles Times](#), several companies, including Google, Zynga, and Tumblr, oppose the bill and sent a letter to the bill’s sponsor, calling the proposal unnecessary, unworkable, and in violation of teenagers’ free-speech rights. The bill now goes to the California State Assembly.

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Advanced Media and Technology Department

KENNETH A. ADLER	KADLER@LOEB.COM	212.407.4284
ROBERT M. ANDALMAN	RANDALMAN@LOEB.COM	312.464.3168
ALISA C. BERGSTEIN	ABERGSTEIN@LOEB.COM	312.464.3155
CHRISTIAN D. CARBONE	CCARBONE@LOEB.COM	212.407.4852
TAMARA CARMICHAEL	TCARMICHAEL@LOEB.COM	212.407.4225
MARC CHAMLIN	MCHAMLIN@LOEB.COM	212.407.4855
MARGARET CHARENDOFF	MCHARENDOFF@LOEB.COM	212.407.4069
DAVID W. GRACE	DGRACE@LOEB.COM	310.282.2108
THOMAS A. GUIDA	TGUIDA@LOEB.COM	212.407.4011
NATHAN J. HOLE	NHOLE@LOEB.COM	312.464.3110
MELANIE J. HOWARD	MHOWARD@LOEB.COM	310.282.2143
MICHAEL W. JAHNKE	MJAHNKE@LOEB.COM	212.407.4285
THOMAS P. JIRGAL	TJIRGAL@LOEB.COM	312.464.3150
IEUAN JOLLY	IJOLLY@LOEB.COM	212.407.4810
JULIE E. LAND	JLAND@LOEB.COM	312.464.3161
DOUGLAS N. MASTERS	DMASTERS@LOEB.COM	312.464.3144

NERISSA COYLE MCGINN	NMCGINN@LOEB.COM	312.464.3130
ANNE KENNEDY MCGUIRE	AMCGUIRE@LOEB.COM	212.407.4143
DANIEL G. MURPHY	DMURPHY@LOEB.COM	310.282.2215
BRIAN NIXON	BNIXON@LOEB.COM	202.618.5013
ANGELA PROVENCIO	APROVENCIO@LOEB.COM	312.464.3123
CHRISTINE M. REILLY	CREILLY@LOEB.COM	310.282.2361
KELI M. ROGERS-LOPEZ	KROGERS-LOPEZ@LOEB.COM	310.282.2306
STEVE A. SEMERDJIAN	SSEMERDJIAN@LOEB.COM	212.407.4218
BARRY I. SLOTNICK	BSLOTNICK@LOEB.COM	212.407.4162
REGAN A. SMITH	RASMITH@LOEB.COM	312.464.3137
BRIAN R. SOCOLOW	BSOCOLOW@LOEB.COM	212.407.4872
WALTER STEIMEL, JR.	WSTEIMEL@LOEB.COM	202.618.5015
AKIBA STERN	ASTERN@LOEB.COM	212.407.4235
JAMES D. TAYLOR	JTAYLOR@LOEB.COM	212.407.4895
MICHAEL A. THURMAN	MTHURMAN@LOEB.COM	310.282.2122