

Why Parents Help Their Children Lie to Facebook About Their Age

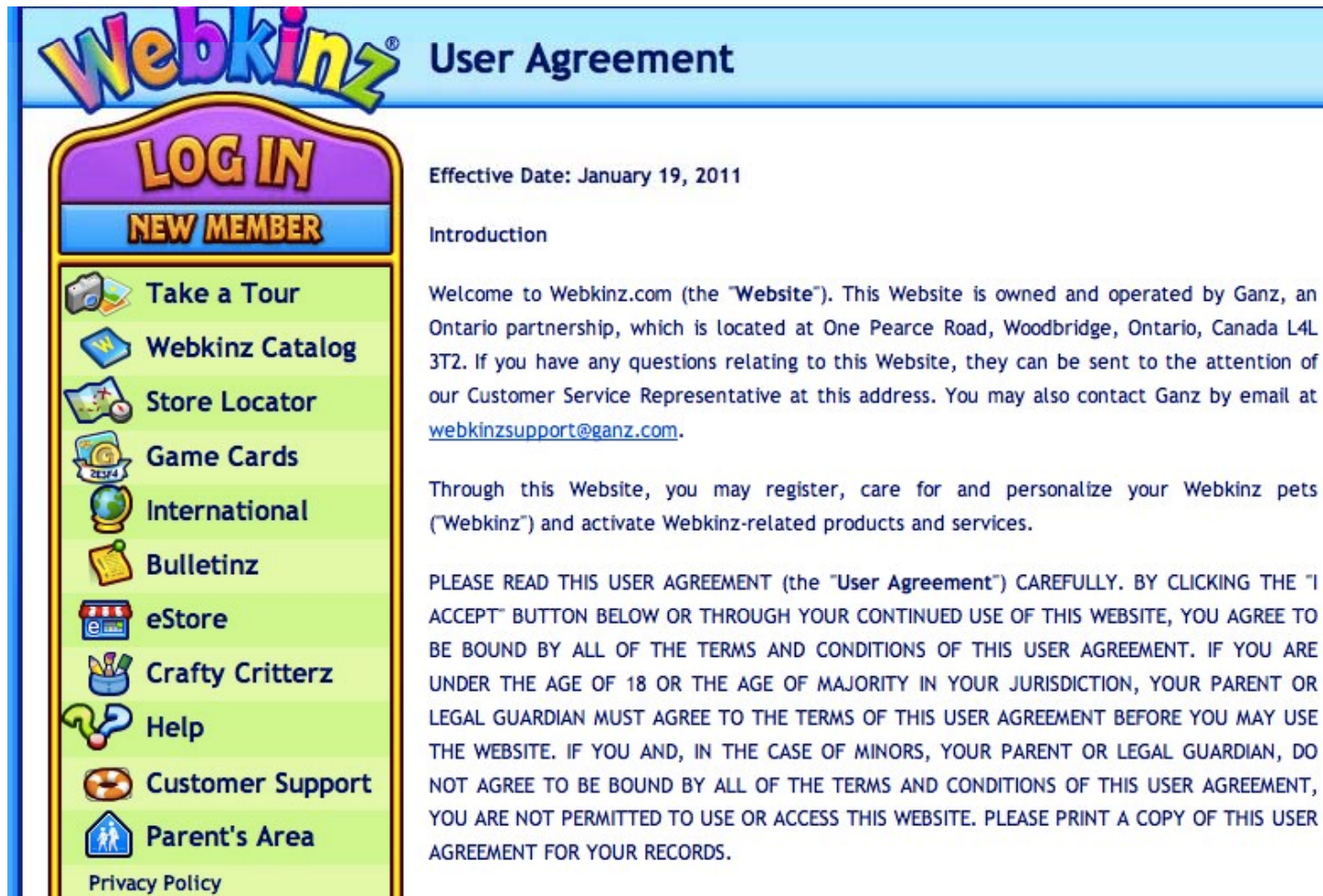
COPPA and the Unintended Consequences of Age-Based Regulations

Prof. Jason Schultz
Berkeley Law Privacy Forum
April 26, 2012

COPPA: A Well-Meaning Law

- Enacted in 1998; finalized in 2000 by FTC Rule
- Commercial websites that target children <13 or have actual knowledge of users <13
- Must obtain affirmative parental consent for data collection and use

Industry Responses to COPPA



Webkinz® User Agreement

LOG IN
NEW MEMBER

- Take a Tour
- Webkinz Catalog
- Store Locator
- Game Cards
- International
- Bulletinz
- eStore
- Crafty Critterz
- Help
- Customer Support
- Parent's Area

Privacy Policy

Effective Date: January 19, 2011

Introduction

Welcome to Webkinz.com (the "Website"). This Website is owned and operated by Ganz, an Ontario partnership, which is located at One Pearce Road, Woodbridge, Ontario, Canada L4L 3T2. If you have any questions relating to this Website, they can be sent to the attention of our Customer Service Representative at this address. You may also contact Ganz by email at webkinzsupport@ganz.com.

Through this Website, you may register, care for and personalize your Webkinz pets ("Webkinz") and activate Webkinz-related products and services.

PLEASE READ THIS USER AGREEMENT (the "User Agreement") CAREFULLY. BY CLICKING THE "I ACCEPT" BUTTON BELOW OR THROUGH YOUR CONTINUED USE OF THIS WEBSITE, YOU AGREE TO BE BOUND BY ALL OF THE TERMS AND CONDITIONS OF THIS USER AGREEMENT. IF YOU ARE UNDER THE AGE OF 18 OR THE AGE OF MAJORITY IN YOUR JURISDICTION, YOUR PARENT OR LEGAL GUARDIAN MUST AGREE TO THE TERMS OF THIS USER AGREEMENT BEFORE YOU MAY USE THE WEBSITE. IF YOU AND, IN THE CASE OF MINORS, YOUR PARENT OR LEGAL GUARDIAN, DO NOT AGREE TO BE BOUND BY ALL OF THE TERMS AND CONDITIONS OF THIS USER AGREEMENT, YOU ARE NOT PERMITTED TO USE OR ACCESS THIS WEBSITE. PLEASE PRINT A COPY OF THIS USER AGREEMENT FOR YOUR RECORDS.

Industry Responses to COPPA

4. Registration and Account Security

Facebook users provide their real names and information, and we need your help to keep it that way. Here are some commitments you make to us relating to registering and maintaining the security of your account:

1. You will not provide any false personal information on Facebook, or create an account for anyone other than yourself without permission.
2. You will not create more than one personal profile.
3. If we disable your account, you will not create another one without our permission.
4. You will not use your personal profile for your own commercial gain (such as selling your status update to an advertiser).
5. You will not use Facebook if you are under 13.
6. You will not use Facebook if you are a convicted sex offender.
7. You will keep your contact information accurate and up-to-date.
8. You will not share your password, (or in the case of developers, your secret key), let anyone else access your account, or do anything else that might jeopardize the security of your account.
9. You will not transfer your account (including any page or application you administer) to anyone without first getting our written permission.
10. If you select a username for your account we reserve the right to remove or reclaim it if we believe appropriate (such as when a trademark owner complains about a username that does not closely relate to a user's actual name).

Industry Responses to COPPA

facebook



Search



Report an Underage Child

If you believe there is a child under the age of 13 using Facebook, please use this form to file a report.

URL of the profile
you'd like to report

Full name of the
person you'd like to
report

Email address listed
on the profile

Networks the person
belongs to
(Ex: San Francisco, CA)

Actual age of the
child



Your relationship to
the user

Pick One



Industry Responses to COPPA



Thi

[Home](#) [Features](#) [Resources](#) [Pricing](#)

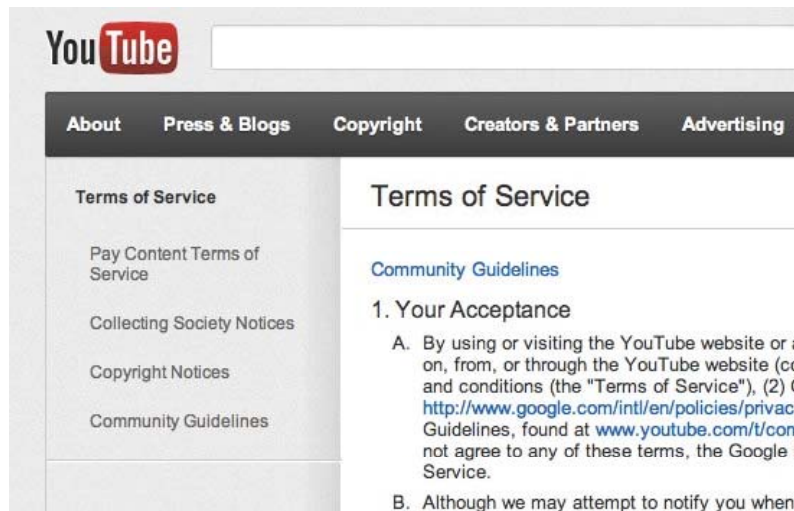
TERMS OF SERVICE

Last Updated: January 4, 2012

Ning, Inc. ("Ning", "we" or "us") is an online service provider that provides a set of services and technology applications that enable users to create their own [Networks](#) utilizing our technology platform (the "Ning Platform"). Ning is not involved in the management of Networks on the Ning Platform and is not involved in the decisions relating to the focus of Networks or the [Content](#) uploaded or published to Networks using the Ning Platform. These are your Networks and, as a [Network Creator](#), you are responsible for managing them in all respects (including the actions, conduct, and Content of Your [Members](#)) in compliance with these Terms of Service ("Terms of Service" or "Agreement").

The Ning Platform is not directed to children younger than 13 and is offered only to users 13 years of age or older. If you are under 13 years old, please do not use the Ning Platform. Any person who provides their personal information through the Ning Platform represents to us that they are 13 years of age or older.

Industry Responses to COPPA



12. Ability to Accept Terms of Service

You affirm that you are either more than 18 years of age, or an emancipated minor, or possess legal parental or guardian consent, and are fully able and competent to enter into the terms, conditions, obligations, affirmations, representations, and warranties set forth in these Terms of Service, and to abide by and comply with these Terms of Service. In any case, you affirm that you are over the age of 13, as the Service is not intended for children under 13. If you are under 13 years of age, then please do not use the Service. There are lots of other great web sites for you. Talk to your parents about what sites are appropriate for you.

Industry Responses to COPPA

Pandora Terms of Use

[Read Pandora's Privacy Policy](#)

To make it a bit easier to digest our Terms of Use, we thought we'd start by highlighting in plain English some of the issues. This summary is not a legal document. Of course you'll want to read the complete Terms of Use, but here is what we think is important:

Terms:

- Because of the way our content licensing works, you have to live in the United States to use Pandora. You also have to be at least 13 years old. Pandora can only be used if you are in the United States.
- We expect you to keep your account password to yourself.
- Except as set forth below in Section 2.1, Pandora is for personal use only. That means you can't play Pandora for the patrons in your bar, coffee shop, etc.
- You can't use Pandora to steal music or other content, and you have to listen to it through pandora.com or on a device officially supported by Pandora.
- Do not use Pandora if you do not agree to the Terms of Use. Your use of Pandora means you agree to the Terms of Use.

Industry Responses to COPPA

change.org

Start a Petition

Browse Petitions

Featured Petitions



Boy Scouts of America: Reinstate Cub Scout leader who was removed for being gay

by Jennifer Tyrrell 145,426 SUPPORTERS SIGN



Tell Village Voice Media to Stop Child Sex Trafficking on Backpage.com

by Groundswell 234,546 SUPPORTERS SIGN



MHSAA: Allow my son and some disabled students to play for 1 year past the current age limit

by Dean Dompierre 89,053 SUPPORTERS SIGN



Fired for Teaching about Trayvon: Re-Hire Brooke Harris

by Teaching Tolerance 220,069 SUPPORTERS SIGN



Asma Al-Assad: Call for Peace in Syria

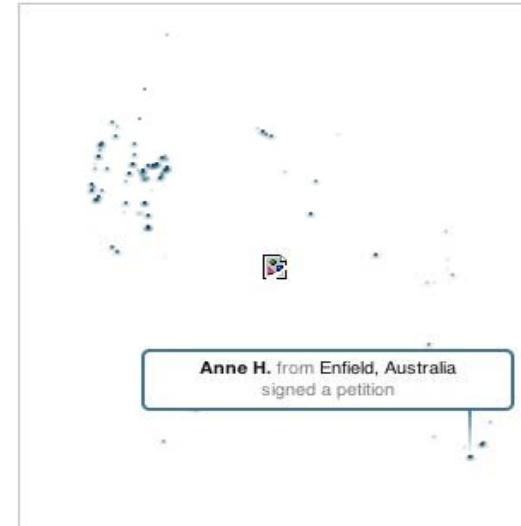
by Women of the World 34,522 SUPPORTERS SIGN



Key Bank: Stop forcing my family to pay my dead brother's student loans

by RyanBR Bryski 78,411 SUPPORTERS SIGN

Signatures



Top Causes

Animals

Health

Criminal Justice

Human Rights

Economic Justice

Human Trafficking

Education

Immigrant Rights

Environment

Sustainable Food

Gay Rights

Women's Rights

Press Coverage

Industry Responses to COPPA

change.org

Start a Petition

Browse Petitions

Terms of Service

Welcome to the User Agreement for Change.org. This agreement governs your use of the Service and the Site. In order to become a Member, you must read, understand, and accept all of the terms and conditions of this agreement and the Privacy Policy. In the event of any inconsistency between the Change.org Privacy Policy and the User Agreement, the User Agreement shall control. Nothing in this Agreement shall be construed to create a third-party beneficiary relationship.

Eligibility

Membership in the Service is void where prohibited. This Site is intended solely for Users who are thirteen (13) years of age or older, and any registration by, use of or access to the Site by anyone under 13 is unauthorized, unlicensed and in violation of these Terms of Use. By using the Service or the Site, you represent and warrant that you are 13 or older and that you agree to read, understand, and abide by all of the terms and conditions of this Agreement. The Company may terminate your membership, delete your profile and any content or information that you have posted on the Site and/or prohibit you from using or accessing the Service or the Site (or any portion, aspect or feature of the Service or the Site) for any reason, at any time in its sole discretion, with or without notice, including without limitation if it believes that you are under 13.

Industry Responses to COPPA

A. ITUNES STORE TERMS AND CONDITIONS

B. MAC APP STORE, APP STORE AND IBOOKSTORE TERMS AND CONDITIONS

C. PRIVACY POLICY

A. ITUNES STORE TERMS AND CONDITIONS

THE LEGAL AGREEMENT BETWEEN YOU AND APPLE INC, ("APPLE") SET OUT BELOW GOVERNS YOUR USE OF THE ITUNES STORE SERVICE (THE "ITUNES SERVICE"). TO AGREE TO THESE TERMS, CLICK "AGREE." IF YOU DO NOT AGREE TO THESE TERMS, DO NOT CLICK "AGREE," AND DO NOT USE THE SERVICE.

THE ITUNES STORE SERVICE

Apple is the provider of the iTunes Service, which permits you to purchase or rent digital content ("iTunes Products") and use only under the terms and conditions set forth in this Agreement.

REQUIREMENTS FOR USE OF THE ITUNES SERVICE

This iTunes Service is available for individuals aged 13 years or older. If you are 13 or older but under the age of 18, you should review this Agreement with your parent or guardian to make sure that you and your parent or guardian understand it.

Industry Responses to COPPA



marshalls
home

browse
depts.

buy a
gift card

find a store

zip or city, state

TERMS OF USE

Welcome! You are visiting the website of Marshallsonline.com, the website for Marshalls (referred to herein as the "Website"). Marshalls is a division of The Companies, Inc. ("TJX"). Marshalls, TJX and its affiliates are collectively referred to as the "TJX Businesses."

Marshallsonline.com is operated by Marshalls and the mailing address is 770 Cochituate Road, Framingham, MA 01701.

General Use of Web Site

Before using our Website, please take some time to review the following basic terms and conditions and the terms of our [Privacy Notice](#) (which are incorporated herein by reference). Collection and use of user personal information under this Website is subject to the Privacy Notice. The Terms of Use and the Privacy Notice collectively referred to as the "Terms of Use." When you use our Website you are automatically agreeing to be bound by the Terms of Use. The Terms of Use or a term or conditions thereof may be changed or updated by TJX from time to time without prior notice. Continued use of the Website following any such changes constitute your acceptance of any new Terms of Use. Users are responsible for regularly reviewing the Terms of Use and we encourage you, therefore, to review them carefully whenever you use the Website. We may suspend or terminate your account or your use of this Website at any time, for any reason or for no reason you do not agree with any of the Terms of Use, please do not use the Website.

Children under the age of 13 may not use this Website and parents or legal guardians may not agree to the Terms of Use on their behalf. If you are under the age of 18 but at least 13 years of age you may use this Website only with the consent of and under the supervision of a parent or legal guardian who agrees to be bound by the Terms of Use. If you are a parent or legal guardian agreeing to the Terms of Use on behalf of a child between the ages 13 and 18, you agree that you are fully responsible for use of this Website by that child, including any financial charges that the child may incur through use of the Website.

Industry Responses to COPPA

Power Poetry

The world's first mobile poetry community for youth

Visit Site

Watch Trailer

BROWSE OUR FILMS

- < [ITVS Series & Collections](#)
- < [Diversity & Identity](#)
- < [Democracy & Rights](#)
- < [Arts & Culture](#)
- < [Health & Environment](#)
- < [International Stories](#)

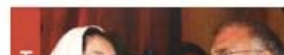
Diverse stories.
Independent filmmakers.
Award-winning documentaries.
On TV, online,
and in communities.
Welcome to public
media's independent
voice

BEYOND THE BOX BLOG



Charlie 13 Premieres on
FUTURESTATES >

posted yesterday



Bhutto Producer Mark Siegel
Reflects on Benazir Bhutto >

NOW SHOWING

TV (72)

Screenings (70)

Online (142)

Zip Code

Get Local Listings



Facing the Storm: Story
of the American Bison
Premiering nationally

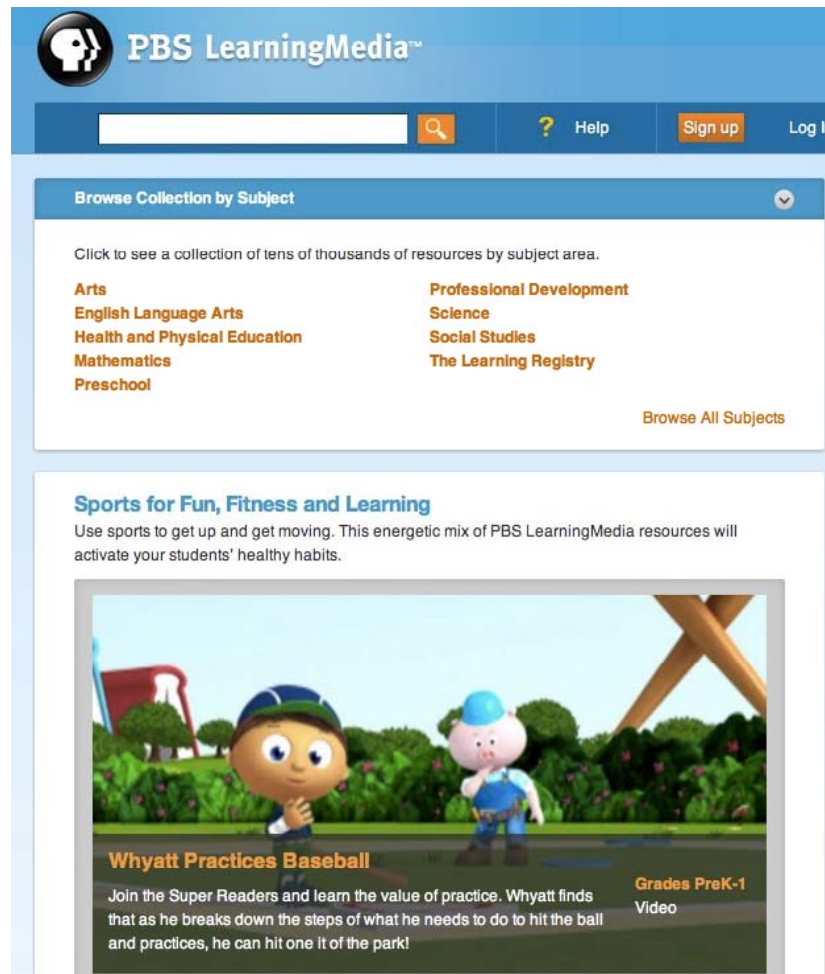
Industry Responses to COPPA

2. Age of Users

Children under the age of 13 may not use the site and parents or legal guardians may not agree to these Terms of Use on their behalf. If we become aware that a child under 13 has provided or attempted to provide us with personal information, we will use our best efforts to remove the information permanently from our files.

If you are under the age of 18 but at least 13 years of age, you may use this site only under the supervision of a parent or legal guardian who agrees to be bound by these Terms of Use. If you are a parent or legal guardian agreeing to these Terms of Use for the benefit of a child between the ages of 13 and 18, be advised that you are fully responsible for his or her use of this site, including all legal liability that he or she may incur.

Industry Responses to COPPA



The screenshot shows the PBS LearningMedia website interface. At the top, there is a blue header with the PBS LearningMedia logo and the text "PBS LearningMedia™". Below the header is a search bar with a magnifying glass icon, a "Help" link with a question mark icon, a "Sign up" button, and a "Log In" link. The main content area is titled "Browse Collection by Subject" and includes a dropdown arrow. Below this title, there is a paragraph: "Click to see a collection of tens of thousands of resources by subject area." This is followed by two columns of subject links: "Arts", "English Language Arts", "Health and Physical Education", "Mathematics", "Preschool", "Professional Development", "Science", "Social Studies", and "The Learning Registry". A "Browse All Subjects" link is located at the bottom right of this section. Below the subject links, there is a section titled "Sports for Fun, Fitness and Learning" with a sub-header. The text below reads: "Use sports to get up and get moving. This energetic mix of PBS LearningMedia resources will activate your students' healthy habits." Below this text is a video player showing two cartoon characters, a boy and a girl, in a park setting. The video title is "Whyatt Practices Baseball" and the grade level is "Grades PreK-1". The video description reads: "Join the Super Readers and learn the value of practice. Whyatt finds that as he breaks down the steps of what he needs to do to hit the ball and practices, he can hit one it of the park!"

PBS LearningMedia™

Search Help Sign up Log In

Browse Collection by Subject

Click to see a collection of tens of thousands of resources by subject area.

Arts
English Language Arts
Health and Physical Education
Mathematics
Preschool

Professional Development
Science
Social Studies
The Learning Registry

[Browse All Subjects](#)

Sports for Fun, Fitness and Learning

Use sports to get up and get moving. This energetic mix of PBS LearningMedia resources will activate your students' healthy habits.

Whyatt Practices Baseball

Join the Super Readers and learn the value of practice. Whyatt finds that as he breaks down the steps of what he needs to do to hit the ball and practices, he can hit one it of the park!

Grades PreK-1
Video

Industry Responses to COPPA



PBS LearningMedia™



? Help

Sign up

Log In

Legal Documents

[Privacy Policy](#)

Terms of Use

[Full License for Section 3\(B\) of Terms of Use](#)

[Full License for Section 3\(C\) of Terms of Use](#)

[Full License for Section 3\(D\) of Terms of Use](#)

Terms of Use

THE FOLLOWING TERMS AND CONDITIONS GOVERN YOUR USE OF THE SITE. PLEASE READ THESE TERMS OF USE CAREFULLY BEFORE USING THIS SITE. By using the Site you signify your agreement to these terms and conditions (the "Terms").

PBS LearningMedia is an online educational service offering media resources appropriate for PreK-16 curriculum, for use in classrooms, homeschool, and informal educational environments, such as after-school, community facilities, and museums (the "Service"). This PBS LearningMedia site (including all services, functionality and content available through the <http://www.pbslearningmedia.org> domain name, collectively, the "Site") is owned and operated by WGBH Educational Foundation ("WGBH") and the Public Broadcasting Service ("PBS") (collectively, "we," "us," "our"). The Terms set forth herein apply to all information, online communications, services, text, video, audio files, graphics, still images, links, or other material and content that is or becomes available on the Site or is otherwise offered for the Service (collectively, "Content"). By accessing or using the Site, you specifically agree to abide by these Terms and any modifications thereto.

AGE ADVISORY: You affirm that you are either more than 18 years of age, or an emancipated minor, or possess legal parental or guardian consent, and are fully able and competent to enter into the terms and conditions set forth in these Terms of Use, and to abide by and comply with these Terms of Use. In any case, you affirm that you are over the age of 13, as the Site is not directed to children younger than 13 and is offered only to users 13 years of age or older. If you are not yet 13 years old, then you may not register for the Site.

Industry Responses to COPPA

CrunchBase Terms of Service

CrunchBase General Terms of Use

Welcome to the CrunchBase.com website ("Site" or "Service"), which is operated by Interserve Inc dba TechCrunch ("TechCrunch," "we" or "us"). By accessing or using this Site, you signify that you have read, understand and agree to be bound by these Terms of Use ("Terms of Use" or "Agreement"), whether or not you are a registered member of the Service. We reserve the right, at any time, to add to, change, update, or modify these Terms of Use, simply by posting such change, update, or modification on the Site and without any other notice to you. Any such change, update, or modification will be effective immediately upon posting on the Site. It is your responsibility to review these Terms of Use from time to time to ensure that you continue to agree with all of its terms.

PLEASE READ THESE TERMS OF SERVICE CAREFULLY AS THEY CONTAIN IMPORTANT INFORMATION REGARDING YOUR LEGAL RIGHTS, REMEDIES AND OBLIGATIONS.

Eligibility

Membership in the Service is void where prohibited. This Site is intended solely for users who are thirteen (13) years of age or older, and users of the Site under eighteen (18) who are currently in high school or college. Any registration by, use of or access to the Site by anyone under 13, or by anyone who is under 18 and not in high school or college, is unauthorized, unlicensed and in violation of these Terms of Use. By accessing or using the Site, you represent and warrant that you are 13 or older and in high school or college, or else that you are 18 or older, and that you agree to and to abide by all of the terms and conditions of this Agreement.

A Tale of Two Internets



Children's Responses to Industry



Children's Responses to Industry

- Pew Research (2010): 46% of 12 y.o. on SNS
- Pew Research (2011): 45% of 12 y.o. on SNS
 - 44% of teens admit lying about age to access SNS
- EU Kids Online (2010):
 - 31% of 10 y.o. on SNS
 - 44% of 11 y.o. on SNS
 - 55% of 12 y.o. on SNS

Children's Responses to Industry

- *New York Times* (2011):
 - 3.6 of Facebook's 153 million monthly users <12
- *Consumer Reports* (2011)
 - Of 20 million minors who actively used Facebook in the last year, 7.5 million <13
- Raises serious ethical and legal questions
 - Normative propriety of regularly violating TOS
 - Potential civil and criminal liability under CFAA

Our Study: What about parents?

- danah boyd, Microsoft Research
 - Eszter Hargittai, Northwestern University
 - John Palfrey, Harvard Law – Berkman Center
-
- What do parents know?
 - What do parents think?
 - What do parents want?

Findings

Table 4: Mean age when child joined Facebook, and parental awareness and assistance of account creation (among parents who report child with Facebook account).

Note: N=506.

	Child's current age				
	10	11	12	13	14
Mean age child joined Facebook	8.9	10.0	11.1	12.1	11.7
Parent was aware when child signed up	95%	88%	82%	82%	88%
Parent helped create the account	78%	68%	76%	60%	47%

Findings

Table 7: Parents' willingness to allow their child to create an account in violation of the minimum age requirement.

Note: N=1,007.

Are there any situations where you would allow your child to create an account on an online service if your child was younger than the service's age limit?

Yes, for any listed reason (net)	78%
Yes, for educational or school related purposes	54%
Yes, to communicate other family members	48%
Yes, to communicate with me	47%
Yes, to communicate with friends	22%
Yes, because their classmates use the service	9%
Yes, but only under supervision	50%
No, I would never allow it	22%

Findings

Table 9: Parents' perception of appropriate age for a typical child to join Facebook.

Note: N=1,007.

	Child joined Facebook when under minimum age (N=363)	Child joined Facebook <i>not</i> under the minimum age (N=144)	Child 10–12, not on Facebook (N=400)	Child 13 or 14, not on Facebook (N=100)
Appropriate age for a typical child to join Facebook	12.4	13.2	13.9	14.2

Findings

Table 11: Parents' opinion about who should decide whether or not a child can access Web sites and online services.

Note: N=1,007; Due to rounding, the percentages listed in this table add up to 101%.

Who should have the final say about whether or not your child should be able to use Web sites and online services?

Parents	93%
Company providing the service	3%
Government	2%
The child	2%
Other	1%

Conclusions

- Parents value privacy but do not want their children's online access restricted
- COPPA's "bright line" age-based cut-off encourages sites to ban <13 kids
- Kids and parents must lie to gain access
 - In doing so, they give up COPPA's privacy protections, perhaps even unknowingly
 - Result: data on millions of kids being collected and used without affirmative parental consent

Recommendations

- Do not legislation based on bright-line rules around age or any other demographic
 - FTC COPPA Rulemaking
 - Do Not Track Kids Act of 2011, H.R. 1895
- We all need privacy protection, not just kids
 - (Hoofnagle and King, 2008)
- Universal privacy protections w/o bright lines might avoid these unintended consequences

Connected Learning

to fuse young people's interests, friendships, and academic achievement through experiences placed with hands-on production, shared purpose, and open networks.

PRODUCTION CENTERED

Connected learning prizes the learning that comes from **actively producing, creating, experimenting, and designing**, because it promotes skills and dispositions for lifelong learning, and for making meaningful contributions to today's rapidly changing work and social conditions.

INTERESTS

Interests foster the drive to gain knowledge and expertise. Research has repeatedly shown that when the topic is personally interesting and relevant, learners achieve much higher-order learning outcomes. Connected learning views interests and passions that are developed in a social context as essential elements.

SHARED PURPOSE

Today's social media and web-based communities provide unprecedented opportunities for caring adults, teachers, parents, learners, and their peers to share interests and contribute to a common purpose. The potential of **cross-generational learning and connection** unfolds when centered on common goals.



PEER CULTURE

Connected learning thrives in a socially meaningful and knowledge-rich ecology of ongoing participation, self-expression, and recognition. In their everyday exchanges with peers and friends, young people fluidly contribute, share and give feedback. Powered with possibilities made available by today's social media, this peer culture can produce learning that's engaging and powerful.

OPENLY NETWORKED

Connected learning environments **link learning in school, home, and community**, because learners achieve best when their learning is reinforced and supported in multiple settings. Online platforms can make learning resources abundant, accessible, and visible across all learner settings.

ACADEMIC

Connected learning recognizes the importance of academic success for intellectual growth and as an avenue towards economic and political opportunity. When academic studies and institutions draw from and connect to young people's peer culture, communities, and interest-driven pursuits, learners flourish and realize their true potential.

ACTIVE RELEVANT REAL WORLD EFFECTIVE HANDS ON

Q&A

Thank You!
jschultz@law.berkeley.edu