

Course Syllabus
COPPA
The John Marshall Law School –Chicago
Fall Semester, 2002

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COURSE DESCRIPTION: This course will cover the Children’s Online Privacy Protection Act, the implementing rule, and the legislative and historical background leading up to its enactment. We will examine the requirements of the rule, and companies’ ability to adhere to those requirements.

COURSE MATERIALS:

The following course materials are to be completed before Day One, **September 21, 2002**.

- Children’s Online Privacy Protection Rule; 16 CFR Part 312, as amended (<http://www.ftc.gov/os/1999/9910/64fr59888.pdf>, start on page 59911)
- FTC Fair Information Practice Principles (<http://www.ftc.gov/reports/privacy3/priv-23a.pdf>, pages 7 – 11)
- Children’s Advertising Review Unit “Guidelines for Interactive Electronic Media” (<http://www.caru.org/carusubpgs/guidepg.asp>)
- FTC Cases (complaints, exhibits, and consent decrees): *Girl’s Life*, *BigMailBox*, *Lisa Frank*, *Jolly Time*, *Etch-a-Sketch* (links to complaints, exhibits, and consent decrees can be found at <http://www.ftc.gov/opa/2001/04/girlslife.htm>, <http://www.ftc.gov/opa/2001/10/lisafrank.htm>, <http://www.ftc.gov/opa/2002/02/popcorn.htm>, and <http://www.ftc.gov/opa/2002/04/coppaanniv.htm>; these links will take you to the FTC press release, on the right side will be the links to the documents you need to read for class)
- CARU cases: *General Mills*, *Microsoft*, *Warner Bros.*, *Sony*, *Lisa Frank*, *Roaring Mouse* (<http://www.caru.org/news/pillsbury.asp>, <http://www.caru.org/news/mypassport.asp>, <http://www.caru.org/news/pagano.asp>, <http://www.caru.org/news/sonymusic.asp>,

<http://www.caru.org/news/ftcandlisafrank10301.asp>, and
<http://www.caru.org/news/roarmouse5799.asp>.

GRADING: Grades will be based on class participation (20%), an initial assignment (described below –30%), the final project presentation (described below -15%), and the final project written assignment (described below –35%). Both the initial assignment and the final written project will be evaluated on their ability to reflect the student’s understanding of the course materials, as well as on clarity, originality, persuasiveness, and depth of research.

Final Project

Students will be grouped in pairs, and will be provided with a link to non-compliant web site. One student will represent the non-compliant web site, and the other student will represent the FTC. The pair will need to negotiate a settlement, and present their negotiation to the class. As a follow up project, the “FTC student” will need to draft a complaint, FTC press release; while the “non-compliant web site” student will need to draft the consent decree and company press release to consumers. Both the complaint and the consent decree should be 10 to 15 pages, and must include proper citations. The press releases should each be two to three pages. The final project is due **October 12, 2002**.

SYLLABUS

September 21, 2002

- I. Fair Information Practice Principles and History of Privacy Protection 9:00 to 9:55
In this session, we will discuss the history of privacy protection from the offline to the online world, and cover the core “fair information practice principles” of the Federal Trade Commission.

- II. CARU Guidelines and History of Online Protection of Children 10:05 to 11:30
In this session we will discuss the history of children’s privacy protection, including the Children’s Advertising Review Unit guidelines (on which COPPA was based).

- III. COPPA Rule and FTC Cases 11:40 to 12:30 and 1:30 to 4:00
In this longer session we will cover the COPPA rule itself, including the permitted methods for collecting information from children online, and the complicated parental consent requirements and exceptions thereto. We will also cover the recent FTC actions, and look at the Commission’s current regulatory trends.

- IV. Discussion of Course Assignments, Team Preparation for Final Project 4:15 to 5:00
After a brief discussion of the initial assignment, which will be due on Day Two, teams will convene to prepare for their in-class presentation.

Day Two

- I. Problems with COPPA: Safe Harbor/Amendment as Possible Solutions 9:00 to 11:00
In this session we will discuss the Rule's safe harbor provision, review the programs currently available, and discuss both their benefits, as well as their shortcomings. We will also analyze the recent amendment to the Rule (regarding verification methods for parental consent), and discuss whether the amendment, alone, provides a viable solution to the Rule's problems.
- II. CARU Cases and Self Regulation 11:00 to 1:00
In this session we will look at sample CARU decisions, and discuss their effect on business practices as well as future FTC investigations. We will look at additional requirements and concerns imposed by CARU that have not yet been addressed by the FTC, including "aging up" concerns.
- IV. Team Presentations 2:30 to 4:30
During this session, each team will give a fifteen minute presentation of their mock negotiation to the rest of the class.
- V. Summary and Recap 4:00 to 5:00