§ 6501. Definitions

6503. Safe harbors.

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Sec.

6504. Actions by States.

6502. Regulation of unfair and deceptive acts and

products or services for sale through that web-

site or online service, involving commerce—

(i) among the several States or with 1 or

more foreign nations;

(ii) in any territory of the United States

or in the District of Columbia, or between

any such territory and—

(I) another such territory; or

(II) any State or foreign nation; or

(iii) between the District of Columbia

and any State, territory, or foreign nation;

but

(B) does not include any nonprofit entity

that would otherwise be exempt from cov-

erage under section 4 of this title.

(3) Commission

The term “Commission” means the Federal
Trade Commission.

(4) Disclosure

The term “disclosure” means, with respect

to personal information—

(A) the release of personal information

collected from a child in identifiable form by an

operator for any purpose, except where such

information is provided to a person other

than the operator who provides support for

the internal operations of the website and

does not disclose or use that information for

any other purpose; and

(B) making personal information collected

from a child by a website or online service

directed to children or with actual knowl-

edge that such information was collected

from a child, publicly available in identifiable

form, by any means including by a public

posting, through the Internet, or through—

(i) a home page of a website;

(ii) a pen pal service;

(iii) an electronic mail service;

(iv) a message board; or

(v) a chat room.

(5) Federal agency

The term “Federal agency” means an agen-
cy, as that term is defined in section 551(1) of

title 5.

(6) Internet

The term “Internet” means collectively the

myriad of computer and telecommunications

facilities, including equipment and operating

software, which comprise the interconnected

world-wide network of networks that employ

the Transmission Control Protocol/Internet

Protocol, or any predecessor or successor pro-
tocols to such protocol, to communicate infor-
mation of all kinds by wire or radio.

(7) Parent

The term “parent” includes a legal guard-

ian.

(8) Personal information

The term “personal information” means in-
dividually identifiable information about an

individual collected online, including—

(A) a first and last name;

(B) home or other physical address in-

cluding street name and name of a city or
town;

(C) an e-mail address;

(D) a telephone number;

(E) a Social Security number;

(F) any other identifier that the Commis-
sion determines permits the physical or on-\n
line contacting of a specific individual; or

(G) information concerning the child or

the parents of that child that the website

collects online from the child and combines

with an identifier described in this para-

graph.

(9) Verifiable parental consent

The term “verifiable parental consent” means any reasonable effort (taking into con-
sideration available technology), including a
request for authorization for future collection,
use, and disclosure described in the notice, to
ensure that a parent of a child receives notice
of the operator’s personal information collect-
ion, use, and disclosure practices, and author-
izes the collection, use, and disclosure, as appli-
cable, of personal information and the sub-
sequent use of that information before that in-
formation is collected from that child.

(10) Website or online service directed to chil-
dren

(A) In general

The term “website or online service di-
rected to children” means—

(i) a commercial website or online serv-
ce that is targeted to children; or

(ii) that portion of a commercial website

or online service that is targeted to chil-
dren.
(B) Limitation

A commercial website or online service, or a portion of a commercial website or online service, shall not be deemed directed to children solely for referring or linking to a commercial website or online service directed to children by using information location tools, including a directory, index, reference, pointer, or hypertext link.

(11) Person

The term ‘person’ means any individual, partnership, corporation, trust, estate, cooperative, association, or other entity.

(12) Online contact information

The term ‘online contact information’ means an e-mail address or another substantially similar identifier that permits direct contact with a person online.


EFFECTIVE DATE


‘‘(1) the date that is 18 months after the date of enactment of this Act; or

‘‘(2) the date on which the Commission rules on the first application filed for safe harbor treatment under section 1304 [enacting section 6563 of this title] if the Commission does not rule on the first such application within one year after the date of enactment of this Act, but in no case later than the date that is 30 months after the date of enactment of this Act.’’

SHORT TITLE


§ 6502. Regulation of unfair and deceptive acts and practices in connection with collection and use of personal information from and about children on the Internet

(a) Acts prohibited

(1) In general

It is unlawful for an operator of a website or online service directed to children, or any operator that has actual knowledge that it is collecting personal information from a child, to collect personal information from a child in a manner that violates the regulations prescribed under subsection (b) of this section.

(2) Disclosure to parent protected

Notwithstanding paragraph (1), neither an operator of such a website or online service nor the operator’s agent shall be held to be liable under any Federal or State law for any disclosure made in good faith and following reasonable procedures in responding to a request for disclosure of personal information under subsection (b)(1)(B)(iii) of this section to the parent of a child.

(b) Regulations

(1) In general

Not later than 1 year after October 21, 1998, the Commission shall promulgate under section 553 of title 5 regulations that—

(A) require the operator of any website or online service directed to children that collects personal information from children or the operator of a website or online service that has actual knowledge that it is collecting personal information from a child—

(i) to provide notice on the website of what information is collected from children by the operator, how the operator uses such information, and the operator’s disclosure practices for such information; and

(ii) to obtain verifiable parental consent for the collection, use, or disclosure of personal information from children;

(B) require the operator to provide, upon request of a parent under this subparagraph whose child has provided personal information to that website or online service, upon proper identification of that parent, to such parent—

(i) a description of the specific types of personal information collected from the child by that operator;

(ii) the opportunity at any time to refuse to permit the operator’s further use or maintenance in retrievable form, or future online collection, of personal information from that child; and

(iii) notwithstanding any other provision of law, a means that is reasonable under the circumstances for the parent to obtain any personal information collected from that child;

(C) prohibit conditioning a child’s participation in a game, the offering of a prize, or another activity on the child disclosing more personal information than is reasonably necessary to participate in such activity;

(D) require the operator of such a website or online service to establish and maintain reasonable procedures to protect the confidentiality, security, and integrity of personal information collected from children.

(2) When consent not required

The regulations shall provide that verifiable parental consent under paragraph (1)(A)(ii) is not required in the case of—

(A) online contact information collected from a child that is used only to respond directly on a one-time basis to a specific request from the child and is not used to recontact the child and is not maintained in retrievable form by the operator;

(B) a request for the name or online contact information of a parent or child that is used for the sole purpose of obtaining parental consent or providing notice under this section and where such information is not maintained in retrievable form by the operator if parental consent is not obtained after a reasonable time;

(C) online contact information collected from a child that is used only to respond more than once directly to a specific request from the child and is not used to recontact the child beyond the scope of that request—

(i) if, before any additional response after the initial response to the child, the