



Children's Privacy Notice Guidance		
Directive No.: CIO 2182-G-01.1	CIO Approval: 5-22-2018	Transmittal No.: 18-006

*Issued by the EPA Chief Information Officer,
Pursuant to Delegation 1-19, dated 07/07/2005*

Children's Privacy Notice Guidance

1. PURPOSE

This guidance addresses the notice and consent requirements of the Children's Online Privacy Protection Act (COPPA) and provides suggested wording Environmental Protection Agency (EPA) offices could use when soliciting personally identifiable information (PII) from children online as part of an outreach effort. When requesting PII from children under 13, EPA offices must provide a notice to parents and receive their consent to obtain the information, in accordance with COPPA. EPA offices will provide a notice similar to the template included in the Appendix B of this EPA Information Guidance document.

2. SCOPE

This guidance is applicable to the EPA public access websites and EPA Intranet, including websites EPA co-sponsors or co-owns in partnerships.

For purposes of this guidance, "websites" or "web pages" is used interchangeably and refers to the applicable websites above.

3. AUDIENCE

The audience for this guidance includes, but is not limited to, EPA employees and contractors who develop or approve outreach materials, web pages and educational programs directed at children.

4. BACKGROUND

COPPA of 1998 and the Children's Online Privacy Protection Final Rule, as amended in 2013, applies to operators of websites and online services directed to, or that knowingly collect, use, or disclose personal information from children under 13. Although the Act by its own terms applies only to the private sector, the Office of Management and Budget (OMB) has directed that all federal websites comply with the standards set forth in the Act.

To inform parents of their information practices, operators of affected websites are required to provide direct notice to parents and obtain "verifiable parental consent" before collecting, using or disclosing personal information from children. Operators must also provide parents a choice to allow information collection for internal use, but limit further disclosure and provide parents the ability to review their child's personal information. It is important to note that COPPA applies only when a website operator solicits and/or collects personal information from children through online sources (e.g. websites, e-mail); COPPA does not apply when such information is collected offline. Further, COPPA does not apply



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to information collected from adults about children. However, EPA policy addresses privacy protection for the offline collection of PII as well.

5. AUTHORITY

Children's Online Privacy Protection Act (COPPA) of 1998, 15 U.S.C. 6501-6506

(<https://www.ftc.gov/enforcement/rules/rulemaking-regulatory-reform-proceedings/childrens-online-privacy-protection-rule>)

Children's Online Privacy Protection Rule: Final Rule Amendments to Clarify the Scope of the Rule and Strengthen Its Protections for Children's Personal Information; 16 C.F.R. Part 312, January 17, 2013

(<https://www.ftc.gov/system/files/2012-31341.pdf>)

CIO 2155.3 Records Management Policy, February 10, 2015

(<https://www.epa.gov/sites/production/files/2015-03/documents/cio-2155.3.pdf>)

OMB Memorandum M-03-22, "OMB Guidance for Implementing the Privacy Provisions of the E-Government Act of 2002 Attachment C," September 26, 2003

(https://obamawhitehouse.archives.gov/omb/memoranda_m03-22/)

CIO 2182.0 Children's Privacy and Children's Copyright Policy, October 25, 2007

(<https://www.epa.gov/sites/production/files/2013-11/documents/2182p.pdf>)

6. GUIDANCE

Privacy

- A. Notice: EPA must post a clearly and prominently labeled link to its privacy policy on the home page of its websites or other online services (like social media, mobile apps, etc.), and provide a link to the Policy at each area of the site or service where personal information is collected from children.
- B. Images: COPPA applies to photos, videos, and audio files that contain children's images or voices. It also applies to geolocation data contained in these files sufficient to identify street name and name of city, county or town. Further, it applies to any "persistent identifiers" (like screen names, user names, Twitter handles, etc.) collected via the children's upload of their photos. Therefore, in order for EPA to offer a program that will post photos *without* parental notice and consent, the Agency must pre-screen the children's photos in order to delete any that depict images of children or to delete the applicable portion of the photo, if possible. The Agency must also



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remove any other personal information, for example, geolocation metadata, contained in the photos prior to posting them through the EPA public access websites, social media accounts, or Agency administered apps.

- C. **Social Media:** COPPA applies to Agency efforts on social media directed to children under 13, even if the information is collected passively. COPPA defines “collecting” to include requesting, prompting, or encouraging a child to submit personal information online and enabling a child to make personal information publicly available in identifiable form, including on a third party social media platform. To the extent EPA directly solicits responses from children on social media platforms, EPA must receive verifiable parental consent before enabling children to share personal information on a third party social media platform.

- D. **Agency Contests:** COPPA has a “one-time contact” exception for contests where only children’s online contact information is collected to enter them into a contest and the only other contact once the contest ends to notify them if they have won or lost. At that point, all contact information must be deleted. For contests that will involve multiple contacts with children, the “multiple contact exception” will apply if the Agency also collects a parent’s online contact information and provides parents direct notice of the EPA Children’s Privacy Policy and an opportunity to opt out. In either case, the children’s online contact information cannot be used for any other purpose and the Agency must ensure the security of the information.

- E. **Answering questions submitted online from children reasonably believed to be under the age of 13:** The Agency may respond to questions submitted online from children, but the child’s contact information will need to be deleted according to the appropriate records schedule after the question has been answered.

- F. **Participating in school associated events:** Schools may act as the parent’s agent and can consent to the collection of kids’ information on the parent’s behalf as long as the associated event is limited to the educational context. When participating in a school event, the Agency must provide the school with a description of the information it may collect, provide the school the EPA Children’s Privacy Policy, and obtain consent from the school – preferably from an administrator. Once consent from the school has been obtained, the Agency can rely on this consent to collect and use personal information (such as pictures, emails, etc.) from children at the school as long as it is connected to the educational program.

- G. **Sample Language for “Notice to Parents and Other Persons Submitting Contributions in Response to this Request”**

It is EPA policy not to collect information online about or from children under the age of 13 except when it is needed to identify submissions from children or to answer questions from children relating to the environment. Any such instances where information is collected on websites for children will be clearly marked. Information



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submitted online to EPA will not be used for another purpose or shared with third parties, unless required by law, nor will PII be published on the EPA public access websites. Parental consent is required for the collection or use of this information. You may choose to refuse to provide your consent and if no consent is provided within a reasonable time from the date of this notice, EPA will delete both the child and the parent's online contact information from its files in accordance with the approved EPA records retention schedule for transitory records. If permission is granted, the identifying information will be deleted after completion of the activity in accordance with the approved EPA records schedule. For additional information, a privacy and security notice (<https://www.epa.gov/privacy/privacy-and-security-notice>) is published on the EPA public access websites, including websites for children.

When EPA offices identify the work product of a child on the EPA public access websites, only the first name, age, and home state/territory/country of the child will be stated (e.g., Mike, age 7, Kentucky) unless the parent makes a hardcopy request to have additional information posted.

Copyright

A. Sample Language for an artwork submission from children.

As part of an outreach effort to stimulate interest in the environment, EPA is requesting interested children to submit materials, including artwork for display on EPA's public access websites. EPA also requests the child's parent/guardian to provide express permission for the Agency to post or publish the artwork on the EPA Intranet and on websites EPA co-sponsors or co-owns in partnerships or in other EPA publications, at EPA's discretion. EPA will not identify children online except by first name, age, and home state/territory/country of the child (e.g., Mike, age 7, Kentucky) unless the parent makes a hardcopy request to have additional information posted.

7. ROLES AND RESPONSIBILITIES

Assistant Administrators, Regional Administrators, and all EPA employees and contractor employees, including but not limited to staff involved in online outreach and or education programs directed at children, as well as web managers, web developers and contractor employees who develop and or manage EPA web pages are responsible for providing a notice for parental consent when needed and developing a method for verifying that parental consent.

8. RELATED INFORMATION

CIO 2180.1 Web Governance and Management Policy, 05/07/2013
(<https://www.epa.gov/sites/production/files/2013-11/documents/2180-1.pdf>)

CIO 2181.0 Posting Copyrighted Works on EPA Web Site Policy, 10/25/2007



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<https://www.epa.gov/sites/production/files/2013-11/documents/2181p.pdf>

CIO 2151.1 Privacy Policy, 09/14/2015

<http://intranet.epa.gov/oei/imitpolicy/gic/ciopolicy/2151.1.pdf>

EPA Privacy and Security Notice

<https://www.epa.gov/privacy/privacy-and-security-notice>

EPA website procedures, standards and guidance are provided on the EPA Web Guide

<https://www.epa.gov/webguide>

9. DEFINITIONS

Operator. Used in the definition of verifiable parental consent. Any person who operates a website located on the Internet or an online service and who collects or maintains personal information from or about the users of or visitors to such website or online service, or on whose behalf such information is collected or maintained

Personally Identifiable Information (PII). Any information about an individual maintained by an agency, which can be used to distinguish, trace, or identify an individual's identity, including personal information which is linked or linkable to an individual.

The amended 2013 COPPA Rule specifically includes as PII the following: first and last name, a home or other physical address, online contact information, a screen or username that functions as online contact information, telephone number, social security number, a persistent identifier that can be used to recognize a user over time and across different websites or online services, a photograph, video, or audio file that contains a child's image or voice, geolocation information sufficient to identify street name and name of a city or town, or information concerning the child or the parents of that child that the operator collects online from the child and combines with another identifier.¹

Verifiable Parental Consent. Taking into consideration available technology, any reasonable effort to ensure that a parent of a child receives notice of the operator's personal information collection, use, and disclosure practices, and authorizes the collection, use, and disclosure, as applicable, of personal information and the subsequent use of that information before that information is collected from that child. This may include a request for authorization for future collection, use, and disclosure described in the notice.

Offline Content: Any document created by a child under the age of 13 (such as drawings, posters, etc.) and brought to the EPA's attention in physical form (e.g. at an event or

¹ *Complying with COPPA: Frequently Asked Questions, "What is Personal Information," is available online at <https://www.ftc.gov/tips-advice/business-center/guidance/complying-coppa-frequently-asked-questions>*



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submitted by mail) or any document created by EPA internally containing images of or artwork by children under the age of 13 and potentially later shared by EPA online. For example, EPA's Administrator attends a science fair to select winners of a contest involving children's posters they created about an environmental issue. PII about the children are identifiable from the content of their posters. This is offline content that becomes subject to this policy to the extent the Agency wishes to publish the posters online.

10. WAIVERS

There are no waivers from this guidance.

11. MATERIAL SUPERSEDED

CIO 2182-G-01.0 Children's Privacy Notice to Parents and Other Persons Guidance, 10/25/2007

12. CONTACTS

For further information about this guidance, please contact the Web Content Services Division, Office of Information Management, in the Office of Environmental Information.

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**APPENDIX A:
Acronyms & Abbreviations**

COPPA	Children's Online Privacy Protection Act
EPA	Environmental Protection Agency
OMB	Office of Management and Budget
PII	Personally Identifiable Information



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**APPENDIX B:
Basic Parental Consent Template**

COPPA requires website operators to make reasonable efforts to ensure that a parent of a child receives direct notice of the operator's practices with regard to collection, use, or disclosure. A verified parental consent form can be used to provide notice to parents and obtain their consent. Appendix B to this Guidance provide a basic verified parental consent template for use in paper or electronic form. It is not intended to encompass all possible types of information collection and will need to be tailored to the specific EPA Program requesting the information.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460

Dear Parent/Guardian,

We have received a request from you or your child to participate in [applicable EPA program]. Because this EPA program comes with features that require us to collect personal information from your child, we are contacting you to get your consent for your child to have access. Please read our complete privacy policy, [provide hyperlink to policy] which follows this form, and if it is acceptable to you, please provide your consent by signing this form.

Completed forms should be returned to the United States Environmental Protection Agency, Office of [insert Program Office, Program POC name and phone number].

COPPA (Children's Online Privacy Protection Act)

Description: Websites must obtain Verifiable Parental Consent before collecting information from children or permitting them to disclose personal information of children under 13 years.

1. I am the parent/legal guardian of _____ [print]. I have read the U.S. EPA privacy policy and consent to allow my child to participate and access in the applicable EPA Program.

Parent signature _____

Date _____

2. I have read the U.S. EPA privacy policy and consent to allow my child to disclose their [insert applicable information - email address, name, etc.] to be used only by U.S. EPA employees administrating the program for communication purposes.

Parent signature _____

Date _____