

DANIEL K. INOUE, HAWAII
JOHN F. KERRY, MASSACHUSETTS
BARBARA BOXER, CALIFORNIA
BILL NELSON, FLORIDA
MARIA CANTWELL, WASHINGTON
FRANK R. LAUTENBERG, NEW JERSEY
MARK PRYOR, ARKANSAS
CLAIRE McCASKILL, MISSOURI
AMY KLOBUCHAR, MINNESOTA
TOM UDALL, NEW MEXICO
MARK WARNER, VIRGINIA
MARK BEGICH, ALASKA

KAY BAILEY HUTCHISON, TEXAS
OLYMPIA J. SNOWE, MAINE
JOHN ENSIGN, NEVADA
JIM DEMINT, SOUTH CAROLINA
JOHN THUNE, SOUTH DAKOTA
ROGER F. WICKER, MISSISSIPPI
JOHNNY ISAKSON, GEORGIA
ROY BLUNT, MISSOURI
JOHN BOOZMAN, ARKANSAS
PATRICK J. TOOMEY, PENNSYLVANIA
MARCO RUBIO, FLORIDA
KELLY AYOTTE, NEW HAMPSHIRE

United States Senate

COMMITTEE ON COMMERCE, SCIENCE,
AND TRANSPORTATION

WASHINGTON, DC 20510-6125

WEB SITE: <http://commerce.senate.gov>

ELLEN DONESKI, STAFF DIRECTOR
BRIAN M. HENDRICKS, REPUBLICAN STAFF DIRECTOR AND GENERAL COUNSEL

May 13, 2011

Mr. Eric Schmidt
Executive Chairman
Google, Inc.
1600 Amphitheatre Parkway
Mountain View, CA 94043

Dear Mr. Schmidt:

I write this letter to inquire about Google's commercial practices with regard to platform applications that run on Android mobile devices and their effects on children's privacy. While recent media attention has focused on devices storing location data, less scrutiny has been focused on ongoing practices that may be in violation of current federal law. Specifically, very little is publicly known about mobile applications designed for the Android mobile platform that collect and use information about children in possible violation of the Children's Online Privacy Protection Act or "COPPA."

In effect since 2000, COPPA prohibits certain online companies from collecting "personal information" from children 12 years old and younger without express consent from their parents. The law's prohibition applies to any "operator of a website or online service directed to children" under the age of 13. Presumably, many, if not most, software applications available for mobile device using the Android platform qualify as an "online service," and some of these applications are directed towards children, even toddlers. They are featured in diverse online venues such as the "Android Market." In sum, many of the applications available for Android smartphones are covered by the mandates of COPPA and the law's implementing regulations, also known as the "COPPA Rule."

In order to comply with the parental consent requirements under COPPA, the COPPA Rule requires a covered application developer to comply with numerous requirements that fulfill the law's intent to provide parents with notice and consent. At its most basic, COPPA requires children's applications to, among other things, (1) provide conspicuous notice on what personal information is being collected and how it is being used, (2) receive explicit, verifiable parental consent, and (3) provide parents with access to all information being collected. A violation of any of these provisions constitutes a violation of a rule promulgated under Section 18 of the Federal Trade Commission Act, which defines an "unfair or deceptive act or practice." Such violations are subject to civil penalties and other equitable remedies.

Mr. Eric Schmidt

May 13, 2011

Page 2 of 2

Given the mandates of COPPA and prevalence of applications for the Android that are intended for children under the age of 13, I am writing to ask you to answer the following questions:

- Does Google produce any applications designed for children under the age of 13 and, if so, are they compliant with COPPA?
- Are children's applications available in the Android Market (located at <http://market.android.com>) compliant with COPPA?
- Does Google require application developers to be in compliance with COPPA?
- Does Google inform application developers about their obligations to be compliant with COPPA?
- What policies does Google have in place to promote maximum possible compliance with COPPA's mandates by applications available in the Android Market and other sites where apps are available?

I plan to address these issues at the Senate Commerce, Science and Transportation Committee hearing on May 19. Therefore, I would appreciate your representative being prepared to discuss the matter at the hearing. Should you have any questions, please do not hesitate to contact me or contact Alex Hoehn-Saric on my Committee staff at (202) 224-1270.

Sincerely,



John D. Rockefeller IV
Chairman
Senate Committee on Commerce, Science
And Transportation