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United States Senate

COMMITTEE ON COMMERCE, SCIENCE,
AND TRANSPORTATION

WASHINGTON, DC 20510-6125

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

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May 13, 2011

Mr. Steve Jobs
President
Apple, Inc.
1 Infinite Loop
Cupertino, CA 95014

Dear Mr. Jobs:

I write this letter to inquire about Apple's commercial practices with regard to platform applications that run on Apple's mobile devices and their effects on children's privacy. While recent media attention has focused on mobile devices storing location data, less scrutiny has been focused on ongoing third-party practices that may be in violation of current federal law. Specifically, very little is publicly known about Apple-approved mobile applications 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 your popular mobile devices, the iPhone and iPad, 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 Apple's App Store under "Apps for Moms and Dads" and by independent websites, such as "BestKidsApps." In sum, many of the applications available in your App Store 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.

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

- Does Apple produce any applications designed for children under the age of 13 and, if so, are they compliant with COPPA?
- Are third-party children's applications available in Apple's App Store compliant with COPPA?
- Does Apple require application developers to be in compliance with COPPA?
- Does Apple inform application developers about their obligations to be compliant with COPPA?
- What policies does Apple have in place to promote maximum possible compliance with COPPA's mandates by applications available in the App Store?

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