

October 5, 2016
Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

Re: *Ex Parte* disclosure pursuant to 47 C.F.R. § 1.1206(b) in WC Docket 16-106

Dear Ms. Dortch:

On October 4, 2016, Danny Weiss, Vice President of Federal Policy; Ariel Fox Johnson, Senior Policy Counsel; and Carlin Littles, Legal Intern of Common Sense Kids Action met with Claude Aiken of the office of Commissioner Clyburn.

In our meeting, Common Sense expressed strong support for the Commission's proposed privacy rules. Common Sense supports strong baseline privacy rules for everyone, but is particularly concerned about privacy protections for children and teens and protections in schools and libraries. Common Sense reiterated its positions that schools and libraries serve populations that are heavily susceptible to privacy harms, and any "pay for privacy" schemes should not be allowed in such institutions.

As to children and teens, rules that only protect certain information designated as "sensitive" under opt-in may leave children and teens vulnerable. Common Sense emphasized that the Children's Online Privacy Protection Act (COPPA) does not offer children enough protection in the ISP context, especially in the wake of the Ninth Circuit's decision in *FTC v. AT&T Mobility LLC*. Further, COPPA protections are offered only to kids under the age of 13. There is a growing concern about the sensitivity of teen's information, as seen in the bipartisan, bicameral legislation pending (Do Not Track Kids Act of 2015) that would protect the privacy of teens under the age of 16. The Commission has the opportunity to extend broadband privacy protections to teens.

Should any rules treat certain information differently, children and teens deserve the utmost protection. The entirety of their information is sensitive. Particularly with respect to children, this is something on which all filers in this proceeding agree: their information is sensitive, including IP addresses and geolocation. This is consistent with the Federal Trade Commission's approach.

Common Sense expressed its concern that, if the Commission chooses to apply a differential framework, even if it appropriately deems children and teens' information as sensitive, then families may have to give up privacy in order to designate to ISPs that they are dealing with the information of a protection-deserving minor. Common Sense reiterated its position that children and teens' information deserves the highest levels of protection, and that those protections should be available with the least amount of information disclosure to ISPs.

The FCC should close the gap in children and teen's privacy and give children and teens, at home and at school, the privacy protections they deserve.

Sincerely,

/s/ Ariel Fox Johnson

Ariel Fox Johnson
Carlin Littles
Common Sense Kids Action

Cc: Claude Aiken