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“Tip of the Month”

Mobile Apps and the Children’s Online Privacy Protection Act

Mobile apps that collect personal information from children under the age of 13 are subject to the strict requirements of the Children’s Online Privacy Protection Act (COPPA). Failure to comply with these requirements could result in hefty government fines.

What is COPPA? COPPA is a federal law that limits the personal information commercial websites, plugins, mobile apps, and the like can collect from children under 13, and makes it illegal to collect such information without parental consent.

What is Personal Information? Under COPPA, personal information includes a child’s name, physical address, IP address, online contact information (i.e. email or messenger username), telephone number, social security number, geolocation, photos, and audio recordings.

Is your business subject to COPPA? If any of your mobile apps are directed to children under the age of 13 and collect personal information, or if your mobile app is directed towards a general audience and you have actual knowledge that the app collects personal information from a child under the age of 13, your business is subject to COPPA.

How to comply with COPPA? If your business is subject to COPPA, your mobile apps must have a clearly defined and easy to understand privacy policy. The privacy policy must be clearly labeled and easy to locate. The privacy policy must describe your company’s data collecting practices, such as what data is collected, why it’s collected, how it’s collected, how it will be used, and whether any third parties can access and collect the same through your app. Your privacy policy must also list parental rights. Parental rights include the parents’ right (1) to refuse at any time permission to use of their child’s information, (2) to review their child’s information, (3) to revoke previously given consent and refuse collection of further information, and (4) to demand that their child’s information be deleted.

In addition to the need for a privacy policy, COPPA compliance involves a notice requirement. To lawfully collect the personal information of a child under the age of 13, your business must first notify the child’s parents directly and get verifiable parental consent. Your business must honor the parents’ ongoing rights with respect to the information collected and implement reasonable procedures to protect the security of the personal information collected.

If you have questions about COPPA or any other state and federal privacy laws, please contact the attorneys at Mesmer & Deleault, PLLC by giving us a call at 603-668-1971 or contact us by email at *mailbox @ biz-patlaw.com*.

Happy Holidays!

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