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

CHILDREN'S PRIVACY NOTICE TO PARENTS AND OTHER PERSONS

1. PURPOSE

This guidance provides suggested wording EPA offices could use when soliciting personally identifiable information (PII) from children online as part of an outreach effort. The EPA office will provide a notice similar to the sample "Notice to Parents and Other Persons Submitting Contributions in Response to this Request" (Refer to Section 6, Guidance). The EPA office will ensure that verifiable parental consent was obtained (Refer to Section 6 Guidance B and Section 9, Definitions).

2. SCOPE AND APPLICABILITY

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

For purposes of this guidance, "Web site" or "Web pages" is used interchangeably and refers to the applicable Web sites above.

3. AUDIENCE

All EPA personnel and contractor staff involved with outreach and/or education programs directed at children and/or developing or approving Web pages, including Assistant Administrators, Regional Administrators, Web managers and Web developers.

4. BACKGROUND

The Children's Online Privacy Protection Act of 1998 (COPPA) and Children's Online Privacy Protection Final Rule, as amended, apply to Web sites and online services directed to, or that knowingly collect information from, children under 13. Although the Act by its own terms applies only to the private sector, OMB has directed that all Federal Web sites comply with the standards set forth in the Act.

To inform parents of their information practices, these sites are required to provide notice on the site, including information to parents about their policies with respect to the collection, use and disclosure of children's personal information. With certain statutory exceptions, sites will also have to obtain "verifiable parental consent" before collecting, using or disclosing personal information from children. It is important to note that COPPA applies only when a Web site operator solicits and/or collects personal information from or about children from online sources (e.g. Web sites, e-mail); COPPA does not apply when such information is collected offline. However, EPA goes beyond COPPA to address other EPA practices related to privacy protection for children including offline collection of PII.

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5. AUTHORITY

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

Children's Privacy Protection Final Rule,) 64 Federal Register (FR) 59888 (November 3, 1999), as amended by 70 FR 21104 (April 22, 2005)

Code of Federal Regulations Compilation of Regulations Implementing COPPA, 16 CFR Part 312

EPA Records Schedule 167 "Transitory Files"

(<http://www.epa.gov/records/policy/schedule/sched/167.htm>)

OMB Memorandum M-00-13, Jacob J. Lew, Director, Office of Management and Budget, "Privacy Policies and Data Collection on Federal Web Sites," June 22, 2000.

(www.whitehouse.gov/OMB/memoranda/m00-13.html)

CIO Policy 2182.0 Children's Privacy and Children's Copyright, 10/25/2007

(<http://intranet.epa.gov/oei/imitpolicy/policies.htm>)

6. GUIDANCE

- A. 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 Web sites for children will be clearly marked. Information submitted online to EPA will not be used for another purpose or shared with third parties, unless required by law, nor will personally identifiable information (PII) be published on the EPA Web site. When the activity is completed, the identifying information will be deleted within 90 days, in accordance with the approved EPA records schedule. A privacy and security notice (<http://www.epa.gov/epafiles/usenotice.htm>) is published on the EPA Web site, including Web sites for children.

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

- B. Best Practices Example – EPA Environmental Kids Club

The Membership Application for the EPA Environmental Kids Club (<http://www.epa.gov/kids/club/applicationletter.pdf>) does supply a recognized method to obtain verifiable prior parental consent. It provides a consent form to be signed by the parent and returned to EPA by postal mail. This consent form can act as a template for other EPA programs subject to the Children's Online Privacy Protection Act, when needed.

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C. 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 Web site. 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 Web sites 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 of the child (e.g., Mike, age 7, Kentucky) unless the parent makes a hardcopy request to have additional information posted.

7. RELATED DOCUMENTS

CIO 2191.0 Web Governance and Management, 09/07/2006
(<http://intranet.epa.gov/oei/imitpolicy/policies.htm>)

CIO 2181.0 Posting Copyrighted Works on EPA Web Site, 10/25/2007
(<http://intranet.epa.gov/oei/imitpolicy/policies.htm>)

CIO 2151.0 Privacy Policy, 09/27/2007 (<http://intranet.epa.gov/oei/imitpolicy/policies.htm>)

EPA Privacy and Security Notice (www.epa.gov/epafiles/usenotice.htm)

Letter, John T. Spotila, Administrator, OMB Office of Information and Regulatory Affairs, to Roger Baker, Chief Information Officer at the Commerce Department, September 5, 2000.
(http://www.whitehouse.gov/omb/infoereg/cookies_letter90500.html)

8. 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.

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.

Verifiable parental consent. Any reasonable effort (taking into consideration available technology), including a request for authorization for future collection, use, and disclosure described in the notice, 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

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personal information and the subsequent use of that information before that information is collected from that child.

10. WAIVERS

Not applicable.

11. RELATED POLICIES, PROCEDURES AND STANDARDS

EPA Web site procedures, standards and guidance are provided on the EPA Web Guide (<http://www.epa.gov/webguide/standards>).

12. MATERIAL SUPERSEDED

Not applicable.

13. ADDITIONAL INFORMATION

For further information about this guidance, please contact the Policy and Program Management Branch, Office of Information Analysis and Access, in the Office of Environmental Information.



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and Chief Information Officer
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