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<b>Children's Privacy and Children's Copyright Policy</b>		
Directive No.: CIO 2182.1	CIO Approval: 5-22-2018	Transmittal No.: 18-006

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

## **Children's Privacy and Children's Copyright Policy**

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### **1. PURPOSE**

This document establishes the policy for protecting the privacy of children on the Environmental Protection Agency (EPA) public access websites and the EPA Intranet, specifically addressing the collection, both online and offline, of information from children under the age of 13, and the display of personally identifiable information (PII) about children on the website. This document also establishes policy on copyright issues related to works created by and submitted to EPA by children both online and offline.

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### **2. SCOPE**

This policy is applicable to the EPA public access websites and EPA Intranet, including websites EPA co-sponsors or co-owns in partnerships.

For purposes of this policy, "websites" or "web pages" are used interchangeably and refer to the applicable websites above.

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### **3. AUDIENCE**

The audience for this policy includes, but is not limited to, EPA employees and contractors who develop or approve outreach materials, web pages and educational programs directed at children.

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### **4. BACKGROUND**

The Children's Online Privacy Protection Act of 1998 (COPPA) and Children's Online Privacy Protection Final Rule, 16 C.F.R. Part 312 (January 17, 2013) apply to operators of websites and online services directed to, or that knowingly collect, use, or disclose personal information from, children under 13. The Rule also now applies to websites or online services that have actual knowledge that they are collecting personal information directly from users of another website or online service directed to children. Although the Act by its own terms applies only to the private sector, the Office of Management and Budget (OMB) has directed that all federal websites comply with the standards set forth in the Act.

To inform parents of their information practices, operators of affected sites are required to post a clear and comprehensive online privacy policy describing their information practices for information collected from children, provide direct notice to parents and obtain "verifiable parental consent" before collecting, using or disclosing personal information

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from children. Operators must also provide parents a choice to allow information collection for internal use, but limit further disclosure and provide parents the ability to review their child's personal information. It is important to note that COPPA applies only when a website operator solicits and/or collects personal information from children through online sources (e.g. websites, e-mail, social media platforms); COPPA does not apply when such information is collected offline. Further, COPPA does not apply to information collected from adults about children.

EPA has several sites that seek to educate children about the environment, encourage them to become involved in environmental activities, and answer their questions. Some of these interactions require that EPA have information on the child. In these cases, the issue is whether EPA retains this information, and whether the information is in any way made accessible to others.

EPA has also developed several sites that include art work by children, which raised the additional issue of copyright. The copyright concern is who "owns" the art work and how this ownership is made known.

This policy addresses both of these issues regarding children and EPA. While this policy meets the requirements of COPPA, it is not meant solely as an articulation of COPPA requirements. It 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

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

(<https://www.ftc.gov/enforcement/rules/rulemaking-regulatory-reform-proceedings/childrens-online-privacy-protection-rule>)

Children's Online Privacy Protection Rule: Final Rule Amendments to Clarify the Scope of the Rule and Strengthen Its Protections for Children's Personal Information; 16 C.F.R. Part 312, January 17, 2013 (<https://www.ftc.gov/system/files/2012-31341.pdf>)

OMB Memorandum M-03-22, "OMB Guidance for Implementing the Privacy Provisions of the E-Government Act of 2002 Attachment C," September 26, 2003 ([https://obamawhitehouse.archives.gov/omb/memoranda\\_m03-22/](https://obamawhitehouse.archives.gov/omb/memoranda_m03-22/))

CIO 2155.3 Records Management Policy, February 10, 2015 (<https://www.epa.gov/sites/production/files/2015-03/documents/cio-2155.3.pdf>)

Title 17 of United States Code. 17 U.S.C. 105 (<http://www.copyright.gov/title17/92chap1.html#105>) addresses the scope of copyright law. Note: It specifically states that copyright protection under this title is not available for any work of the U.S. Government. However, the Government is not precluded from receiving and holding copyrights transferred to it by reassignment, bequest, or otherwise.



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**6. POLICY**

**Privacy**

- A. EPA offices will not knowingly collect identifiable information from or about children under the age of 13 online, other than to answer their questions or to accompany a program-related submission, e.g., an art or essay contest. Any information collected from a child or their parent will not be used for any other purpose, disclosed, or combined with any other information collected from the child. Parents may refuse to permit the use and require the deletion of the information collected at any time by contacting the EPA office collecting the information.
  
- B. In accordance with COPPA regulations, in Appendix B to this Policy, EPA has compiled a list of all third-party operators that collect or maintain information on EPA's behalf at the time this Policy was issued. The inclusion of a third-party operator on the list does not confirm that the operator gathers or maintains children's personal information on EPA's behalf, but is intended to demonstrate that the operator has the potential to do so by retaining information on EPA's behalf generally. This list is subject to change and will be updated by EPA on a reasonable periodic basis. Contact information for each third-party operator is included in Appendix B for parents to contact if they have any questions or concerns with any of the third-party operator's own privacy policies covering any children's personal information they may maintain.
  
- C. EPA offices soliciting PII online from children under the age of 13 as part of an outreach effort will provide a notice similar to the template included in Appendix B of the EPA Information Guidance document entitled "Children's Privacy Notice". This template is a consent form for Agency use in paper or electronic form. The template is not intended to encompass all possible types of information collection and needs to be tailored to the specific EPA Program requesting the information. EPA offices will ensure that verifiable parental consent was obtained. If a parent does not provide consent within a reasonable time from the date the direct notice was sent, EPA will delete the parent's online contact information from its records.
  
- D. Hardcopy submission of PII collected from children under the age of 13 will be limited to only that which is necessary to accomplish an official EPA mission, administrative function, regulatory or statutory requirement and requires parental consent.
  
- E. EPA offices must also provide parents a choice to allow information collection for internal use only, limiting further disclosure and provide parents the ability to review their child's personal information.



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- F. The link to the general EPA Privacy and Security Notice (<https://www.epa.gov/privacy/privacy-and-security-notice>) will appear on, or be linked from, all EPA websites aimed at children under the age of 13.
  
- G. PII collected from children under the age of 13 to answer a question submitted to EPA through the EPA public access websites (e.g., the “Contact Us” link found on certain EPA web pages) will not be shared with any other parties outside of EPA, and will be deleted in accordance with the approved EPA records schedule.
  
- H. Photos, video, or audio recordings taken of children (under the age of 18) in public spaces (e.g., EPA outreach events, EPA facilities, EPA Earth Day activities) will not be disseminated if they contain or are combined with other information that may identify a child or children (name, location, or other PII). This does not apply to Clip Art or other widely-used graphics of unidentified children. The use of photos, video, or audio recordings taken in a protected environment such as a school or hospital, and showing a highly-defined and recognizable image of a child or children that identifies their name, location, or PII, requires a release; the release must be signed by a parent or guardian. In other locations, such as public outdoor areas, EPA limits the collection of photos, video, or audio recordings to those necessary to accomplish an official EPA mission, and appropriate measures will be taken prior to use by the Agency, in accordance with the EPA Privacy Policy referenced in the Related Information section. Standard copyright and privacy requirements on the use of an individual’s image also apply. In disseminating photos of children, consider first whether it might create a new vulnerability of unwanted attention for the child(ren).
  
- I. For offline content collected from children by EPA that the Agency intends to incorporate into its websites, publications, etc., EPA offices must obtain a signed consent form(s) either from the parents or guardian of the child(ren) prior to its publication.
  
- J. Geolocation information obtained from children under the age of 13 will not be disseminated if it is sufficient to identify the street name and name of a city, county or town the child is regularly located. For example, COPPA would be triggered where an app or online program takes a user’s latitude and longitude coordinates and translates them into precise location on a map. When triggered, operators are required to obtain parental consent prior to collecting such geolocation information, regardless of when such data is collected. Accordingly, geolocation metadata contained in photos must be removed prior to posting them online.

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



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**Copyright**

- A. A child submitting any product to EPA for use retains copyright in any work he or she creates. The work will only be used for the purpose for which it was submitted unless the child's parent or guardian expressly grants permission to EPA. EPA should normally request a royalty-free, nonexclusive worldwide license to make copies, distribute, make derivative works, or publicly display the work on the EPA public access websites and EPA Intranet, or in other EPA publications, at EPA's discretion.

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**7. ROLES AND RESPONSIBILITIES**

EPA's Chief Information Officer (CIO), is responsible for monitoring compliance with this policy.

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 ensuring verifiable parental consent.

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**8. RELATED INFORMATION**

CIO 2180.1 Web Governance and Management Policy, 05/07/13  
(<https://www.epa.gov/sites/production/files/2013-11/documents/2180-1.pdf>)

CIO 2181.0 Posting Copyrighted Works on EPA Web Site Policy, 10/25/2007  
(<https://www.epa.gov/sites/production/files/2013-11/documents/2181p.pdf>)

Federal Trade Commission COPPA Compliance Guidance, 3/20/2015  
(<https://www.ftc.gov/tips-advice/business-center/guidance/complying-coppa-frequently-asked-questions>)

CIO 2151.1 Privacy Policy, 09/14/2015  
(<https://www.epa.gov/sites/production/files/2015-09/documents/2151.1.pdf>)

EPA Privacy and Security Notice  
(<https://www.epa.gov/privacy/privacy-and-security-notice>)

OMB Memorandum M-10-22, "Guidance for Online Use of Web Measurement and Customization Technologies," 06/25/2010  
(<https://www.whitehouse.gov/sites/whitehouse.gov/files/omb/memoranda/2010/m10-22.pdf>)



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

CIO 2182-G-01.1 Children's Privacy Notice Guidance, 10/25/2007 (<https://www.epa.gov/sites/production/files/2013-11/documents/2182g.pdf>)

## 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.

The 2013 amended COPPA Rule specifically includes as PII: first and last name, a home or other physical address, online contact information, a screen or username that functions as online contact information, telephone number, social security number, a persistent identifier that can be used to recognize a user over time and across different websites or online services, a photograph, video, or audio file that contains a child's image or voice, geolocation information sufficient to identify street name and name of a city or town, or information concerning the child or the parents of that child that the operator collects online from the child and combines with another identifier.<sup>1</sup>

**Verifiable Parental Consent:** Taking into consideration available technology, any reasonable effort 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 personal information and the subsequent use of that information before that information is collected from that child. This may include a request for authorization for future collection, use, and disclosure described in the notice.

**Offline Content:** Any document created by a child under the age of 13 (such as drawings, posters, etc.) and brought to the EPA's attention in physical form (e.g., at an event or submitted by mail) or any document created by EPA internally containing images of or artwork by children under the age of 13 and potentially later shared by EPA online. For example, EPA's Administrator attends a science fair to select winners of a contest involving children's posters they created about an environmental issue. PII about the children is identifiable from the content of their posters. This is offline content that

<sup>1</sup> *Complying with COPPA: Frequently Asked Questions, "What is Personal Information,"* is available online at <https://www.ftc.gov/tips-advice/business-center/guidance/complying-coppa-frequently-asked-questions>



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becomes subject to this policy to the extent the Agency wishes to publish the posters online.

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## 10. WAIVERS

There are no waivers from this policy.

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## 11. MATERIAL SUPERSEDED

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

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## 12. CONTACTS

For further information about this policy, please contact the Web Content Services Division, Office of Information Management, in the Office of Environmental Information.

Steven Fine

*Principal Deputy Assistant Administrator for Environmental Information  
and Deputy Chief Information Officer  
U.S. Environmental Protection Agency*



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## APPENDIX A: ACRONYMS & ABBREVIATIONS

COPPA	Children's Online Privacy Protection Act
EPA	Environmental Protection Agency
OMB	Office of Management and Budget
PII	Personally Identifiable Information





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**APPENDIX B:**

**EPA THIRD-PARTY PROVIDERS LIST\***

**Challenge.gov**

Email: [challenge@gsa.gov](mailto:challenge@gsa.gov)

**Constant Contact (HQ)**

Email: [toolkitsupport@constantcontact.com](mailto:toolkitsupport@constantcontact.com)

**Eventbrite**

Government Rep: [government@eventbrite.com](mailto:government@eventbrite.com)

**Facebook**

Government Rep: [gov@fb.com](mailto:gov@fb.com)

**Flickr**

Government Rep: [flickr-gov@yahoo-inc.com](mailto:flickr-gov@yahoo-inc.com)

Erin Wermuth: [ewermuth@yahoo-inc.com](mailto:ewermuth@yahoo-inc.com)

Leah Harrelson: [ljh@yahoo-inc.com](mailto:ljh@yahoo-inc.com)

**GitHub**

Government Rep: [gsa@github.com](mailto:gsa@github.com)

**GovDelivery**

Government Sales Rep: Hassan Arif: [hassan.arif@govdelivery.com](mailto:hassan.arif@govdelivery.com)

**ICF International**

Email: [Email-info@icf.com](mailto:Email-info@icf.com)

**Instagram**

Government Rep: John Tass-Parker: [jtp@instagram.com](mailto:jtp@instagram.com)

**Microsoft/SharePoint**

EPA SharePoint Lead: Fisseha Kefle: [kefle.fisseha@epa.gov](mailto:kefle.fisseha@epa.gov)

EPA Contractor SharePoint Lead: Kuntal Merchant: [merchant.kuntal@epa.gov](mailto:merchant.kuntal@epa.gov)

**Pinterest**

Government Rep: Stephanie Lim: [Stephanie@pinterest.com](mailto:Stephanie@pinterest.com)

Tram Nguyen: [tram@pinterest.com](mailto:tram@pinterest.com)

PJ Andersen: [pj@pinterest.com](mailto:pj@pinterest.com)

**Scribd**

Government Rep: [usgov@scribd.com](mailto:usgov@scribd.com)

**Storify**

Government Rep: [info@storify.com](mailto:info@storify.com)



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**SurveyMonkey**

Government Rep: [compliance@surveymonkey.com](mailto:compliance@surveymonkey.com)

**TweetDeck**

Government Rep: [gov@twitter.com](mailto:gov@twitter.com)

**Twitter**

Government Rep: [gov@twitter.com](mailto:gov@twitter.com)

**YouTube**

Government Rep: [government@youtube.com](mailto:government@youtube.com)

**\*This list represents EPA's compilation of third-party service providers as of December 2017. This list is not exclusive and will be updated by EPA on a reasonable periodic basis.**