

S 1700

Do Not Track Kids Act of 2013

Congress: 113 (2013–2015, Ended)

Chamber: Senate

Policy Area: Commerce

Introduced: Nov 14, 2013

Current Status: Read twice and referred to the Committee on Commerce, Science, and Transportation.

Latest Action: Read twice and referred to the Committee on Commerce, Science, and Transportation. (Nov 14, 2013)

Official Text: <https://www.congress.gov/bill/113th-congress/senate-bill/1700>

Sponsor

Name: Sen. Markey, Edward J. [D-MA]

Party: Democratic • **State:** MA • **Chamber:** Senate

Cosponsors (4 total)

Cosponsor	Party / State	Role	Date Joined
Sen. Blumenthal, Richard [D-CT]	D · CT		Nov 14, 2013
Sen. Kirk, Mark Steven [R-IL]	R · IL		Nov 14, 2013
Sen. Walsh, John E. [D-MT]	D · MT		May 20, 2014
Sen. Menendez, Robert [D-NJ]	D · NJ		May 21, 2014

Committee Activity

Committee	Chamber	Activity	Date
Commerce, Science, and Transportation Committee	Senate	Referred To	Nov 14, 2013

Subjects & Policy Tags

Policy Area:

Commerce

Related Bills

Bill	Relationship	Last Action
113 HR 4711	Related bill	May 23, 2014: Referred to the Subcommittee on Commerce, Manufacturing, and Trade.
113 S 2378	Related bill	May 21, 2014: Read twice and referred to the Committee on Commerce, Science, and Transportation.
113 HR 3481	Related bill	Nov 15, 2013: Referred to the Subcommittee on Communications and Technology.

Do Not Track Kids Act of 2013 - Amends the Children's Online Privacy Protection Act of 1998 to apply the prohibitions against collecting personal information from children to online applications and mobile applications directed to children. Establishes additional privacy protections against the collection of personal or geolocation information from children and minors.

Revises the definition of:

- "operator" to include online and mobile applications (currently, only Internet websites and online services) and to make such definition apply specifically to operators and providers of such websites, services, or applications who, for commercial purposes, in interstate or foreign commerce: (1) collect or maintain, directly or through a service provider, personal information from or about their users; (2) allow another person to collect such personal information; or (3) allow users of such websites, services, or applications to publicly disclose personal information; and
- "disclosure" as the release of personal information (currently, the release of personal information collected from a child in identifiable form).

Requires verifiable parental consent, under specified circumstances, for the collection, use, or disclosure of personal information of a child, including certain online contact information collected in response to a specific request from a child when such information is used to contact a different child.

Prohibits, without verifiable parental consent in the case of a child or without consent of the minor in the case of a minor, an operator of a website, online service, online application, or mobile application directed to children or minors, or an operator having actual knowledge that personal information being collected is from children or minors, from: (1) using, disclosing to third parties, or compiling personal information collected from children or minors for targeted marketing purposes; and (2) collecting geolocation information in a manner that violates the regulations prescribed under this Act.

Defines a "minor" as an individual over the age of 12 and under the age of 16.

Prohibits an operator from discontinuing service provided to a child or minor on the basis of a refusal, by the child's parent or the minor, to permit the further use or maintenance in retrievable form, or future collection, of certain personal or geolocation information from such individuals, to the extent that the operator is capable of providing such service without such information.

Requires an operator of a website, online service, online application, or mobile application directed to children or minors to treat all users as children or minors for purposes of this Act, except as permitted by regulation.

Prohibits an operator of a website, online service, or such applications directed to minors from collecting personal information from minors unless such operator has adopted, and complies with, a Digital Marketing Bill of Rights for Teens that is consistent with the Fair Information Practices Principles established by this Act.

Requires the Federal Trade Commission (FTC) to promulgate regulations that require operators to implement mechanisms that permit a user to erase content submitted by such user that is publicly available through such websites, services, or applications and that contains or displays personal information of children or minors.

Sets forth enforcement provisions.

Actions Timeline

- **Nov 14, 2013:** Introduced in Senate
- **Nov 14, 2013:** Read twice and referred to the Committee on Commerce, Science, and Transportation.