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**RE: Cybersecurity Law Report - Opportunity to Comment on FTC COPPA Policy Statement**

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**From** Yannella, Philip N. <philip.yannella@blankrome.com>  
**Date** Tue 3/17/2026 10:09 AM  
**To** Vincent Pitaro <vincent.pitaro@iongroup.com>

**CAUTION:** [EXTERNAL Email]

Vincent-

The new FTC COPPA Policy statement regarding age verification (AV) technologies is, I think, helpful in several ways for companies that have general or mixed audiences. I don't, however, think it's a general panacea for all the regulatory compliance headaches that these online sites are facing for children's data.

The good news for websites that collect children's data is that the FTC's safe harbor does lay out some clear rules that may alleviate some of the guess work that these websites have to go through when making decisions about AV technologies. The safe harbor requires that websites:

- Use or disclose such collected information only for AV verification purposes;
- Disclose the collected information only to third parties that maintain the confidentiality, security, and integrity of the information;
- Retain the collected information only as long as necessary to fulfill age verification and delete it promptly thereafter;
- Provide notice to parents and children regarding what information is collected and why;
- Employ appropriate safeguards for the information; and
- Take steps to ensure any age-verification mechanism used is reasonably likely to provide accurate results.

This guidance – particularly if it becomes part of COPPA Rule as the FTC signals – could be very valuable for AV developers and websites choosing among an array of AV technologies. It may be that the FTC safe harbor ends up being more restrictive than is strictly necessary for some companies, depending on their regulatory footprint, but the benefits of a clear standard may be preferable to trying to comply with the least restrictive standard possible just because a certain state allows it. It's similar to the calculation that companies make about CCPA compliance; implementing a CCPA complaint program nationwide is oftentimes easier than trying to create different a different program for different states. The hope is that the FTC's safe harbor becomes a de facto national standard and that states adopt the safe harbor. So, the news is generally positive for websites that collect children's data. This really could make life easier for many websites.

A cautionary note, however, is that the FTC's safe harbor doesn't have to be followed by states. Partly due to a lack of progress at the federal level, we are in the midst of any explosion in state children's privacy laws, which have morphed into many different kinds of laws (age appropriate design codes, children's privacy laws, revisions to comprehensive privacy laws) requiring age assurance for many different type of websites – adult content, social media, app stores. I don't know that the FTC guidelines will change this momentum. California, Texas, Colorado and several other states could continue to pass or enforce existing laws that have different AV standards. This possibility is probably going to remain a reality for the foreseeable future unless and until the Congress passes a new comprehensive children's privacy law that has pre-emptive effect, or at least sets a floor for compliance.

Let me know if you have any questions.

Phil

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**From:** Vincent Pitaro <vincent.pitaro@iongroup.com>  
**Sent:** Monday, March 2, 2026 2:05 PM  
**To:** Yannella, Philip N. <philip.yannella@blankrome.com>  
**Subject:** Re: Cybersecurity Law Report - Opportunity to Comment on FTC COPPA Policy Statement

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Thanks for the quick reply. Attached are our questions. If you could send your responses by next Monday, that would be ideal.

Thanks again.

Vincent D. Pitaro  
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**From:** Yannella, Philip N. <[philip.yannella@blankrome.com](mailto:philip.yannella@blankrome.com)>  
**Sent:** Monday, March 2, 2026 11:25 AM  
**To:** Vincent Pitaro <[vincent.pitaro@iongroup.com](mailto:vincent.pitaro@iongroup.com)>  
**Subject:** RE: Cybersecurity Law Report - Opportunity to Comment on FTC COPPA Policy Statement

**CAUTION:** [EXTERNAL Email]

Hi Vincent. Happy to contribute – please send me your questions. I am traveling this week so please let me know your deadline.

**Philip N. Yannella** | BLANKROME  
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**From:** Vincent Pitaro <[vincent.pitaro@iongroup.com](mailto:vincent.pitaro@iongroup.com)>  
**Sent:** Monday, March 2, 2026 11:02 AM  
**To:** Yannella, Philip N. <[philip.yannella@blankrome.com](mailto:philip.yannella@blankrome.com)>  
**Subject:** Cybersecurity Law Report - Opportunity to Comment on FTC COPPA Policy Statement

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Good morning, Mr. Yannella:

I am covering the FTC's policy statement on COPPA age verification technologies for the Cybersecurity Law Report. I was wondering, in light of your extensive experience in the area and your past contributions to our publication, whether you would be interested in contributing some commentary about the implications of the statement for inclusion in our coverage? If so, I can send you a few questions to which you can reply at your convenience.

Kindly let me know if you're interested. Thanks for your consideration.

Vincent D. Pitaro

Legal Analyst, Cybersecurity Law Report

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