

**15 USC 6501: Definitions**

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**From Title 15-COMMERCE AND TRADE**

CHAPTER 91-CHILDREN'S ONLINE PRIVACY PROTECTION

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**§6501. Definitions**

In this chapter:

**(1) Child**

The term "child" means an individual under the age of 13.

**(2) Operator**

The term "operator"-

(A) means 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, where such website or online service is operated for commercial purposes, including any person offering products or services for sale through that website or online service, involving commerce-

- (i) among the several States or with 1 or more foreign nations;
- (ii) in any territory of the United States or in the District of Columbia, or between any such territory and-
  - (I) another such territory; or
  - (II) any State or foreign nation; or

(iii) between the District of Columbia and any State, territory, or foreign nation; but

(B) does not include any nonprofit entity that would otherwise be exempt from coverage under section 45 of this title.

**(3) Commission**

The term "Commission" means the Federal Trade Commission.

**(4) Disclosure**

The term "disclosure" means, with respect to personal information-

(A) the release of personal information collected from a child in identifiable form by an operator for any purpose, except where such information is provided to a person other than the operator who provides support for the internal operations of the website and does not disclose or use that information for any other purpose; and

(B) making personal information collected from a child by a website or online service directed to children or with actual knowledge that such information was collected from a child, publicly available in identifiable form, by any means including by a public posting, through the Internet, or through-

- (i) a home page of a website;
- (ii) a pen pal service;
- (iii) an electronic mail service;
- (iv) a message board; or
- (v) a chat room.

**(5) Federal agency**

The term "Federal agency" means an agency, as that term is defined in section 551(1) of title 5.

**(6) Internet**

The term "Internet" means collectively the myriad of computer and telecommunications facilities, including equipment and operating software, which comprise the interconnected world-wide network of networks that employ the Transmission Control Protocol/Internet Protocol, or any predecessor or successor protocols to such protocol, to communicate information of all kinds by wire or radio.

**(7) Parent**

The term "parent" includes a legal guardian.

#### **(8) Personal information**

The term "personal information" means individually identifiable information about an individual collected online, including-

- (A) a first and last name;
- (B) a home or other physical address including street name and name of a city or town;
- (C) an e-mail address;
- (D) a telephone number;
- (E) a Social Security number;
- (F) any other identifier that the Commission determines permits the physical or online contacting of a specific individual; or
- (G) information concerning the child or the parents of that child that the website collects online from the child and combines with an identifier described in this paragraph.

#### **(9) Verifiable parental consent**

The term "verifiable parental consent" means 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 personal information and the subsequent use of that information before that information is collected from that child.

#### **(10) Website or online service directed to children**

##### **(A) In general**

The term "website or online service directed to children" means-

- (i) a commercial website or online service that is targeted to children; or
- (ii) that portion of a commercial website or online service that is targeted to children.

##### **(B) Limitation**

A commercial website or online service, or a portion of a commercial website or online service, shall not be deemed directed to children solely for referring or linking to a commercial website or online service directed to children by using information location tools, including a directory, index, reference, pointer, or hypertext link.

#### **(11) Person**

The term "person" means any individual, partnership, corporation, trust, estate, cooperative, association, or other entity.

#### **(12) Online contact information**

The term "online contact information" means an e-mail address or another substantially similar identifier that permits direct contact with a person online.

( Pub. L. 105–277, div. C, title XIII, §1302, Oct. 21, 1998, 112 Stat. 2681–728 .)

### **EFFECTIVE DATE**

Pub. L. 105–277, div. C, title XIII, §1308, Oct. 21, 1998, 112 Stat. 2681–735 , provided that: "Sections 1303(a), 1305, and 1306 of this title [enacting sections 6502(a), 6504, and 6505 of this title] take effect on the later of-

"(1) the date that is 18 months after the date of enactment of this Act [Oct. 21, 1998]; or

"(2) the date on which the Commission rules on the first application filed for safe harbor treatment under section 1304 [enacting section 6503 of this title] if the Commission does not rule on the first such application within one year after the date of enactment of this Act, but in no case later than the date that is 30 months after the date of enactment of this Act."

### **SHORT TITLE**

Pub. L. 105–277, div. C, title XIII, §1301, Oct. 21, 1998, 112 Stat. 2681–728 , provided that: "This title [enacting this chapter] may be cited as the 'Children's Online Privacy Protection Act of 1998'."