

107<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

# S. 2839

To enhance the protection of privacy of children who use school or library computers employing Internet content management services, and for other purposes.

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## IN THE SENATE OF THE UNITED STATES

AUGUST 1, 2002

Mr. CLELAND introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

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## A BILL

To enhance the protection of privacy of children who use school or library computers employing Internet content management services, and for other purposes.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “Children’s Electronic  
5       Access Safety Enhancement (CEASE) Act”.

1 **SEC. 2. DISCLOSURE BY INTERNET CONTENT MANAGE-**  
2 **MENT SERVICES OF COLLECTION, USE, AND**  
3 **DISCLOSURE OF INFORMATION UNDER CON-**  
4 **TRACTS FOR SCHOOLS AND LIBRARIES.**

5 (a) INITIAL DISCLOSURE OF POLICIES.—

6 (1) IN GENERAL.—A provider of Internet con-  
7 tent management services shall, before entering into  
8 a contract or other agreement to provide such serv-  
9 ices to or for an elementary or secondary school or  
10 library, notify the local educational agency or other  
11 authority with responsibility for the school, or li-  
12 brary, as the case may be, of the policies of the pro-  
13 vider regarding the collection, use, and disclosure of  
14 information from or about children whose Internet  
15 use will be covered by such services.

16 (2) ELEMENTS OF NOTICE.—Notice on policies  
17 regarding the collection, use, disclosure of informa-  
18 tion under paragraph (1) shall include information  
19 on the following:

20 (A) Whether any information will be col-  
21 lected from or about children whose Internet  
22 use will be covered by the services in question.

23 (B) Whether any information so collected  
24 will be stored or otherwise retained by the pro-  
25 vider of Internet content management services,  
26 and, if so, under what terms and conditions, in-

1 including a description of how the information  
2 will be secured.

3 (C) Whether any information so collected  
4 will be sold, distributed, or otherwise trans-  
5 ferred, and, if so, under what terms and condi-  
6 tions.

7 (3) FORM OF NOTICE.—Any notice under this  
8 subsection shall be clear, conspicuous, and designed  
9 to be readily understandable by its intended audi-  
10 ence.

11 (b) MODIFICATION OF POLICIES.—

12 (1) IN GENERAL.—A provider of Internet con-  
13 tent management services shall, before implementing  
14 any material modification of the policies described in  
15 subsection (a)(1) under a contract or other agree-  
16 ment with respect to an elementary or secondary  
17 school or library, notify the local educational agency  
18 or other authority with responsibility for the school,  
19 or library, as the case may be, of the proposed modi-  
20 fication of the policies.

21 (2) TIMELINESS.—Notice under paragraph (1)  
22 shall be provided in sufficient time in advance of the  
23 modification covered by the notice to permit the  
24 local educational agency or other authority con-

1       cerned, or library concerned, as the case may be, to  
2       evaluate the effects of the modification.

3       (c) REGULATIONS.—The Commission shall prescribe  
4 regulations for purposes of the administration of this sec-  
5 tion. The regulations shall include provisions regarding  
6 the elements of notice required under subsection (a)(2)  
7 and the timeliness of notice under subsection (b)(2).

8       (d) ADMINISTRATION.—

9           (1) IN GENERAL.—This section shall be en-  
10 forced by the Commission under the Federal Trade  
11 Commission Act (15 U.S.C. 41 et seq.).

12           (2) EFFECT ON OTHER LAWS.—Nothing in this  
13 section shall be construed to limit the authority of  
14 the Commission under any other provision of law.

15       (e) NONCOMPLIANCE.—

16           (1) IN GENERAL.—The violation of any provi-  
17 sion of this section, including the regulations pre-  
18 scribed by the Commission under subsection (c),  
19 shall be treated as a violation of a rule defining an  
20 unfair or deceptive act or practice prescribed under  
21 section 18(a)(1)(B) of the Federal Trade Commis-  
22 sion Act (15 U.S.C. 57a(a)(1)(B)).

23           (2) TERMINATION OF CONTRACT OR AGREE-  
24 MENT.—

1           (A) AUTHORITY TO TERMINATE.—Not-  
2 withstanding any provision of a contract or  
3 agreement to the contrary, if a provider of  
4 Internet content management services for a  
5 school or library fails to comply with a policy in  
6 a notice under subsection (a), or fails to submit  
7 notice of a modification of a policy under sub-  
8 section (b) in a timely manner, the local edu-  
9 cational agency or other authority concerned, or  
10 library concerned, may terminate the contract  
11 or other agreement with the provider to provide  
12 Internet content management services to the  
13 school or library, as the case may be.

14           (B) RESOLUTION OF DISPUTES.—Any dis-  
15 pute under subparagraph (A) regarding the  
16 failure of a provider of Internet content man-  
17 agement services as described in that subpara-  
18 graph shall be resolved by the Commission.

19           (C) RELATIONSHIP TO OTHER RELIEF.—  
20 The authority under this paragraph with re-  
21 spect to noncompliance of a provider of Internet  
22 content management services is in addition to  
23 the power of the Commission to treat the non-  
24 compliance as a violation under paragraph (1).

1 (f) NOTICE TO PARENTS.—A school or library shall  
 2 provide reasonable notice of the policies of an Internet  
 3 content management service provider used by that school  
 4 or library to parents of students, or patrons of the library,  
 5 as the case may be.

6 **SEC. 3. COLLECTION OF PERSONAL INFORMATION ABOUT**  
 7 **CERTAIN OLDER CHILDREN BY PROVIDERS**  
 8 **OF INTERNET CONTENT MANAGEMENT SERV-**  
 9 **ICES TO SCHOOLS AND LIBRARIES.**

10 (a) PROHIBITION.—A provider of Internet content  
 11 management services to or for an elementary or secondary  
 12 school or library may not collect through such services per-  
 13 sonal information from or about a child who is a student  
 14 at that school or a user of that library.

15 (b) RESPONSIBILITIES UPON COLLECTION.—

16 (1) IN GENERAL.—If a provider of Internet  
 17 content management services to or for an elementary  
 18 or secondary school or library collects through such  
 19 services personal information from or about a child  
 20 who is a student at that school or a user of that li-  
 21 brary, the provider shall—

22 (A) provide prompt notice of such  
 23 collection—

24 (i) to either—

1 (I) the local educational agency  
2 or other authority with responsibility  
3 for the school and appropriate offi-  
4 cials of the State in which the school  
5 is located; or

6 (II) the library; and

7 (ii) to the Federal Trade Commission;

8 and

9 (B) take appropriate actions to treat the  
10 personal information—

11 (i) in a manner consistent with the  
12 provisions of the Children’s Online Privacy  
13 Protection Act of 1998 (15 U.S.C. 6501 et  
14 seq.) if the personal information was col-  
15 lected from a child as defined in section  
16 1302(1) of that Act; or

17 (ii) in a similar manner, under regula-  
18 tions prescribed by the Commission, if the  
19 personal information was collected from a  
20 child over the age of 12.

21 (2) ELEMENTS OF NOTICE.—Notice of the col-  
22 lection of personal information by a provider of  
23 Internet content management services under para-  
24 graph (1)(A) shall include the following:

1 (A) A description of the personal informa-  
2 tion so collected.

3 (B) A description of the actions taken by  
4 the provider with respect to such personal infor-  
5 mation under paragraph (1)(B).

6 (c) RESPONSE TO NOTICE.—A local educational  
7 agency or other authority, or library, receiving notice  
8 under subsection (b) with respect to a covered child shall  
9 take appropriate actions to notify a parent or guardian  
10 of the child of receipt of such notice.

11 **SEC. 4. APPLICATION OF COPPA.**

12 Section 1302 of the Children’s Online Privacy Protec-  
13 tion Act of 1998 (15 U.S.C. 6501) is amended by adding  
14 at the end the following:

15 “(13) PROVIDER OF INTERNET CONTENT MAN-  
16 AGEMENT SERVICES TREATED AS OPERATOR.—The  
17 term ‘operator’ includes a provider of Internet con-  
18 tent management services (as defined in section 5(4)  
19 of the Children’s Electronic Access Safety Enhance-  
20 ment Act) who collects or maintains personal infor-  
21 mation from or about the users of those services, or  
22 on whose behalf such information is collected or  
23 maintained, if those services are provided for com-  
24 mercial purposes involving commerce described in  
25 paragraph (2)(A)(i), (ii), or (iii).”.



1 **SEC. 5. DEFINITIONS.**

2 In this Act:

3 (1) COMMISSION.—The term “Commission”  
4 means the Federal Trade Commission.

5 (2) CHILD.—Except as provided in section  
6 3(b)(1)(B), the term “child” means an individual  
7 who is less than 19 years of age.

8 (3) PERSONAL INFORMATION.—The term “per-  
9 sonal information” has the meaning given that term  
10 in section 1301(8) of the Children’s Online Privacy  
11 Protection Act of 1998 (15 U.S.C. 6501(8)).

12 (4) PROVIDER OF INTERNET CONTENT MAN-  
13 AGEMENT SERVICES.—The term “provider of Inter-  
14 net content management services” includes a pro-  
15 vider of Internet content management software if  
16 such software operates, in whole or in part, by or  
17 through an Internet connection or otherwise provides  
18 information on users of such software to the pro-  
19 vider by the Internet or other means.

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