

X PRIVACY LAW

LEGAL MEMORANDUM

TO: ABC Father (Client)

FROM: X Privacy Law

DATE: February 25, 2026

RE: Potential COPPA and California Privacy Law Violations by YouTube Regarding Your Son's Personal Information

INTRODUCTION

This memorandum addresses your concerns that YouTube may have illegally collected personal information about your 10-year-old son—including his name, gender, age, and address—without obtaining your consent or that of his other parent. Based on the information you have provided, there appear to be strong grounds for believing that YouTube's actions violate both federal and California state privacy laws. This memorandum explains the applicable legal framework, relevant case law, and your legal options.

I. APPLICABLE LAWS AND REGULATIONS

A. The Children's Online Privacy Protection Act (COPPA)

COPPA is a federal law enforced by the Federal Trade Commission (FTC) that imposes strict requirements on websites and online services that collect personal information from children under 13 years of age. Key provisions relevant to your situation include:

1. Definition of Personal Information: Under COPPA, "personal information" includes not only obvious identifiers like names and addresses, but also any information that permits the physical or online contacting of a specific individual. The definition explicitly includes:

- First and last name
- Home or other physical address
- Online contact information
- Persistent identifiers that can be used to recognize a user over time

2. Parental Consent Requirement: COPPA requires operators of websites or online services directed

to children, or those with actual knowledge that they are collecting personal information from children, to:

- Provide direct notice to parents about their information practices
- Obtain verifiable parental consent before collecting any personal information from children under 13
- Allow parents to review and delete their child's personal information

3. Prohibited Practices: Without parental consent, covered operators cannot collect, use, or disclose children's personal information for commercial purposes, including targeted advertising.

B. California Privacy Laws

California provides additional protections through the California Consumer Privacy Act (CCPA), as amended by the California Privacy Rights Act (CPRA):

1. Parental Consent for Children Under 13: The CCPA requires businesses that sell or share personal information to obtain affirmative opt-in consent from consumers under 16. For children under 13, parental consent is mandatory. A business with actual knowledge that it sells personal information of children under 13 must establish a reasonable method for determining that the person providing consent is the child's parent or guardian.

2. Expanded Protections (AB-1949): Recent amendments, if enacted, would raise the age threshold from 16 to 18 and prohibit selling or sharing personal information of consumers under 18 without affirmative opt-in consent. This legislation also creates new requirements regarding the collection, use, and disclosure of minors' personal information.

3. Interaction with COPPA: California law works in conjunction with COPPA. Any consent required under COPPA for collection of personal information is in addition to any authorization required under California law for selling or sharing such information.

II. RELEVANT CASE LAW AND ENFORCEMENT ACTIONS

Several significant cases and enforcement actions support your position:

A. FTC v. Google/YouTube (2019) — The \$170 Million Settlement

In September 2019, the FTC and New York Attorney General announced a record-breaking \$170 million settlement with Google and YouTube for COPPA violations. This case is directly relevant to your situation:

Key Allegations:

- YouTube violated COPPA by collecting personal information from viewers of child-directed channels without parental notice and consent
- The platform used persistent identifiers to track children's Internet browsing habits for targeted

advertising purposes

- YouTube had actual knowledge that children under 13 were using the platform, as evidenced by internal documents and representations to advertisers

Settlement Terms:

- Google and YouTube paid \$136 million to the FTC and \$34 million to New York
- The settlement required implementation of a system for channel owners to designate child-directed content
- YouTube was required to obtain parental consent before collecting personal information from child viewers

Legal Significance: This settlement established that:

- Platforms like YouTube are subject to COPPA even when content is user-generated
- Collecting persistent identifiers (tracking data) qualifies as collecting personal information under COPPA
- Actual knowledge of children's presence on the platform triggers COPPA compliance obligations

B. Class Action Litigation

Following the FTC settlement, a class action lawsuit was filed against Google and YouTube on behalf of American children under 13 who watched YouTube content. The Ninth Circuit revived this litigation in 2023 after a district court initially dismissed it, indicating that private plaintiffs may have viable claims for COPPA violations.

C. California State Enforcement

California's Attorney General has authority to enforce the CCPA against businesses that violate children's privacy rights. The California Privacy Protection Agency (CPPA) now also has enforcement authority under the CPRA.

III. APPLICATION TO YOUR CASE

Based on the facts you have described, your son's situation appears to violate both COPPA and California law:

A. COPPA Violations

Your son is 10 years old, well under COPPA's age threshold of 13. The information YouTube allegedly collected—his name, gender, age, and address—clearly constitutes "personal information" under COPPA. If YouTube collected this information without first obtaining your verifiable parental consent, this constitutes a direct violation of COPPA's core requirements.

B. California Law Violations

As California residents, you and your son are protected by the CCPA/CPRA. If YouTube sold or shared your son's personal information without obtaining proper parental consent, the company violated California law. Additionally, the collection itself may trigger California consumer protection laws regarding unfair business practices.

C. YouTube's Knowledge

The 2019 FTC settlement established that YouTube had actual knowledge of children under 13 using its platform. The company cannot credibly claim ignorance of children's presence on its service, particularly when the platform hosts significant child-directed content.

IV. YOUR LEGAL OPTIONS

You have several potential avenues to seek redress:

A. Complaint to the Federal Trade Commission (FTC)

You can file a complaint with the FTC alleging YouTube's COPPA violations. The FTC has demonstrated willingness to investigate and pursue enforcement actions against YouTube for similar conduct. While the FTC does not typically provide individual monetary recovery to complainants, your complaint could contribute to broader enforcement action and systemic changes.

B. Complaint to California Authorities

You may file complaints with:

- The California Attorney General's Office
- The California Privacy Protection Agency (CPPA)

These agencies can investigate potential CCPA violations and seek civil penalties against YouTube.

C. Private Litigation

You have the option to pursue civil litigation against YouTube:

1. Individual Lawsuit: You could file suit seeking damages for violations of COPPA and California privacy laws. Potential remedies include:

- Statutory damages under applicable laws
- Actual damages
- Injunctive relief to prevent further data collection
- Attorney's fees and costs

2. Class Action Participation: If a class action lawsuit is pending that includes your son's circumstances, you may be able to join as a class member or opt out to pursue individual litigation.

3. Claims Under California Law: California's Unfair Competition Law (Business and Professions Code Section 17200) provides additional remedies for deceptive business practices, including restitution of unjust gains.

D. Direct Negotiation

You may attempt to resolve the matter directly with YouTube through a demand letter requesting:

- Deletion of your son's personal information
- Confirmation that no further collection occurs
- Monetary compensation for the violation
- Implementation of proper consent mechanisms

E. Alternative Dispute Resolution

YouTube's Terms of Service likely require arbitration for disputes. We should review these terms to determine whether arbitration is mandatory and whether it can be bypassed for privacy violations involving minors.

V. RECOMMENDED NEXT STEPS

Based on our analysis, we recommend the following course of action:

1. Document Preservation: Immediately preserve all evidence related to your son's use of YouTube, including:

- Account creation records
- Any communications from YouTube
- Screenshots of your son's profile or activity
- Documentation of any targeted advertising your son received
- Records of any consent (or lack thereof) provided to YouTube

2. Regulatory Complaints: We recommend filing complaints with both the FTC and California authorities to ensure regulatory oversight of YouTube's practices.

3. Demand Letter: We can prepare and send a formal demand letter to YouTube requesting:

- Immediate deletion of your son's personal information
- Written confirmation of compliance
- Compensation for the privacy violation
- Information about how the data was used and shared

4. Evaluate Litigation: Given the strength of the legal claims and the favorable precedent established by the 2019 FTC settlement, litigation may be appropriate. We should discuss:

- The potential value of your claims

- The costs and timeline of litigation
- Whether to pursue individual action or participate in any pending class action
- Whether arbitration requirements in YouTube's Terms of Service apply

5. Consult with Your Son's Other Parent: Since you mentioned that consent was not obtained from "either parent," we should determine whether the other parent has any legal standing or interest in this matter.

CONCLUSION

You have strong legal grounds for believing that YouTube violated both federal and California state privacy laws by collecting your son's personal information without parental consent. The 2019 FTC settlement with YouTube for \$170 million establishes clear precedent that such conduct constitutes a COPPA violation. Combined with California's robust privacy protections, you have multiple options for seeking redress.

We recommend scheduling a consultation to discuss which of the legal options outlined above best serves your family's interests and to develop a comprehensive strategy for moving forward. Time may be of the essence due to applicable statutes of limitations, so prompt action is advised.

Please contact our office to schedule a follow-up meeting at your earliest convenience.

Respectfully submitted,

X Privacy Law
Attorneys at Law
California