

## “Hey toy – can you ...”

Article By:

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The Federal Trade Commission provided additional guidance on how the [Children’s Online Privacy Protection \(COPPA\) Rule](#), 16 C.F.R. Part 312, applies to the practice of collecting audio files that contain a child’s voice, immediately converting the audio to text, and deleting the files containing the voice recording triggers COPPA’s requirements.

The FTC guidance provides that it will not take enforcement action against operators who collect audio files without first obtaining verifiable parental consent in situations where the child’s voice is being used solely as a replacement for written words, such as to convert voice to text in order to perform a search and other function on internet-connected devices.

The FTC notes if the operator only uses the audio file as a replacement for the written words, such as to effectuate an instruction or request, and only maintains the file long enough to complete the task and then immediately deletes it, there is little risk the audio file will be used to contact an individual child. The FTC’s [non-enforcement policy](#) would require the operator to provide the notice required by the COPPA Rule, including clear notice of its collection and use of audio files and its deletion policy in its privacy policy.

The guidance does include some limitations. It would not apply:

- in those situations where the operator requests information via voice that would otherwise be considered personal information
- if the operator did not provide clear notice of its collection and use of the audio files as well as its deletion policy in its privacy policy, or

if the operator uses the file for any purpose such as behavioral targeting or profiling, or for identification purposes through voice recognition, or posting, selling or otherwise sharing the information.

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