

Childnet International response to BERR consultation on legislative options to address illicit Peer-to-Peer file-sharing

CHILDNET INTERNATIONAL

Childnet International is a UK-based charity¹ working with others around the world to help make the Internet a great and safe place for children. A child focused organisation, Childnet works directly with children, those responsible for children and other organisations and service providers operating around them. In particular, Childnet works actively in the area of education and awareness in promoting the potential and opportunities that the Internet and new technologies offer by providing quality advice to children, young people, parents, teachers and caregivers, to enable children to use the technology safely and responsibly. Childnet is also active in carrying out research in this area as well as working in key policy fora, such as the UK Council for Child Internet Safety (UKCCIS)² and the Department for Children Schools and Families (DCSF) cyberbullying taskforce, and the National Consumer Council (now Consumer Focus)³ for example.

BACKGROUND

Childnet is pleased to respond to the BERR consultation regarding illicit Peer-to-Peer (P2P) file sharing.

This is an issue that Childnet has been involved in since 2005, when Childnet first partnered with the Pro Music Alliance to produce timely advice for parents and carers on Young People and P2P, file-sharing and downloading.

In its work of educating young people, Childnet run regular school activity days where staff talk to children and parents about getting the most out of using the Internet.⁴ This experience has given Childnet unique insights into the fears and concerns that children, teachers and parents have about new technologies.

The issue of copyright is confusing to many young people who consciously and unconsciously view the Internet as “free” and often question why they should have to pay for something on the Internet if it is easy to get, quick to copy or forward to others. Even in schools Childnet has encountered confusion as to the proper use of copyright with some teachers using the ‘rule of thumb’ that if it is good for children and is not used in a commercial context it is OK to use a piece of original art, be it music, pictures, film photos etc. However, whatever the confusion or popular assumption about copyright on the Internet Childnet recognises that increasing numbers of young people are at risk: not just from the threat of being taken to court for illegally downloading – but also from a range of risks inherent in using P2P.

Over the last few years one of the key messages that Childnet has heard from parents on this topic was that there was real uncertainty, even fear, about the



2005 Childnet guide on P2P, file-sharing and downloading

¹ See www.childnet.com for more information. Charity Registration no: 1080173

² Childnet was previously an original member of the Home Office Task Force on Child Protection on the Internet.

³ For example see Childnet's report: *Fair game?* Assessing commercial activity on children's favorite websites and online environments at <http://www.childnet.com/publications/policy.aspx>

⁴ In the last 6 months alone Childnet has reached over 16,000 children face to face through this schools activity programme. See www.kidsmart.org.uk for more information.

subject of downloading or stemming for fear of potential prosecution. Parents also expressed real concerns that their children were also coming across viruses, pornographic or violent images via P2P networks.

Certainly there was an urgent need for clear information for parents and carers on this topic and Childnet believed that if the music industries were threatening to take legal action then it had a responsibility to educate and make both parents, teachers and – importantly young people – aware of the risks and dangers, but also the positive legal options and creative opportunities for children in sharing their own work. This led to a partnership between Childnet and the Pro Music Alliance which resulted in the production of guide for parents, ‘Young People Music and the Internet’. This guide was designed specifically for parents and carers and set out to help them keep up to speed with the ever changing world of music downloading, the way children were using P2P software and the habits of their children. The guide used cartoons and non-jargon to help parents be aware of the associated risks in terms of legal, content and security issues.

Two years on from the launch of the first guide, evaluation showed that it was a valued resource both in the UK and internationally. In the UK a dedicated email address received 21,800 requests for the leaflet and thousands were distributed to parents via retail stores including 25,000 in UK Virgin Megastores, mail-outs to libraries and schools with further distribution via music festivals, educational and charity publications and websites alongside the distribution of over 28,000 leaflets that were distributed at relevant conferences as well as the localization, translation and distribution of the leaflet in 13 other countries, including China, Singapore, USA, Spain, Portugal and Croatia to name a few.

An updated guide was published in April 2008 in response to requests for the inclusion of new material to address new developments and concerns for parents such as mobile security and piracy, and to also include tips for teachers and a pull-out resource for young people. As with the first leaflet, the updated leaflet offered advice on how to take advantage of the explosion of new ways of accessing music digitally, clarity on safety and legal issues, finding legitimate sites, the basics of copyright and how to unpick the jargon of digital music. Since April 2008 over 150,000 of these updated leaflets have been distributed in the UK and twenty-one other territories are also participating in the distribution of the new leaflet. Countries that will launch the new leaflet in 2008 and 2009 include Argentina, Australia, Croatia, France, Germany, Greece, Hong Kong, Ireland, Mexico, the Netherlands, New Zealand, Singapore, Slovenia, South Africa, Sweden, Taiwan, Thailand and the USA.

The UN Convention of Rights to the Child lays out the right for children to education, leisure and cultural activities including participation in cultural life and the arts. Childnet believes that these rights apply to accessing music on the Internet and are vital to uphold. It is because Childnet perceives children to be at risk in this environment and because we believe children have a right to use these services safely and be educated as to the risks that we have been active in this complex environment and want to work in partnership with BERR and all stakeholders in ensuring children’s rights are respected and promoted in all areas of the Internet including P2P and other file sharing services.

It is against this background information that Childnet makes this response to the consultation document.

THE NEED FOR EFFECTIVE EDUCATION AND AWARENESS

As an organisation Childnet seeks to promote the positive use of new technologies by and for children and is pleased to see that the consultation document recognises that P2P technology has many legitimate uses. Childnet is further pleased to see that proposals for an education and awareness campaign are considered in this document and Childnet believes that effective education and awareness – not just to parents, but to young people and all who work with them, must be at the heart of whatever approach to addressing illegal P2P file-sharing is decided on.

Paragraph 7.20 of the consultation document sets out notions of responsibility and the need for education with paragraph 7.22 stating that 'there is a growing onus industry to provide tools for parents/carers to use and for those parents/carers to take an informed choice on how to use them'. Furthermore, paragraph 8.4 outlines a plan for a high profile campaign to raise awareness and educate users, predominantly young people, who think that downloading content without paying for it is acceptable. Childnet would urge both the rights holders/music industry and ISPs alike to provide consumers with the best possible education on this matter and to make sure that this advice is put over in a balanced, positive and timely manner.⁵ The draft MOU looks to be a good start in considering how to approach this problem and Childnet was pleased to see that the MOU stated that signatories should work together to ensure consumer education. However, Childnet would question the tone of principle 2 which deals with education as this is very much focused on the needs of the rights holders rather than the need to empower consumers to manage their own online experience (and that of their children or dependent young people) safely and responsibly thereby acting to minimise incidences of illegal file sharing.

An education campaign cannot be run in isolation focusing on merely the illegal use of P2P technologies and there are other important aspects that should be included in any public awareness campaign on this topic for example positive use and helping young consumers to know how to protect their own creative work online.⁶ The consultation document states that the Department's primary concern is that the illicit use of P2P technology can enable users to share information that they are not entitled to share.

The consultation document refers to unsecured wireless networks and the use and potential mis-use of these, raising the issue that someone other than the actual subscriber may be carrying out the unlawful downloads. Paragraph 7.15 provides an important recognition that although the ISP contract is with a named person, in many instances they may not be the only person who will use that service, something highlighted in the Childnet Young People Music and the Internet leaflet. Childnet would also seek to point out that the use of unsecured P2P networks can expose children and young people to unwelcome content including pornographic or violent images. Furthermore, there are a range of privacy and security concerns that are associated with the use of P2P technologies, such as the inadvertent sharing of private or confidential information with other file-sharers.

Childnet is concerned that there are serious safety concerns in this area which should not be overlooked in an education campaign. It is for reasons such as the ones outline above that any education initiative must be widely focused so that all those impacted by and possibly involved in the equation of the illegal use of P2P networks are equipped to respond to the challenges that they face. Indeed we would argue that for the campaign to be effective there needs to be a holistic approach and there are very real concerns in these additional arenas of safety and security that the industry and Government has a collective responsibility to help consumers understand, and guard both themselves and children and young people.

Childnet was encouraged to see that the consultation document stated the intent to build on current activities in this space. Further to the background details about Childnet's involvement in this area in the introduction to this response, Childnet believes that the Young People, Music and the Internet resource is a key tool that can be utilised and built on in this area. The Childnet education resource on this topic contains many of the key messages reflecting current positions laid out in the consultation document and Childnet would welcome playing an active role in this education campaign.

⁵ We believe that this advice needs to be constructive, offering positive solutions not just threatening. By 'timely' Childnet means the best time to educate – for example when signing up for a new service, just before downloading, reminders to think 'is this legal use?', 'should I be doing this?' etc.

⁶ Childnet has proved how it is possible to include other important aspects in a public awareness campaign - see Childnet's music advice website <http://www.childnet.com/music>, which mirrors and expands on much of the content from the leaflet for example see <http://www.childnet.com/music/faq.html#q8>

LOOKING AHEAD

As stated, Childnet believes that education must be a key part of the solution in dealing with incidences of illegal P2P file-sharing. It is important that any education campaign is not focused on the commercial interests of any party, rather that it promotes a balanced message carefully outlining the key facts, risks and also legal ways of sharing music online.

Looking ahead, Childnet sees the popularity of Web v2.0 services, such as social networking sites, and video sharing websites as providing a real opportunity to communicate to children and young people about copyright as a wider media literacy skill. Web v2.0 allows for great creativity on the part of children and young people and can provide a useful context for any education work on the value of copyright, making clear how they and their content can be affected or protected by copyright. For example, information on how they can protect their own creations could be very empowering and help to ensure that the messages conveying this information are both positive and practical.

Additionally Childnet believes that this debate should have greater synergy with the content labelling debate in order to protect children who are accidentally downloading illegal material. Better labelling of legal material would act to help and give confidence to those downloaders who are trying to stay inside the law.

Childnet agrees with the consultation that there are real advantages for industry to make available suitable products and offers to enable users to enjoy copyright material legitimately. Childnet follows the argument of the document towards a co-regulatory approach, and would recommend that any Code, like that outlined in 8.8, should also include some commitment to educate and inform the user directly, or support for a wider education campaign.

CONCLUSION

Childnet is keen to be part of any education initiative resulting from this consultation, and believes that it would be appropriate for Childnet to be involved because of the organisation's history in this area and also the expertise and authority which Childnet would lend to any such campaign.

In thinking about education and awareness it is important that this advice is impartial and provided by an expert, and in this case thinking about one of the main audiences, an organisation that parents, carers and teachers can trust. Childnet already has experience of running a high-profile campaign in this area, and would bring Childnet's experience, independence and reputation it has gained, alongside the trust of schools and parents to any potential campaign. Indeed we believe that the initiative would be strengthened by including a respected, independent non-profit organisation in this education work.

Not only are wide ranging messages important (as previously mentioned in this response) but also wide ranging support from all the active players in this space something which Childnet's resource achieved, being launched in conjunction with the Pro Music Alliance, and also receiving the support of the Internet Service Providers' Association, Commissioner Viviane Reding, the recording industry, music retailers, independent record companies and a high profile artist.⁷

It is vital that whatever educational awareness initiative results from the consultation process that this campaign takes into account the needs of children and young people in terms of the language and the accessibility of the information that is provided. In all of Childnet's activities, Childnet has striven to ensure accessibility of its resources in tone, content and format. In particular, the Young People Music and the Internet resource has been primarily aimed at parents, carers and teachers to equip and empower them, as service subscribers, to be able to talk meaningfully with children and young people about this topic. In meeting the educational needs of children and young people, the leaflet also contains a detachable 'credit type card' (see below) with information for young people promoting

⁷ See Annex B for the press release with supportive quotes (pages 10 &11 of this response)

where they can access music legally online and offering positive and constructive advice regarding accessing music online. The testing of messages and communication strategies with young people in the design of education resources is also crucial and again this is something which Childnet would bring to the process as we have our own young person's panel which vets and tests education material with the target audience.⁸

Increasing awareness on this topic through an awareness campaign must be a central strand of the response to dealing with illicit P2P file-sharing and Childnet would welcome being part of this discussion moving forwards.



Detachable 'credit type card' from 2008 Childnet guide on P2P, file-sharing and downloading titled *Young People, Music & the Internet*.

2008 Childnet resource – available at http://www.childnet.com/downloads/CN_IFPI_MusicLeaflet.pdf



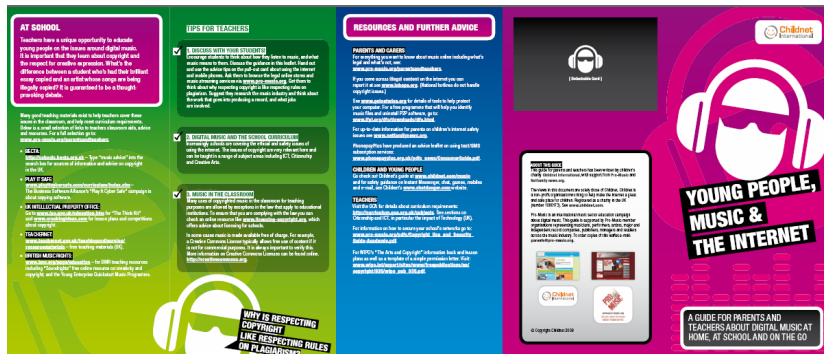
⁸ See <http://www.childnet-int.org/about/networkers.aspx>

Annex A

The Childnet Young People, Music and the Internet Resource is available on the Childnet website at the following link: http://www.childnet.com/downloads/CN_IFPI_MusicLeaflet.pdf

10 printed copies of the leaflet have been submitted to the Department for Business, Enterprise and Regulatory Reform to support this consultation response.

Single copies for information can be requested from the Childnet office and bulk orders can be ordered via email at parents@pro-music.org.





www.pro-music.org
all you need to know
about music online

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PRESS RELEASE

WORLDWIDE MUSIC DOWNLOAD INFORMATION CAMPAIGN HELPS PARENTS AND TEACHERS ADVISE CHILDREN

- **New multi-language guide “Young People, Music & the Internet” aims at tens of thousands of schools in 21 countries**
- **Research suggests one in two 9-14 year-olds downloads music without parental supervision**

London, 30th April, 2008 – A global information campaign is launched today to explain the world of music downloading to teachers and parents worldwide.

A new pocket-sized guide, published by children’s internet charity Childnet International and supported by Pro-music, the international alliance of music sector groups, will be distributed through schools and colleges, libraries, record stores, teaching portals and websites in 21 countries.

The simple, concise guide, “Young People, Music and the Internet” aims to help young people use the Internet and mobile phones safely and legally to download music. It comes as millions of people take advantage of the explosion of new ways of accessing music digitally, but still lack clarity on

safety and legal issues, on finding legitimate sites, on the basics of copyright and on how to unpick the jargon of digital music.

Singer Ronan Keating is backing the new campaign: “I am a father of three young kids who are all very interested in music and computers, they are forever asking to use the computer to download their favourite songs. There is a constant worry about the security of the internet with children. This new guide helps adults and children to use the internet safely and securely. The internet is a fantastic tool for us all to enjoy.”

Stephen Carrick-Davies, Chief Executive of Childnet, said: “For millions of children and teenagers, the possibilities and the risks of using the Internet and mobile phones starts with the experience of accessing music online. That’s why we’ve worked with the music industry to produce this guide especially for parents and teachers so that they can better support young people. There are so many wonderful online music services but there are risks to children including breach of copyright the threat of viruses, loss of privacy and security. This guide will be of practical help to parents and explain how their children can obtain music legally and safely and get the very best out of the internet.”

According to recent research:

- Parents and teachers are commonly unaware of how young people are getting music. A study by NPD Group (1) showed that six out of ten “tweens”(9-14 year olds) in the US who use the Internet to download music do so without parental guidance
- A recent government-commissioned report (2) in the UK highlights growing adult insecurity when it comes to teaching young people about the benefits and risks of an environment they do not feel they understand themselves
- One third of young people in Europe regularly file-share music on peer-to-peer networks (3), three times more than the proportion of those using legitimate sites
- While teens are likely to love new technology, three out of five women aged 35 – 44, many of whom are mothers, are confused about digital technology. Half feel they are getting left behind (4)
- Peer-to-peer networks are a main vehicle for spreading viruses and malware. 19 per cent of all potential infections are propagated by peer-to-peer networks (5). Meanwhile, research has found that a single download from an unauthorised MP3 site can result in the installation

without permission of Trojan downloaders, spyware and pop-ads with a severe impact on the computer's performance (6)

The information campaign is today endorsed by the European Commission which is taking a leading role in promoting safe Internet use.

Viviane Reding, EU Commissioner for Information Society and Media says: "The new guide, "Young People, Music and the Internet" is a very good example of an initiative that offers simple, practical advice to parents and teachers to keep young people safe and legal while enjoying music on the Internet. Just like the EU's Safer Internet programme does it in more general terms, this educational initiative enhances the safety of children and adolescents in the online environment. It will not only help in the fight against illegal content on the Internet, but should help to spark off those vital conversations between parents, teachers and young people that are so essential for promoting responsible behaviour on the Internet."

The international distribution of the guide is starting with government support in the UK and Singapore. In the UK, Kevin Brennan, Minister for Children, Young People and Families said: "The recent Byron Review confirmed that it's really important that we support teachers and parents to understand what children are doing online so that they can help them manage the risks and get the most from new technology. The Byron Review highlighted the generational digital divide. We need to help adults bridge that gap, and also help young people to understand that the virtual world is not a valueless world, and that it is important to respect the rights of others online including around cyber bullying and illegal downloading."

This latest initiative by Childnet follows on from its first guide for parents about peer-to-peer networks, file-sharing and downloading published in 2005. The first guide was requested by tens of thousands of individual parents, schools, youth groups, libraries and local councils around the world.

The new guide:

- Explains how to download music without exposing the computer to viruses and other security risks
- Shows what you can copy onto your computer
- Explains where to find legal sources of music

- Clarifies what are the basics of copyright and why it's relevant to online music
- Gives tips and features a pull-out card for young people covering the basic do's and don'ts
- Unpicks the jargon surrounding online music

The initiative is endorsed and actively supported by Pro-Music, the international music sector education campaign aimed at promoting legitimate music online. Pro-Music represents artists, major and independent record companies, managers, music publishers and entertainment retailers.

The guide will be available on www.pro-music.org as well as on www.childnet.com/music, where parents, teachers and young people will be able to access more information on a comprehensive music microsite.

It will also be linked through banners from the websites of individual members of Pro-Music and other campaign partners including affiliated charities, online music services, record label websites and on reputable parent-children online resources.

Physical copies of the guide will be available in music and computer retail outlets, including Zavvi in the UK, and will be mailed to libraries and schools with an invitation to distribute copies. It will be distributed in the coming months in 21 countries in Europe, Asia, Australasia and North and South America and Africa.

Pro-Music will be launching a new website to mark the launch of the leaflet. Pro-music.org is designed to be an "all you need to know about music online" information portal. The new-look site will continue to be the largest repository for legal online music stores, but will now also include: new monthly digital charts from

around the world; information and advice for those wanting to make it in the music business in the digital era; education tools and resources from around the world to inform parents, teachers, young people, budding artists, business and university administrations, the media and student researchers.

- Ends -

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For a copy of the leaflet:

See www.pro-music.org/parentsandteachers or www.childnet.com/music for a full electronic version of the UK leaflet, stories and illustrations.

Countries that will launch the new leaflet in the coming months include Argentina, Australia, Austria, Croatia, France, Germany, Greece, Hong Kong, Ireland, Mexico, the Netherlands, New Zealand, Singapore, Slovenia, South Africa, Spain, Sweden, Taiwan, Thailand and the USA. Versions of the first leaflet are available for the following regions: China, Finland, Germany, Italy, Mexico, the Netherlands, Poland, Portugal, Spain, Sweden, Singapore, UK and the USA.

To support the initiative, go to <http://www.pro-music.org/guide/youngpeople-logos.htm> to upload a banner linking to the guide.

To request hard copies of the leaflet email parents@pro-music.org.

Supporting Quotes:

Ronan Keating

I am a father of three young kids who are all very interested in music and computers, they are forever asking to use the computer to download their favourite songs. There is a constant worry about the security of the internet with children. This new guide helps adults and children to use the internet safely and securely. The internet is a fantastic tool for us all to enjoy.

Cheryl Hood, Safeguarding and Child Protection Trainer (Cheshire)

We distributed the [first Childnet] leaflets through staff training in children's social care. They were put in packs for social workers, family support workers, foster carers and residential workers. We also give them out to children and young people. It brings together all the relevant issues relating to music and how young people use the website for their interests in music.

John Kennedy, Chairman and Chief Executive of IFPI (recording industry)

The love of music has brought millions of people into the online world. However, it is clear there is still a huge knowledge gap about the legal and safety issues around young people's use of the Internet and mobile phones. This is a simple guide aimed at answering questions about music downloading that we believe teachers, parents and young people ask every day. It is aimed specifically at the educators - parents and teachers who themselves are in a unique position to pass on their knowledge to young people.

Kim Bayley, Director General of ERA and Executive Board member of GERA-Europe (music retailers)

GERA-Europe is pleased to continue its support for this international campaign. Educating consumers on legal ways to acquire music is key to growing the digital music market and entertainment retailers are well placed to distribute this message.

Helen Smith, Executive Chair, IMPALA (independent record companies)

This guide provides vital information on how downloading music can be good for the artist as well as the fan. The whole free versus paying downloading debate needs to be seen in its true light. 80% of all new music actually comes from thousands of small independent music companies and artists who love the Internet. It gives music fans the chance to hear all the music they might otherwise never have discovered. But if no one pays for it today, who will make the music of tomorrow?

Luis Cobos, President of GIART (performing artists)

Parents are becoming increasingly aware that their children can be exposed to harmful or illegal content, even while searching for music on their family computer. Performing artists welcome this new guide, which will provide a much-needed tool for parents and teachers, by offering clear and simple advice about how to keep young people safe and within the law while enjoying music online.

John F. Smith, General Secretary British Musicians' Union and President, FIM (musicians)

The Musicians' Union (MU) and its international partners in the International Federation of Musicians (FIM) welcome this initiative. It is vital that parents become aware of the methods that young people call upon when listening to music. Many thousands of MU members are not only performing artists, but also instrumental teachers and we hope that these teachers in turn encourage young, aspiring performers to become aware of how musicians earn a living and to also understand the important issues in respect of copyright that musicians rely upon.

Nicholas Lansman, Secretary General, ISPA UK (Internet Service Providers Association)

ISPA UK believes that education is a key tool in preventing users from inadvertently breaching copyright law online. ISPA welcomes this initiative, which addresses key questions about downloading online content and advises about the availability of legal content online. Internet Services Providers support constructive initiatives such as this, which help to raise awareness amongst young people and parents about issues relating to content.

Laura, 17

I used to use Limewire but didn't realize it was wrong and my parents didn't know what I was doing. Knowing that they understand will make me more willing to talk with them about how I use the Internet and what I'm doing.

Notes to Editors:

1. The leaflet has been written by Childnet International, with advice and support from Pro-Music and Net Family News. For updated advice for parents including the latest on P2P see www.netfamilynews.org
2. Childnet has been an active member of the UK Government's Home Office Task Force on Child Protection on the Internet since its inception.
3. For further information about child safety online see Childnet's s www.chatdanger.com resource which gives advice for young people on a range of online interactive services including Instant Messenger, mobiles, games and chatrooms.

Research:

- (1) "Kids & Digital Content", NPD Group, January 2008

- (2) The Byron Review into Children and Technology “Safer Children in a Digital World”, Dr Tanya Byron, March 2008
- (3) 34% of 15-24 year olds use p2p, more than three times the rate of legal service usage among the same age group (Jupiter Research 2008)
- (4) 2008 Digital Entertainment Survey from Entertainment Media Research and Wiggin
- (5) “Symantec EMEA Internet Security Threat Report”, April 2008
- (6) Experiments run by Benjamin Googins, a senior researcher at the international IT software management company CA
<http://community.ca.com/blogs/securityadvisor/archive/2007/10/31/searching-mp3-sites.aspx>

About Childnet International

Childnet International is a registered charity, (no 1080173) set up in 1995 - with the mission to work in partnership with others around the world to help make the Internet a great and safe place for children. The organisation seeks to take a balanced view of the issues of children and the Internet and is active in seeking to promote the positive ways in which the Internet can be used by children for social benefit. For example see www.childnetacademy.org . Childnet is also involved in responding to the negative aspects of children’s use of new media and has been involved in developing award-winning education and awareness programmes such as its work on cyberbullying with the DCSF available on Childnet’s digizen website, www.digizen.com and www.kidsmart.org.uk for schools. For full information about the charity see www.childnet.com

About Pro-Music

Pro-Music is an international music sector education campaign about digital music. This guide is supported by pro-music member organisations representing musicians, performers, artists, managers, major and independent record companies, publishers and retailers across the music industry. The *Pro-music* alliance was set up in 2003 to help improve understanding of copyright on the Internet and to promote the legitimate online music sector. For details of all the Pro-music partners see www.pro-music.org/insidethemusicbiz/who_are_we

About Net Family News

Founded in 1999, Net Family News is a US-based nonprofit public service for parents, teachers, and caregivers of connected kids. Founded in 1999, NFN’s mission is to bridge the *other* digital divide - between grownups and their tech-literate children. Its daily blog and RSS news feed, weekly email newsletter, archival Web site, and partnerships with like-minded organizations provide multiple ways to empower parents, through education and news, to get and stay engaged in their children’s use of technology and the Internet. For more information, go to www.NetFamilyNews.org.