

December 14, 2021

The Honorable Kathy Castor
U.S. House of Representatives
2052 Rayburn House Office Building
Washington, DC 20515

Dear Representative Castor:

On behalf of organizations dedicated to creating a safer, more developmentally appropriate internet for young people, we write to offer our strong support for the Protecting the Information of our Vulnerable Children and Youth ([Kids PRIVCY\) Act \(H.R. 4801\)](#). This legislation would make long overdue updates to the Children's Online Privacy Protection Act (COPPA).

Today's children and adolescents are growing up immersed in a digital world that cuts across many aspects of their lives, and they are spending a significant amount of their time online. Studies have shown this to be the case for young people of all ages. A 2020 Common Sense report found that children from birth to age 8 use more than two hours of screen media a day, that 34% of children age 8 and younger watch online videos every day, up from 24% three years prior, and that nearly half (46%) of 2- to 4-year-olds and more than two-thirds (67%) of 5- to 8-year-olds have their own tablet or smartphone.¹ 2018 data from the Pew Research Center showed that 95% of US teens have access to a smartphone at home, up from 73% in 2014-2015, and that 45% of teens say they use the internet “almost constantly,” nearly doubled from the 24% who said this in 2014-2015.² The COVID-19 pandemic has only exacerbated this dynamic as children nationwide have relied on internet-connected devices to attend school, socialize with friends, connect with family, and seek entertainment.

While it is clear that young people are living much of their lives online, the troubling reality is that online platforms are not created with child development in mind. In fact, business incentives driving online product development often run contrary to the needs of young people. Design practices that maximize user engagement or harvest large quantities of data for advertising purposes are at odds with expert recommendations about the healthy use of technology by young people. Despite legal protections enshrined in COPPA, these practices have accelerated largely unabated for children of all ages due to outdated statutory protections and insufficient enforcement.

¹ Rideout, V., & Robb, M. B. (2020). The Common Sense census: Media use by kids age zero to eight, 2020. San Francisco, CA: Common Sense Media

² Pew Research Center, May 2018, “Teens, Social Media & Technology 2018

Currently, children's digital trail of location, activities, in-app behavior, likes, and dislikes contribute to a digital profile shared among many companies that can be used to make advertising messages more effective and online platforms more successful. These digital profiles can reveal characteristics of youth that make them vulnerable to targeted, harmful content promoting extreme dieting, gambling, tobacco, or sexual content. The collection of personally identifiable information like geolocation may also expose them to additional threats in the offline world and pose real safety risks for children and adolescents. Families have limited insight into the extent of the data collected, the ways in which the data are used, and the individuals to whom it is disclosed. Your legislation is a major step toward addressing these harmful practices and creating a better internet for young people.

The Kids PRIVCY Act strengthens the legal protections afforded to children, adolescents, and their families under COPPA to give them greater control over their data. The legislation makes data collection by online platforms an opt-in rather than an opt-out practice for young people, enabling a culture shift online in which mass data collection from young people is no longer the default. It also extends COPPA's protections to reflect the realities of how young people are spending their time online, protecting them where they are, not just on child-directed platforms.

Equally as important, the legislation extends COPPA protections to adolescents ages 13 to 17, who have long gone without privacy protections online, while creating new rights for families. Under the proposed framework, adolescents would be able to consent to data collection online, while younger children would need a parent's approval for data to be collected. All young people under the age of 18 would have a new right to access, correct, and delete personal data held by online platforms. And crucially, families would have the right to sue if they feel that their rights under the law have been violated, and the Federal Trade Commission would receive dedicated resources to better enforce COPPA protections.

In addition to giving young people and their families more rights to limit how companies collect, use and store children's and teen's data, the Kids PRIVCY Act places new obligations and restrictions on covered digital services likely to be accessed by children and teens. Rather than relying simply on notice and consent to safeguard children, harmful uses of data are prohibited, including using young people's data to target them with behavioral ads that try to sell them products with highly personalized content by exploiting their developmental vulnerabilities. This surveillance advertising ban, as well as the prohibition against algorithmic processing that discriminates on the basis of race, age, gender, ability and other protected characteristics provide vital baseline safeguards for families and ensure an equitable playing field for all.

The legislation also incorporates key elements of the UK's groundbreaking approach to protecting children's privacy, the recently implemented Age Appropriate Design Code. Companies would also be required to consider the best interests of young people while they are

designing their platforms, not after the fact, and to conduct risk assessments to determine potential harms to children and teens from their data processing and mitigate any high risk processing.

Congress wisely recognized the necessity of special protections for children online when it passed COPPA more than 20 years ago. However, the internet has changed dramatically in the years since, and it is essential that Congress act now to strengthen COPPA's protections, extend them to more young people, and bring the better digital world envisioned in the Kids PRIVCY Act to life. We thank you for your leadership to support the health, well-being, and safety of children and adolescents online, and we look forward to working with you to advance this critical legislation.

Sincerely,

Accountable Tech
American Academy of Pediatrics
Center for Digital Democracy
Center for Humane Technology
Common Sense
Exposure Labs: the creators of The Social Dilemma
Fairplay
ParentsTogether
RAINN (Rape, Abuse and Incest National Network)
Amnesty International USA
Berkeley Media Studies Group
Children and Screens: Institute of Digital Media and Child Development
Children's Health Fund
Consumer Federation of America
Electronic Privacy Information Center (EPIC)
Log Off Movement
Me2B Alliance
MomsRising
National Association of Pediatric Nurse Practitioners
National Center on Sexual Exploitation
Network for Public Education
Obligation Inc.
Parent Coalition for Student Privacy
Parents Television and Media Council
Peace Educators Allied for Children Everywhere (P.E.A.C.E.)
Public Citizen
Stop Predatory Gambling & Campaign for Gambling-Free Kids
SumOfUs
The Signals Network