



fairplaysm
childhood beyond brands

July 12th, 2022

Shou Zi Chew
Chief Executive Officer
TikTok
5800 Bristol Parkway
Culver City
CA 90230
United States

Dear Mr. Chew,

We are writing to you to urge you to address design discriminations experienced by TikTok's younger users to ensure that *all* young users can have a safe and private experience on the platform.

TikTok has over a billion active users,¹ and various global estimates suggest that between a third and quarter² are underage. The safety and privacy decisions your company makes has the capacity to affect 250 million young people globally, and these decisions need to ensure that children and young people's best interests are realized, *and realized equally*.

The United Nations Committee on the Rights of the Child outlined that every young person under 18 has rights that must be "respected, protected and fulfilled in the digital environment" and this included the right to non-discrimination.³ No young person should experience discrimination in platform design on TikTok because of where they live.

For example, TikTok's *Privacy Policy EEA/CH/UK* makes clear that in order to "provide users younger than 18 with an age-appropriate experience, certain features are not available."⁴ However, this does not appear in privacy policies outside of Europe, and we are concerned that non-European young users may not be afforded the same protections.

Many of TikTok's young users are not European; TikTok's biggest markets are in the United States, Indonesia and Brazil.⁵ All children and young people deserve an age appropriate experience, not just those from within Europe.

¹ Echo Wang 2021 'TikTok Hits 1 billion active users' Reuters <https://www.reuters.com/technology/tiktok-hits-1-billion-monthly-active-users-globally-company-2021-09-27/>

² Mansoor Ibqal 2022 *TikTok Revenue and Usage Statistics 2022* <https://www.businessofapps.com/data/tik-tok-statistics/>
Statista 2021 *Distribution of TikTok users by age in the United States* <https://www.statista.com/statistics/1095186/tiktok-us-users-age/>

Brian Dean 2022 *TikTok User Demographics 2022* <https://backlinko.com/tiktok-users#tiktok-user-demographics>

³ UN Committee on the Rights of the Child 2020 UN Committee on the Rights of the Child 2020 General Comment on Children's Rights in relation to the Digital Environment
<https://www.ohchr.org/EN/HRBodies/CRC/Pages/GCChildrensRightsRelationDigitalEnvironment.aspx>, section 4

⁴ TikTok 2021 *Privacy Policy EEA/CH/UK* <https://www.tiktok.com/legal/privacy-policy-eea?lang=en>

⁵ Mansoor Ibqal 2022 *TikTok Revenue and Usage Statistics 2022* <https://www.businessofapps.com/data/tik-tok-statistics/>



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[Research](#) conducted by the authors of this letter finds a number of design discriminations that young users of TikTok may experience:

- Default privacy settings for 16 & 17 year-olds. In the UK, where the *Age Appropriate Design Code* is in force, TikTok prompts 17 year-olds who open accounts to go private, in accordance with Standard 7 of the Code.⁶ This has also been rolled out in other EU contexts like Germany, Slovenia and Finland. In all other non-European country experiments however, we found that TikTok instead defaulted 17 year-old users to public accounts. Privacy matters for young people, both in and of itself and to create the safest possible online experience. It would be a more rights-realizing design if your platform were to default all young users to a private experience in the first place.
- Support, terms of service and policies not available in young people's first language. In many countries where TikTok offers its service, it does not offer its support center nor policies in young people's first languages. For example, our researchers in Ethiopia, Slovenia and South Africa were unable to find policies nor help centers in Amharic, Slovenščina or any of South Africa's official languages aside from English. This raises questions about young people's ability to meaningfully consent to TikTok's data collection practices (beyond the difficulties most young people experience with Terms and Conditions in the first place). It also leaves young people less able to access support or seek redress where something goes wrong.
- Providing greater transparency around minimum age requirements. TikTok's Privacy Policy states that "TikTok is not directed at children under the age of 13. In certain cases this age may be higher due to local regulatory requirements."⁷ However, it is not made clear where these certain cases with higher regulatory minimum ages are. This unfairly passes a burden of research onto children and young people themselves. Further, some of your policies provide conflicting advice. For example, your privacy policy in Indonesia states that the minimum age requirement is 13 in section 10;⁸ in section 14 it outlines that the age requirement is 21;⁹ while your policy around Underage Appeals suggests that the minimum age in Indonesia may be 14.¹⁰ We note that other platforms have found ways to offer more transparency around minimum ages.¹¹

These three aspects – language of terms and conditions, minimum age requirements and default settings for 17 year-olds – were the only focus of our investigation and we found global variations across each of these on TikTok. We would encourage you to investigate variations internally, as there may be many more.

It is perhaps worth noting that in our investigations, researchers also explored variations in these three aspects on Instagram and WhatsApp, but both outperformed TikTok against these criteria. This appears to be a particularly acute problem on TikTok.

⁶ Information Commissioner's Office 2020 *Age Appropriate Design Code* <https://ico.org.uk/for-organisations/guide-to-data-protection/ico-codes-of-practice/age-appropriate-design-a-code-of-practice-for-online-services/7-default-settings/>

⁷ TikTok 2022 *Privacy Policy Rest of World* <https://www.tiktok.com/legal/privacy-policy-row?lang=en>

⁸ TikTok 2022 *Privacy Policy Rest of World* <https://www.tiktok.com/legal/privacy-policy-row?lang=en>

⁹ TikTok 2021 *Privacy Policy Hukum* <https://www.tiktok.com/legal/privacy-policy-row?lang=id-ID>

¹⁰ "If TikTok bans your account because we believe you are under 13, or 14 in South Korea and Indonesia, you may appeal" TikTok ND *Underage Appeals* <https://support.tiktok.com/en/safety-hc/account-and-user-safety/underage-appeals-on-tiktok>

¹¹ For example, Google provides a list of Minimum Age requirements at *Age requirements on Google accounts* <https://support.google.com/accounts/answer/1350409?hl=e>



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We urge you to adopt a Safety by Design and Children's Rights by Design approach and immediately undertake a risk assessment of your products globally to identify and remedy privacy and safety risks on your platform. Where a local practice or policy is found to maximize children's safety or privacy, TikTok should adopt this globally. All of TikTok's younger users deserve the strongest protections and greatest privacy, not just children from European jurisdictions where regulators have taken early action.

TikTok has expressed a long standing priority to ensure the safety and privacy of younger users.¹² Now is the time to take action on this priority. Through this approach – identifying and mitigating risks in a standardized fashion – TikTok has the capacity to become leaders in tackling design discrimination.

We would welcome the opportunity to discuss this matter further.

Regards,

Fairplay

Africa Digital Rights Hub, Ghana

Alannah & Madeline Foundation, Australia

Asociación por los Derechos Civiles, Argentina

Associação Data Privacy Brasil de Pesquisa, Brazil

Berkeley Media Studies Group

Brave Movement: End Childhood Sexual Violence

Canadian Centre for Child Protection, Canada

CEIIAS, Centro de Estudos Integrados, Infância, Adolescência e Saude, Brasil

ChildFund Alliance

Child Online Africa, Ghana

Data Privacy Brasil Research Association, Brasil

Državljan D / Citizen D, Slovenia

Eating Disorders Coalition for Research, Policy & Action

ECPAT-USA

Enough is Enough

Exposure labs; Creators of The Social Dilemma

Global Hope 365

Instituto Alana, Brazil

Keep Kids Safe Movement

Kidscape

LOG OFF Movement

Lookup.live

Lynn's Warriors

Media Monitoring Africa, South Africa

ParentsTogether

Peace Educators Allied for Children Everywhere (P.E.A.C.E.)

Plan International Brasil

¹² Eric Han 2022 *Strengthening Privacy and Safety for Youth* <https://newsroom.tiktok.com/en-us/strengthening-privacy-and-safety-for-youth>



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Protect Children, Finland

Protect Young Eyes

Red PaPaz, Colombia

Reset, Australia

5Rights Foundation

Shift SC

Tech Transparency Project

UConn Rudd Center for Food Policy & Health

UltraViolet

Vsak: Institute for digital education, Slovenia

Wait Until 8th



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