

Protecting Kids Online – The Age Appropriate Design Code

Social media platforms make their money off our attention



How Facebook makes money by targeting ads directly to you

The New York Times

You Are the Object of a Secret Extraction Operation



Former Zuckerberg adviser: Facebook's problem is its business model

Washington
MONTHLY

What Your Data Is Really Worth to Facebook

Their products are designed to be addictive

- **Business model is “surveillance advertising.”** Platforms generate large profits by tracking us, profiling us, determining what makes us react, and then individually targeting us with ads. They often sell their data to outside advertisers.
- Algorithms are developed to **keep our attention** as long as possible:
 - Developed based on insights from behavioral psychology and gaming research
 - Similar to a casino – want to give you some pleasure when you use it, and a small amount of anxiety when you don't
- **Platforms don't want us to know how algorithms work**
 - Relies on users not fully knowing how their data is being used behind the curtain

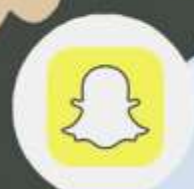
Ex-Facebook executive says company made its product as addictive as cigarettes

Social media apps are 'deliberately' addictive to users

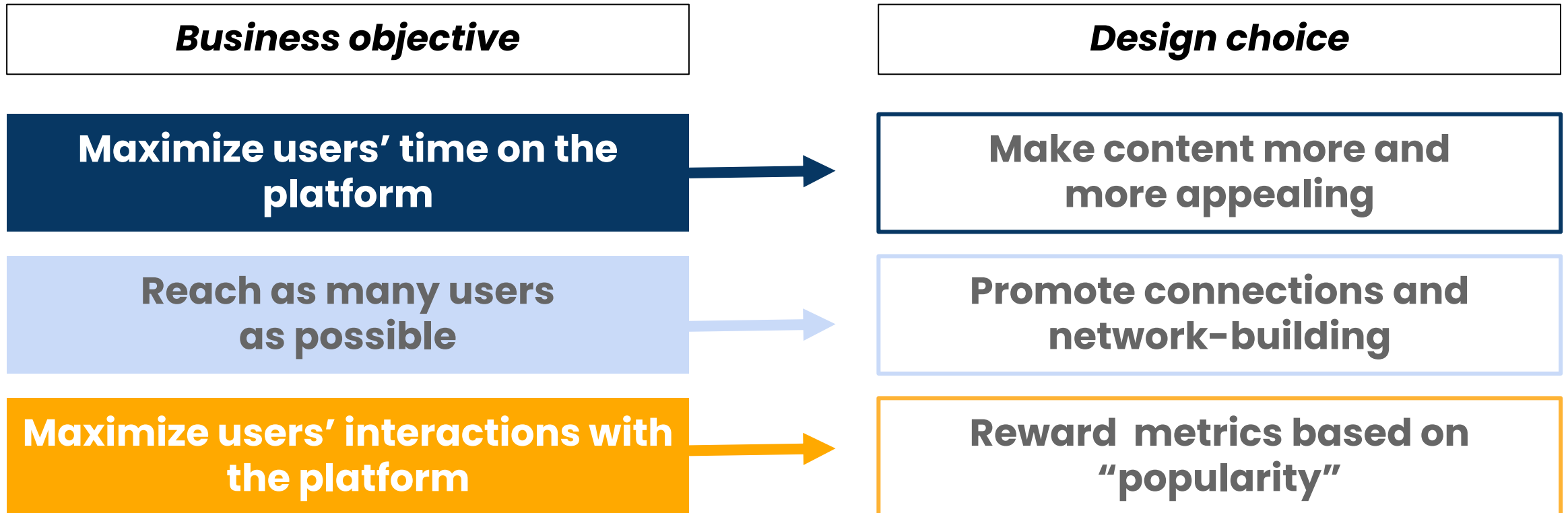
By the time
a child is 18 it
is estimated that
there will be **70000**
data points
about them

these
companies **know**
your children
better than
you do

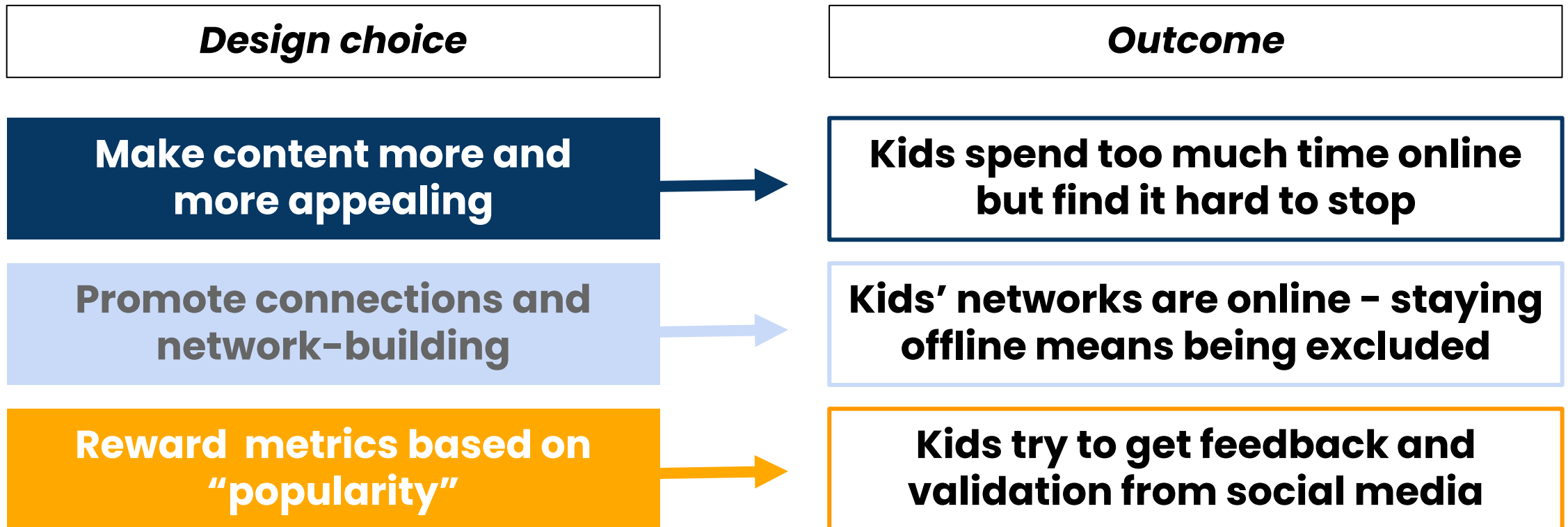
and they keep
and share that
information
forever (for
their own gain)



Harmful design choices stem directly from business objectives

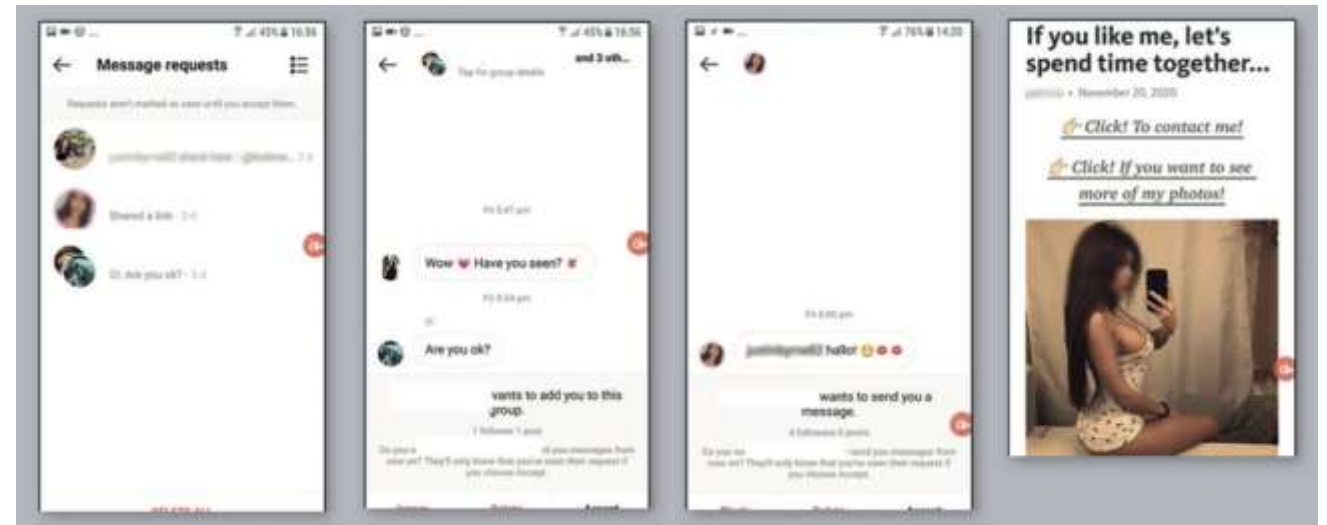


Harmful design choices create harmful outcomes for kids



Social media's core DESIGN puts children at risk

- 5Rights Foundation research found that after creating 10 child avatar accounts, **ALL were directly messaged by accounts they did not follow.**
- This included being added to group chats by strangers with other adults. Within a day of account creation, 14-year-old “Justin” received **three solicitations with porn.**
- After spending 5 minutes on Instagram for 2 days, 2 accounts were **followed by pages that featured racist and derogatory content.**



The end result: what social media looks like for kids

Sharing
pictures of
themselves
online

Engaging with
content that
lowers self-
esteem

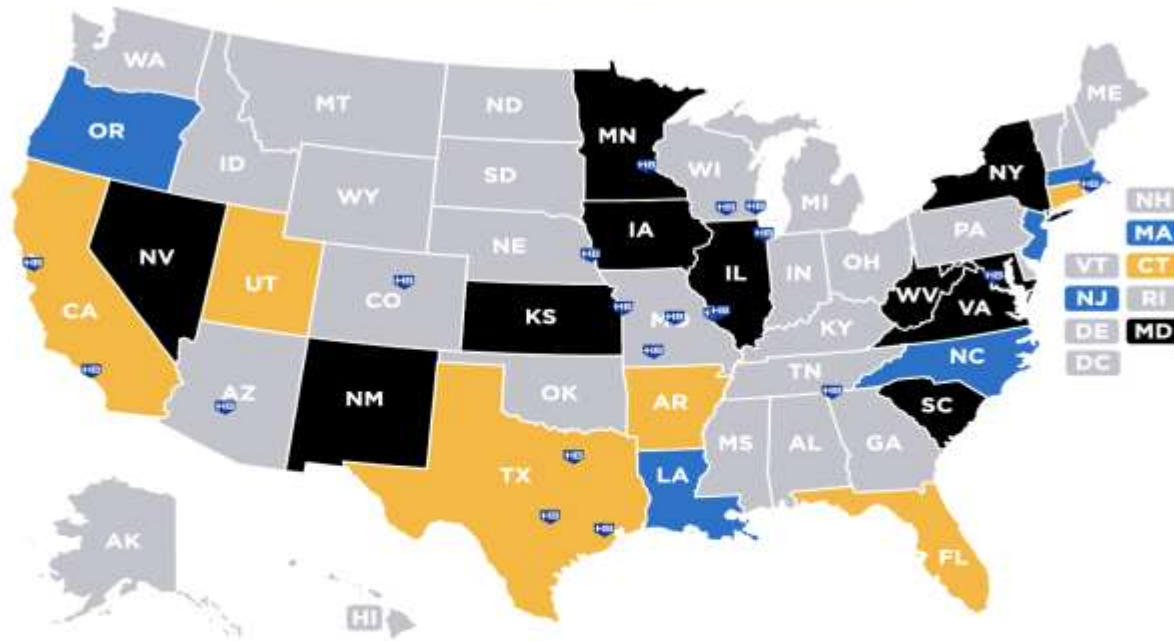
Seeing explicit
or upsetting
content

Using filters
and editing
apps

Engaging with
people they
don't know

Approaches to protecting kids online

2023 State Children's Privacy Law Tracker
Click the states to view various resources.



Navigate to:

- Enacted legislation
- Active legislation
- Did not pass in 2023
- No bill proposed

More than 30 bills in almost 50% of US states. The AADC gets at the design of products to make them safer.

Other approaches include:

- parental consent / controls
- age verification
- platform bans
- enumerated harms
- enhanced data privacy
- design

Online services that comply with the code will...

- 1 give children high privacy settings by default
- 2 mitigate harms from features such as autoplay, nudges, excess notifications, and endless feeds
- 3 stop tracking children without real-time notice, and making kids' data accessible to others
- 4 provide tools, like save buttons, opportunities to quit, child-friendly explanations
- 5 take the **LEAST** amount of data for the **LEAST** amount of time and get rid of it at the **FIRST OPPORTUNITY**
- 6 stop using children's data to target them with detrimental material (i.e., pro-anorexia, self harm)
- 7 **TURN OFF GPS** - unless they need it
- 8 perform an impact assessment to show they have thought about children's needs in advance.
- 9 make choices about their service that prioritize children's best interests over profits
- 10 **make sure that a child can be treated like a child**



The illustration shows five diverse children and young people standing in a row. From left to right: a young boy in a red shirt holding a tablet; a girl in a yellow shirt pointing at the tablet; a girl in a wheelchair; a boy in a blue t-shirt; and a boy in a grey t-shirt and cap with a bag slung over his shoulder. Above them are two dark blue banners with white text and star icons. The left banner says 'the code applies to all children in line with the convention on the rights of the child (UNCRC) - that is everyone under the age of 18'. The right banner says '...and to all online services 'likely to be accessed' by children'. Below the banners are several white speech bubbles containing logos for 'Coeebies BBC', 'amazon', 'TRANSPORT FOR LONDON', 'runkeeper', and 'Spotify'.

* the code applies to all children in line with the convention on the rights of the child (UNCRC) - that is everyone under the age of 18

* ...and to all online services 'likely to be accessed' by children

Coeebies BBC

amazon

TRANSPORT FOR LONDON

runkeeper

Spotify

High data privacy by default

“By default” removes the onus on the parent or child to exercise privacy settings on every website.

“High privacy” means strict data minimization requirements, Prohibitions on profiling of children, prohibitions on selling children’s data.

Risk-based and Tech neutral

Impact assessments: Platforms to analyze their own products and mitigate risks of material harm to children before online products are offered to the public.

Platform neutral: Creates a law that is flexible enough to account for harms both today and into the future. Addresses social media, but also gaming, AI, and what comes next.

Why It's Good for Businesses

AADC structured to prevent harm rather than punish for harm after the fact.

Liability based on design. We don't have to wait for another child to be harmed.

Platforms that complete an impact assessment have benefit of a 90 day right to cure.

“The Age Appropriate Design Code has helped us determine new ways to keep our users safe.”

Katie O'Donovan

Director of Government Affairs and Public Policy at Google UK

Why It's Good for Families

Highest privacy settings are by design and default, parents don't have to be the experts or enforcers.

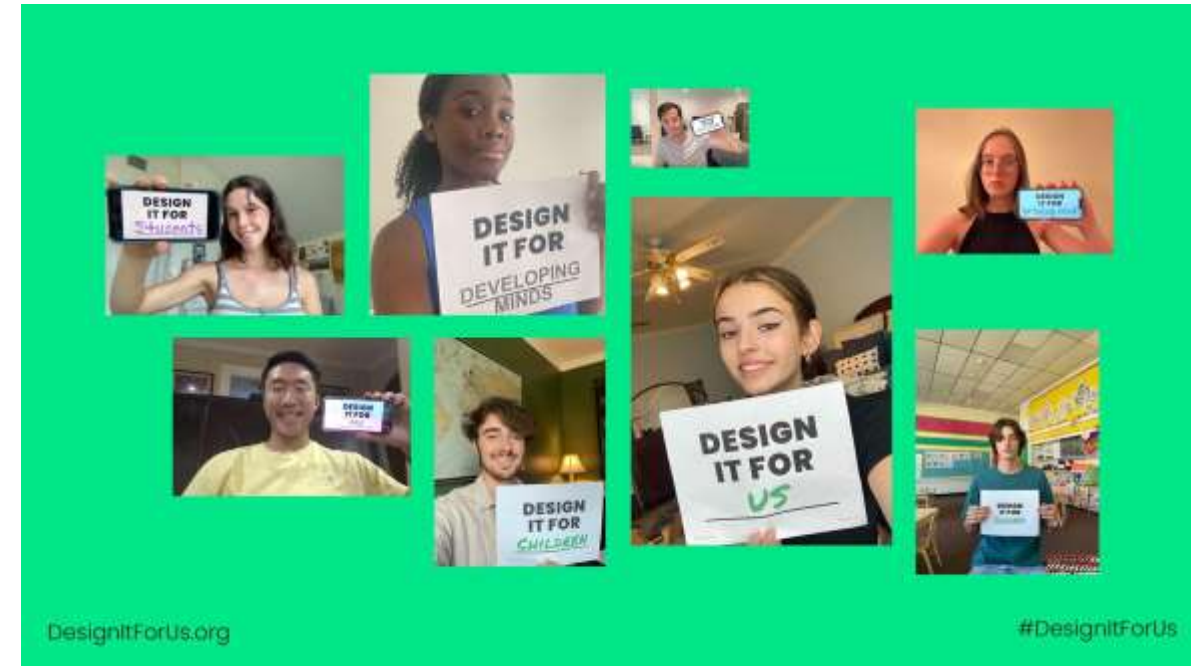
Smarter design changes mitigate harm at all hours of the day or night, across all platform, features and functions.

Protection from harms before they happen by creating safer products from the outset, by design.

Why It's Good for Children & Teens

Youth are going to be on the internet and find their way onto social media, companies have a responsibility to make their products safe.

Youth can benefit from what the internet has to offer without sacrificing their privacy and are less likely to be harmed.



Why It Works for Legislators

A tested, proven model: in implementation since Sept 2021 in the UK

Provides for an innovation-first, tech neutral framework that will not need constant updates to account for changing landscape

How it's working

Since the AADC's passage in the UK, tech companies have added new protections for children:

States are debating a children's online safety law modeled after the U.K.'s Children's Code, passed in 2020. Here's how tech companies have started to comply. While some pledged to roll out changes globally, it's unclear how many have started to do so:



Constitutional challenge to AADC

4 main arguments: The AADC

- 1) Violates the 1st Amendment.
- 2) ...is preempted by Section 230.
- 3) ... is preempted by COPPA.
- 4) ...violates the Dormant Commerce Clause.

- 1) The AADC is a data protection and design bill, not a content moderation bill.
- 2) Section 230 only immunizes platforms for liability re third party content, not for their own conduct, as in the AADC.
- 3) The Ninth Circuit has held that COPPA does not conflict with state privacy law, and therefore doesn't preempt it.
- 4) Platforms already comply with a patchwork of laws within states and globally. Creating more uniform guardrails makes good sense.

Why the MN AADC the best of breed bill for kids online safety and data privacy?

I am confident, as an IT professional that understands how products are designed and implemented, as a legislator, that this is the strongest model that we've seen to protect kids online.

The bill is reasonable, sets common rules of the road for industry, it uses practical tools to create better design solutions, it is cost effective as a strategy, logical in its implementation, generous for suspected concerns and its right to cure.

The bill is simple and elegant. It is simply the best solution for business, industry and its the best bill I have seen for parents and kids.