

Legislation to extend critical online privacy protections to teenagers, make privacy the default for youth, and protect against misuse of children and teen's data – SUPPORT

[S7695](#), Sponsored by NY Senator Andrew Gounardes; and [A8149](#), Sponsored by NY Assemblywoman Nily Rozic

Why do we need this bill? This bill protects New York kids and families by extending critical online privacy protections to teenagers and making privacy the default for youth. It also keeps parents in control of their young children's privacy, and allows teenagers to start making their own privacy decisions commensurate with their age. The fact is, federal data privacy law, the Children's Online Privacy Protection Act of 1998 (COPPA), is 25-years-old and out of date. It only covers children under 13 related to the online collection, use and disclosure of their personal information and it does not adequately protect kids and teens the way the internet exists today.

How does online data collection harm kids??

Companies collect data on kids to target them with ads and keep them online longer. A lot of data. According to research from [SuperAwesome](#), by the time a child is 13, over 72 million pieces of personal data will have been captured about them. This enables businesses to manipulate kids and teens without them even realizing they are being manipulated, because young people's developing brains do not become capable of critically assessing what they see online until they are older. Our research, [AdTech and Kids: Behavioral Ads Need a Time-Out](#), shows that most kids cannot distinguish an ad from other content until they are at least eight, and most children do not realize that ads can be customized to them.

Unnecessary data collection is also dangerous because children and teens overshare without understanding its consequences. According to the Children's Commissioner report, [Who Knows What About Me?](#), children and teens believe the information they share stays on their

device or within an app or game, and that deleting information on a device or within an app will delete it from the internet. According to the research study, ["They See You're a Girl If You Pick a Pink Robot with a Skirt" ... How Children Conceptualize Data Processing and Digital Privacy Risks](#), children and teens also do not understand that an app may gather information about them from sources outside the app.

What does this bill do? This important bill reduces the ability of online companies to commercialize and commodify children's and teen's data and it makes privacy the default for youth, by requiring that companies get 'informed consent' before collecting or using personal data of users they know are between the ages of 13 and 18 or users on services primarily directed to kids under 18, unless such processing is strictly necessary or complies with COPPA. Consent would be required from a parent for children under 13, and from teens themselves. This bill also ensures that companies can only share data with other entities if written safeguards are in place to protect children and teens' personal data. And, it requires that companies recognize that a user is a minor from the information that they have already collected on the user and that they protect such users accordingly.

Isn't there proposed federal legislation to update COPPA? Yes, [COPPA 2.0](#) is making its way through the U.S. Senate and is a very important bill that is consistent with the proposed New York Bill. We strongly endorse them both. They both should get approved.