Teen Privacy and Online Safety

What Publishers Need to Know

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What We'll Cover

- Legal trends
  - The changing legal landscape
  - Risks and opportunities
- Age assurance
  - Requirements, options, and impacts
- Product design
  - Features that increase risk
  - Designing for the future checklist

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Legal Trends

What's changing about minors' privacy regulation

Then: COPPA

Key regulation was the federal Children's Online Privacy Protection Act (COPPA) of 1998.

COPPA applies to known children (under 13) and child-directed services, exclusively online. COPPA does not regulate teen data for 13+ users.

No general obligation to collect age information or otherwise investigate age; most services did not know or ask the age of their users.

COPPA focuses on privacy through notice and parental consent.

Now: Evolving State Laws

States are adding new regulations in several categories aimed at child and teen data.

New laws apply to minors (up to 18) and services "likely to be accessed by" minors.

Emerging requirements to estimate or otherwise obtain age information.

Privacy concerns are intertwined with online safety considerations

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State regulation falls into several categories

- Age-appropriate design codes – governing how services should be configured for minors
- Broad state privacy laws – with special rules for children and/or teens
- State minors' privacy laws – COPPA-like restrictions on processing teen data
- "App store accountability" laws – app stores and developers must address age checks and parental consent
- Social media laws – safety and privacy rules for platforms with specific features
- General consumer protection laws – unfairness and deception theories pursued in many states

Half the U.S. states have laws with requirements related to processing minors' data.

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State enforcement risks are expanding

Penalties

- Violations of state privacy laws:
  - Enforceable by state attorneys general
  - Carry penalties of (typically) between $2,500 and $10,000 per violation, with a few outliers up to $50,000 per violation
  - *Utah's app store accountability act (effective May 2027) is now enforceable only via private right of action*
- State consumer protection laws carry similar penalties, and many include private rights of action
- Potential for coordinated multi-state actions

Enforcement

- Direct enforcement of the minors' privacy and online safety laws has been limited to date
- In the meantime, state attorneys general are attacking the same concerns under other consumer protection laws, primarily unfairness and deception
- Private litigation is also increasing under a variety of theories, including product safety

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Designing for an uncertain regulatory future

- Litigants, lawmakers, and enforcement bodies are converging on a set of product features that they believe carry interrelated privacy and safety risks for teens
  - Privacy = concerns about excessive collection and use of personal data
  - Safety = concerns about platform addiction and other mental and physical harms

- Laws are new, and many face legal challenges
  - This uncertainty is bad for business
  - BUT product design can focus on trends rather than specifics

- **There is an opportunity to build options into products now to reduce risk later,** making products resilient against regulatory changes

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Age Assurance

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What age assurance is required?

- Relevant laws, proposals, and litigation show a trend toward age assurance requirements
- There is no set standard or method for age assurance in the United States at this time

Self-declaration

Email-based estimation

Facial estimation

Government ID

Device / account signals

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App store accountability laws

App Stores

- Verify user age
- Get parental consent for minor users to download or purchase apps or make in-app purchases

Developers

- Request age signals from app stores
- Confirm that the app store obtained any required parental consents
- Notify app stores of significant changes

All app developers — not just developers of apps directed to minors — should prepare for compliance.

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The impacts of knowing user age

- Knowledge of age can trigger child and teen privacy restrictions under state and federal law
  - Once a company knows the age of a user, it should apply that knowledge across all platforms and applications where the user is recognized
- Age data may impact classification of products as child-directed or directed to a general audience
- Age assurance can be used to limit restrictive settings to known minors rather than all users

- For products that are not targeted to children, blocking minors from a product is usually an option (but may have business impacts)

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Product Design

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Teens and targeted advertising

- Numerous state omnibus privacy laws restrict sales of known minors' personal data, processing of their personal data for targeted advertising, and profiling of minors
  - For instance, several states require consent from teens to sell their personal data or process their personal data for targeted advertising
  - A few states have express prohibitions related to advertising targeted to minors, with no consent exception
  - NOTE: Restrictions apply to processing data for these purposes, even if teens do not see ads
  - Targeted advertising for teens (not children under 13) is unrestricted in many states but still raises risks under latest litigation trends

Options for publishers:

- For a teen audience, monetize via contextual rather than targeted advertising
- Consent from teens may be feasible

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Other key restrictions from minors' privacy laws

- Data protection assessments
- Limits on direct messaging between teens and adults
- High-privacy default settings, including for features that extend service use
- Notices with language suited to user ages
- Restrictions on geolocation data collection
- Obvious signals for geolocation collection and monitoring (including parental monitoring)
- Data minimization requirements
- Restrictions on push notifications and targeted advertising
- Settings to limit time spent on the service

Options for publishers:

- Consider a bifurcated experience for teens versus older users
- Block known minor users

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Summing up features that increase risks

Extending engagement

- Video autoplay
- Infinite scroll
- Personalization

Renewing engagement

- Push notifications
- Rewards for engagement

Safety

- Chats and messaging

Privacy

- Targeted advertising

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Designing for the future checklist

- Prepare for knowledge of age
  - For apps, implement a system for requesting and receiving age from app stores and applying knowledge of age across platforms
  - Create a process to resolve conflicts as needed
  - Determine whether to block minor users or create a bifurcated experience
- Look closely at whether certain features are needed in child and teen experiences
- When designing products, consider building optionality to apply high-privacy defaults to known minors to minimize costs and risks down the road

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