

United States Senate

March 3, 2022

The Honorable Gina Raimondo
Secretary of Commerce
U.S. Department of Commerce
1401 Constitution Avenue, NW
Washington, D.C. 20230

Dear Secretary Raimondo:

We write to express our support for President Biden's commitment to holding Big Tech accountable for our children's privacy, mental health, and well-being. We agree with President Biden's statement in his State of the Union address that it is "time to strengthen privacy protections, ban targeted advertising to children, [and] demand tech companies stop collecting personal data on our children." Big Tech's surveillance and manipulation of American children and teens threatens an entire generation of online users, and that is why we introduced the bipartisan *Children and Teens' Online Privacy Protection Act*.

There is a direct link between the lack of online privacy protections for young people and the youth mental health crisis in this country. In the absence of data privacy protections for children and teens, online platforms are able to amass troves of personal information about users and leverage that data with algorithms that amplify and recommend toxic content to young and vulnerable users to keep them glued to their screens.¹ These harmful data practices, for example, push unhealthy eating and body-image content to teens.² As young people's time on platforms that employ these data collection and content amplification systems has increased,³ we have seen significant increases in eating disorders and related mental health effects, such as anxiety and depression, sweep across the country.⁴ It is imperative that the United States addresses this issue by providing children and teens with control over their data and by prohibiting companies from engaging in harmful data collection and use.

Consistent with President Biden's proposal, a new children and teen privacy regime must also include a prohibition on targeted advertisements to kids. Targeted advertisements are inherently harmful and manipulative to children. This marketing tactic, which leverages data about young

¹ See Karen Feldscher and Bryn Austin, *How social media's toxic content sends teens into 'a dangerous spiral'*, Harvard T.H. Chan School of Public Health (Oct. 8, 2021), <https://www.hsph.harvard.edu/news/features/how-social-medias-toxic-content-sends-teens-into-a-dangerous-spiral/>.

² See Jennifer Breheny Wallace, *Instagram is even worse than we thought for kids. What do we do about it?*, Washington Post (Sept. 17, 2021), <https://www.washingtonpost.com/lifestyle/2021/09/17/instagram-teens-parent-advice/>.

³ Matt Richtel, *Children's Screen Time Has Soared in the Pandemic, Alarming Parents and Researchers*, N.Y. Times (Jan. 16, 2021), <https://www.nytimes.com/2021/01/16/health/covid-kids-tech-use.html>.

⁴ *Id.*; see also Tawnell D. Hobbs et. al., *'The Corpse Bride Diet': How TikTok Inundates Teens With Eating-Disorder Videos*, Wall St. J. (Dec. 17, 2021), <https://www.wsj.com/articles/how-tiktok-inundates-teens-with-eating-disorder-videos-11639754848>.

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users' online behavior and interests to direct personalized commercial content, takes advantage of children, who are more suggestible than adults and often cannot tell that they are being fed specific content and marketing.⁵ Children also lack understanding of the persuasion behind advertising.⁶ Moreover, this practice thrusts children into consumer culture in a manner that inherently involves vast collection of personal information. Lawmakers abroad have begun to take steps that will protect young people from targeted advertising and other harmful data practices online.⁷ Consistent with President Biden's recent statement, it is time for the United States to do the same.

We commend President Biden and his administration for seeking to protect American children from harmful mental health effects and invasive online practices. Our legislation, the *Children and Teens' Online Privacy Protection Act*, dovetails with the Administration's stated objectives. It prohibits internet companies from collecting personal information from anyone 13- to 15-years old without the user's consent; creates an online "Eraser Button" to permit users to eliminate personal information from a child or teen; amends the *Children's Online Privacy Protection Act* to stop online platforms from turning a blind eye to the children on their websites; limits the collection of personal information from young users; and creates a Youth Privacy and Marketing Division at the Federal Trade Commission.

We look forward to working with you to advance this critical legislation and appreciate your commitment to these issues. Thank you for your attention to this matter.

Sincerely,



Edward J. Markey
United States Senator



Bill Cassidy
United States Senator

⁵ See International Chamber of Commerce, *Marketing and Advertising to Children* (2021), <https://iccwbo.org/global-issues-trends/responsible-business/marketing-advertising/marketing-and-advertising-to-children/>.

⁶ See Beata Mostafavi, *Some Children at Higher Risk of Privacy Violations from Digital Apps*, University of Michigan Health Lab (Sept. 8, 2020), <https://labblog.uofmhealth.org/health-tech/some-children-at-higher-risk-of-privacy-violations-from-digital-apps>.

⁷ The European Parliament recently advanced the Digital Services Act, and the United Kingdom passed the Age Appropriate Design Code (AADC), which took effect in September 2021. See Perry Stein et. al., *European Parliament gives initial approval to rules that would change big tech data collection, advertising*, Washington Post (Jan. 20, 2022), <https://www.washingtonpost.com/world/2022/01/20/european-union-digital-services-act/>; U.K. Information Commissioner's Office, *Age Appropriate Design: A Code of Practice for Online Services* (Sept. 2, 2020), <https://ico.org.uk/media/for-organisations/guide-to-data-protection/key-data-protection-themes/ageappropriate-design-a-code-of-practice-for-online-services-2-1.pdf>.