

United States Senate

WASHINGTON, DC 20510

August 17, 2023

The Honorable Lina Khan
Chair
Federal Trade Commission
600 Pennsylvania Avenue, NW
Washington, DC 20580

Dear Chair Khan:

We write following recent reporting that reveals YouTube and Google may have violated the Children’s Online Privacy Protection Act (COPPA) and their own policies by tracking and targeting kids without parental notice and consent.¹ New research from Adalytics indicates YouTube and Google are facilitating the vast collection and distribution of children’s data without parental consent, as well as disregarding YouTube’s own policies and its 2019 FTC consent decree by showing targeted advertisements on videos for kids.² We therefore urge the Federal Trade Commission (FTC) to use its full authority under the COPPA and the FTC Act to investigate and remedy any violations and ensure children are protected from tracking and targeting by YouTube and Google.

In 2019, the FTC fined YouTube and Google \$170 million for YouTube’s violations of COPPA.³ Shortly thereafter, YouTube released new policies stating that any user watching child-directed content would be treated like a child, which included limiting data collection on viewers of child-directed content.⁴ Additionally, YouTube stated it would stop serving personalized – or targeted – advertisements on any children-directed videos.⁵ These changes would have been important protections for children who regularly use YouTube. Targeted advertising can manipulate children,⁶ and companies routinely use personal information to pressure young people to spend

¹ Nico Grant, Natasha Singer, and Aeon Krolak, *YouTube Ads May Have Led to Online Tracking of Children, Research Says*, New York Times (Aug. 17, 2023), <https://www.nytimes.com/2023/08/17/technology/youtube-google-children-privacy.html>.

² *Are YouTube Advertisers Inadvertently Harvesting Data From Millions of Children?*, Adalytics. (Aug., 2023), <https://adalytics.io/blog/are-youtube-ads-coppa-compliant>.

³ Press Release, Federal Trade Commission, Google and YouTube Will Pay Record \$170 Million for Alleged Violations of Children’s Privacy Law (Sept. 4, 2019).

⁴ Susan Wojciki, *An update on kids and data protection on YouTube*, YouTube Official Blog (Sept. 4, 2019), <https://blog.youtube/news-and-events/an-update-on-kids/>.

⁵ *Id.*

⁶ Matthew Lapiere et al., *The Effect of Advertising on Children and Adolescents*, *Pediatrics* (2017), 140 (2) S152-S156; doi:10.1542/peds.2016-1758V; Laura Owen et al., *Is Children’s Understanding of Non-Traditional Advertising Comparable to their Understanding of Television Advertising?*, *Journal of Public Policy Mark* (2021), 32(2):195–206 doi.org/10.1509/jppm.09.003.

more time on their platforms, which can have many negative impacts.⁷ However, these policies are only helpful if companies abide by them. Unfortunately, this new research indicates that YouTube and Google may once again be violating COPPA and breaking their own policies by serving targeted advertisements on kids-directed content.

First, the research from Adalytics indicates YouTube and Google are facilitating the collection and distribution of children’s data without parental consent.⁸ Per COPPA requirements, YouTube is responsible for obtaining parental consent prior to sharing personal information with advertisers or delivering a targeted advertisement.⁹ According to this study, however, child-directed videos are flooded with advertisements that, when clicked, collect data that is immediately shared with an unknown number of data brokers and companies, all without parental consent.¹⁰ For instance, Google allegedly markets its own products on YouTube’s child-directed videos and collects information without parental consent when an advertisement is clicked.¹¹ The researchers found that YouTube channels that are popular with kids produced the most clicks for some of the personalized advertisement campaigns on the platform.¹²

Second, the research suggests the companies may have violated YouTube policies by showing targeted advertisements on videos for kids.¹³ For example, it finds that YouTube and Google may still be using audience identifiers to target advertisements on kids-directed content—something that, if true, would directly violate YouTube’s policies.¹⁴

This behavior by YouTube and Google is estimated to have impacted hundreds of thousands, to potentially millions, of children across the United States.¹⁵ As such, YouTube and Google may have violated COPPA – as well as its 2019 FTC consent decree – in an egregious manner.

Therefore, we urge the Commission to act swiftly and use its authority under COPPA and the FTC Act to investigate and hold YouTube and Google accountable for violations of these laws and YouTube’s 2019 consent decree. If violations are in fact found, we encourage the FTC to take strong and swift steps to stop YouTube and Google from collecting data from any user known to be under 13, delete all data under their control collected from children under 13 (even

⁷ Georgia Wells, Jeff Horwitz, and Deepa Seetharamn, *Facebooks Knows Instagram Is Toxic for Teen Girls, Company Documents Show*, Wall Street Journal (Sept. 14, 2021), <https://www.wsj.com/articles/facebook-knows-instagram-is-toxic-for-teen-girls-company-documents-show-11631620739>.

⁸ *Are YouTube Advertisers Inadvertently Harvesting Data From Millions of Children?*, Adalytics. (Aug., 2023), <https://adalytics.io/blog/are-youtube-ads-coppa-compliant>.

⁹ Federal Trade Commission, *Complying with COPPA: Frequently Asked Questions*, <https://www.ftc.gov/business-guidance/resources/complying-coppa-frequently-asked-questions#L.%20Disclosure%20of%20Information>.

¹⁰ *Are YouTube Advertisers Inadvertently Harvesting Data From Millions of Children?*, Adalytics. (Aug., 2023), <https://adalytics.io/blog/are-youtube-ads-coppa-compliant>.

¹¹ *Id.*

¹² *Id.*

¹³ *Id.*

¹⁴ *Id.*

¹⁵ *Id.*

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if the user is now 13 or older), and prevent YouTube and Google from monetizing the data of these children.

We also urge the FTC to use its full authority to address any downstream impacts of YouTube and Google's collection and distribution of children's data, including investigating how this data has been used by advertisers and data brokers.

YouTube and Google cannot continue treating young people's data as an unprotected commodity from which to profit with abandon. Not only must the FTC act, but Congress must also pass legislation to protect young people's privacy online and finally ban targeted advertising to kids and teens. We look forward to working with the Commission to ensure young people continue to have strong privacy protections.

Thank you for your attention to this important matter.

Sincerely,



Edward J. Markey
United States Senator



Marsha Blackburn
United States Senator