



National Programs

PRESENTS

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GUARDIANS OF THE VIRTUAL GALAXY

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Navigating Child and Teen Online Privacy
Rights Amidst Varied Global Regulations

Dona J. Fraser

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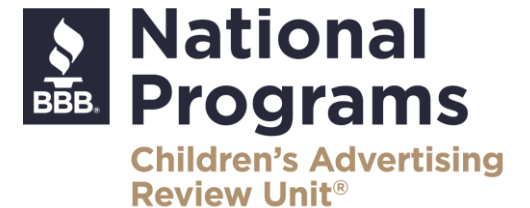
- Independent, non-profit organization
 - Home to more than a dozen independent industry self-regulation, accountability, and dispute resolution programs
- ◆ **Creating a fairer playing field for businesses.**
 - ◆ **Creating a better experience for consumers.**



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Children's Advertising Review Unit

- Founded in 1974
- Monitors the marketplace for compliance with advertising and privacy guidelines and, where warranted, takes enforcement action
- CARU's guidelines apply to all advertising, in any medium, directed to children under age 13
- **Advertising to children must be:**



TRUTHFUL

TRANSPARENT

APPROPRIATE



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COPPA Safe Harbor Program

- First FTC-approved COPPA Safe Harbor in the U.S.
- Helps companies comply with the stringent requirements of the Children's Online Privacy Protection Act (COPPA) Rule
- Protect data and online information for children under age 13



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Sweeping Concerns



Senate Judiciary Committee hearing at the U.S. Capitol in
Washington, DC on January 31, 2024

Representing X, Meta, Discord, TikTok, Snap



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Privacy Patchwork

Global Approaches:

UK CHILDREN'S CODE

UK Age-Appropriate Design Code

Irish Fundamentals for Child-Oriented Data Processing

GDPR-K

GDPR provisions concerning under-16 Data Subjects

Indian DPDP

Data Fiduciary Responsibilities for the well-being of minors

U.S. Federal Proposals:

KOSA

CTOPA (AKA COPPA 2.0)

Kids PRIVACY Act

ADPPA

Would define minor data as a sensitive category

U.S. State Laws:

CA AADC

California Age-Appropriate Design Code Act

TX SCOPE Act

Texas Securing Children Online Through Parental Empowerment Act

FL DBR

Florida Digital Bill of Rights

CT SB 3

Minors' protections added to last year's consumer privacy law

UT SMRA

Utah Social Media Regulation Amendments

AR Social Media Safety Act

LS Secure Online Child Interaction and Age Limitation Act

DE DPDPA

Delaware restrictions on sharing and advertising with a minor's data

OH HB 33

Ohio Appropriations Bill requiring VPC for children under 16



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Real-World Scenario

- 14-year-old doing research for school
- Completes an online search, ends up on the New York Times website

What information is gathered? What are the responsibilities of the NYT in this scenario? Should NYT be considered “likely to be accessed by a child?”

The New York Times



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<https://www.prnewswire.com/news-releases/the-10-most-popular-things-for-teens-in-2019-300783768.html>

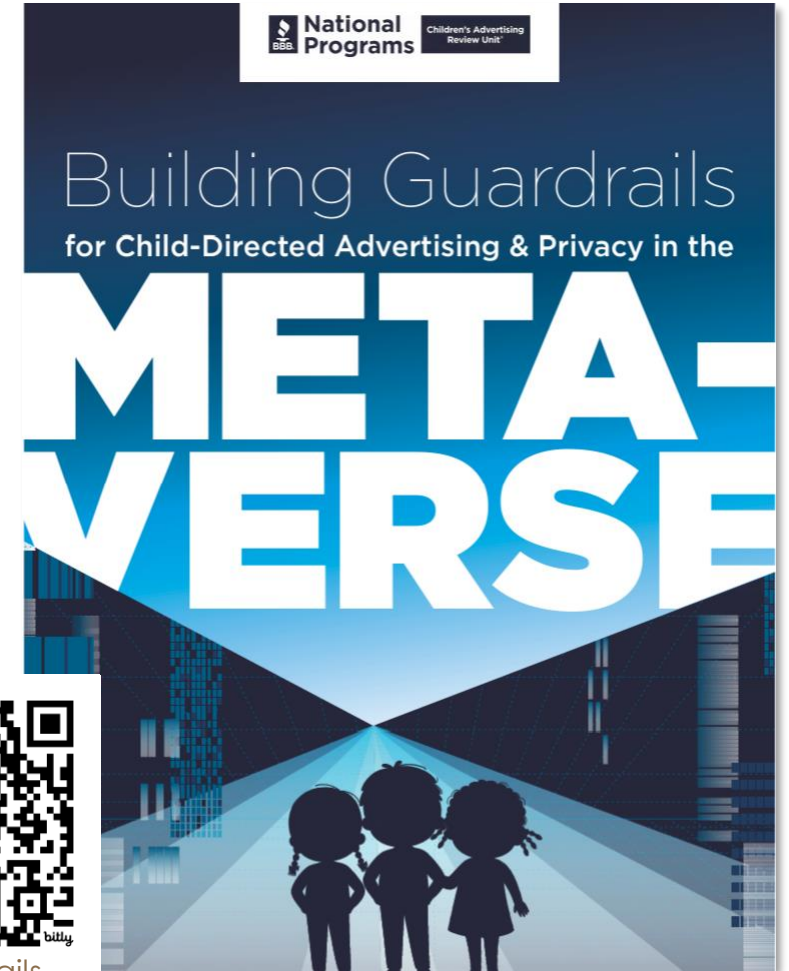
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U.S. Soft Law: Guardrails for the Metaverse

- What is considered an ad in the metaverse?
- When should disclosures be used?
- What disclosures are required?
- What constitutes an effective disclosure in the metaverse?



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Download:
bit.ly/MetaverseGuardrails

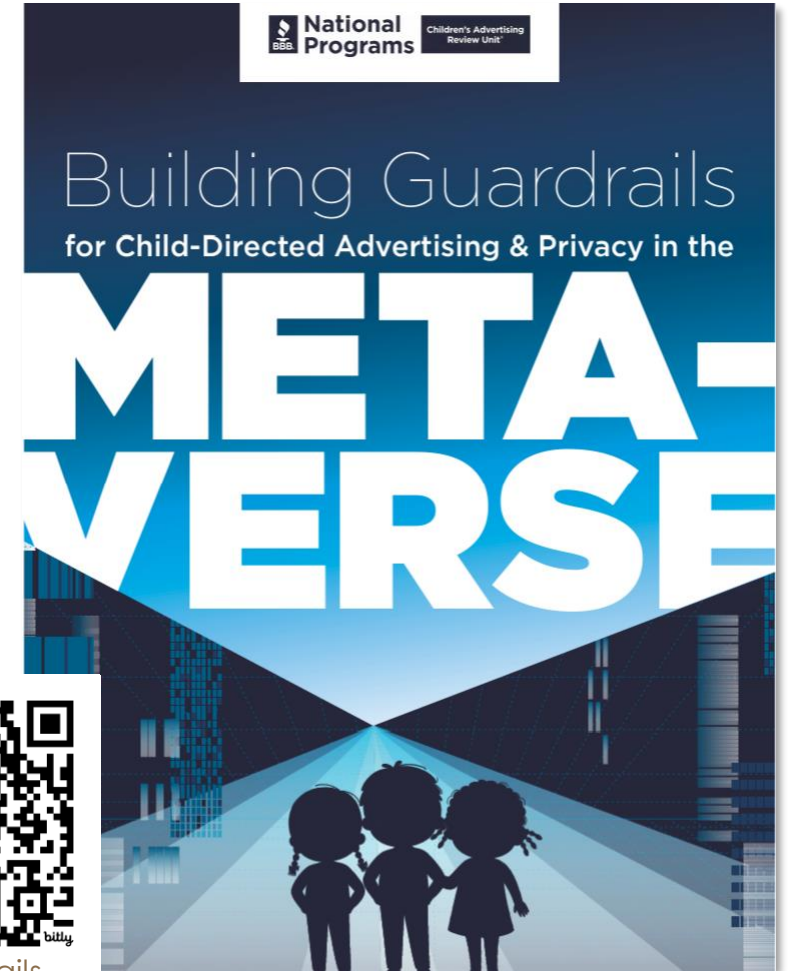
U.S. Soft Law: Guardrails for the Metaverse

BASIC PRINCIPLES

- Protect children's privacy
- Be transparent
- Understand when content becomes advertising...and what is NOT advertising
- Know when, how, and how often to properly disclose advertising, including influencers and endorsements



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Download:
bit.ly/MetaverseGuardrails

U.S. Soft Law: TeenAge Privacy Program

- Identify design issues putting teens at risk
- Align product design to legal requirements
- Learn about compliance issues that come with operating a platform for teen users
- Identify risks of harm unique to teen users
- Design features around industry best practices



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In the U.S.: FTC enforcement action and ~10 state laws and teen privacy laws/regulations passed

Download:
industriyselfregulation.org/tapp





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