

The Kids Online Safety and Privacy Act

Bill Summary

Title I: The Kids Online Safety Act

Sponsored by Senators Richard Blumenthal (D-CT) and Marsha Blackburn (R-TN)

Background

As Congressional hearings, media reports, academic research, and heartbreaking stories from families across the country have repeatedly shown, online platforms can have a harmful effect on children and teens: fostering body image issues, creating addictive use, promoting products that are dangerous for young audiences, and fueling bullying and other destructive behaviors. The Kids Online Safety Act provides kids and parents with the tools, safeguards, and transparency they need to protect against threats to children's health and wellbeing online.¹

Summary

Providing Parents and Kids Safeguards and Tools to Protect Kids' Experiences Online

- Requires social media platforms to provide minors with options to protect their information, disable addictive product features, and opt out of personalized algorithmic recommendations. Platforms are required to enable the strongest settings by default.
- Gives parents new tools to help support their children and provides them (as well as schools) a dedicated channel to report any harms to kids to those platforms.

Creating Accountability for Online Platforms' Harms to Kids

- Creates a duty for online platforms to prevent and mitigate specific dangers to minors in their product designs, including suicide, eating disorders, substance abuse, sexual exploitation, advertisements for certain illegal products (e.g. tobacco and alcohol).
- Requires large social media platforms to perform an annual independent audit that assesses the risks to minors and whether the platform is taking meaningful steps to prevent those harms.

Opening Up Black Box Algorithms

- Fosters research regarding harms to the online safety of minors by requiring the National Academies to study the impact of social media on youth.

Updates

Since reintroduction, KOSA has been updated to strengthen and focus the bill's tools and safeguards and the duty of care. In the revised text:

- The duty of care is specifically focused on product design features that are used to keep kids hooked on tech platforms. To provide a more uniform standard, enforcement authority is centralized at the FTC.
- The revisions clarify how the safeguards and parental controls are applied to existing accounts and video games.
- The new draft includes a preemption provision that ensures KOSA will override conflicting state requirements, while also preserving the ability of states to enact stronger protections for kids.

Endorsements

The Kids Online Safety Act has been endorsed by more than 250 organizations and associations representing mental health experts, nurses, parents' groups, young people, consumer advocates, faith groups, tech experts, and other communities,

¹ The Filter Bubble Transparency Act, sponsored by Sen. Thune, was included in KOSA at Senate Commerce markup, and is now Subtitle II of the legislation. More on the FBTA is available here: <https://www.thune.senate.gov/public/index.cfm/2023/7/thune-s-big-tech-algorithm-transparency-bill-unanimously-approved-by-commerce-committee>

including Common Sense Media, American Psychological Association, American Academy of Pediatrics, American Compass, Eating Disorders Coalition, Fairplay, Mental Health America, Microsoft, Nintendo of America, Digital Progress Institute, and hundreds of other national and state groups.

Title II: Children and Teens' Online Privacy Protection Act (COPPA 2.0)

Sponsored by Senators Edward J. Markey (D-MA) and Bill Cassidy (R-LA)

Background:

Today, the United States faces a youth mental health crisis fueled, in part, by Big Tech. Platforms' data practices significantly contribute to the crisis. There is a straight line from the glaring lack of privacy protections for children and teens to the decline in young people's well-being. Platforms need vast amounts of data to build detailed profiles on young people to serve them targeted ads. To feed that data machine, they must build addictive features that help drive this youth mental health crisis. The formula is simple — more addiction equals more data equals greater profits for Big Tech. In fact, according to a [recent Harvard study](#), in 2022, the major Big Tech platforms earned nearly \$11 billion from U.S. users under age 17.

To stop these invasive practices, Senators Markey and Cassidy reintroduced the *Children and Teens' Online Privacy Protection Act (COPPA 2.0)*, bipartisan, bicameral legislation for children and teens' privacy. The bill — which unanimously passed the Senate Commerce Committee in July 2023 — modernizes and strengthens the only online privacy law for children, the Children's Online Privacy Protection Act (COPPA). Congress passed COPPA in 1998 to institute basic privacy protections for users under age 13, including notice and parental consent requirements. While COPPA took major steps towards safeguarding children's personal information on the internet, the law is overdue for an update in light of major changes in the online landscape.

Summary

In particular, the *Children and Teens' Online Privacy Protection Act* would:

- Build on COPPA by prohibiting internet companies from collecting personal information from users who are **13 to 16 years old** without their consent;
- **Ban targeted advertising to children and teens;**
- Revise COPPA's "actual knowledge" standard to close the loophole that allows covered platforms to ignore kids and teens on their site;
- Create an "**Eraser Button**" by requiring companies to permit users to eliminate personal information from a child or teen when technologically feasible; and
- Establish **data minimization rules** to prohibit the excessive collection of children and teens' data.

Endorsements

COPPA 2.0 is supported by over 100 organizations, including the American Academy of Pediatrics, American Federation of Teachers, American Psychological Association, Center for Digital Democracy, Common Sense Media, Design It For Us, Eating Disorders Coalition for Research, Policy, & Action, Fairplay, National Education Association, National Parent Teacher Association, and U.S. PIRG.