

TECH PARENTING GROUP

TO: The Federal Trade Commission
FR: Anne Collier
Executive Director, Tech Parenting Group
Co-Director of ConnectSafely.org
Founder and editor of NetFamilyNews.org
Former Co-Chair, the Online Safety & Technology Working Group
RE: Comment on COPPA's unintended consequences

As a long-time youth advocate, participant in and chronicler of the youth online safety and privacy space, and recent co-chair of the Online Safety & Technology Working Group (OSTWG), I've observed many efforts to protect children's privacy and safety on the part of government, industry, and nonprofit organization. I'm well aware of the good intentions of such efforts, but I'm also aware of the unintended negative consequences of widespread misunderstanding of the nature of media as it has evolved over the past decade – misunderstanding that current research is only beginning to correct.

In 2010, the OSTWG submitted its report "Youth Safety on a Living Internet" to Congress. In giving it that title and explaining its meaning in the executive summary, my co-chair Hemanshu Nigam and I were signaling the challenge of policymaking for and in today's social media environment and networked world. If anything, today's COPPA needs to be more flexible than the COPPA of 2000 – or the unintended consequences of greater restriction in a fluid media environment are likely to grow.

A few examples of those consequences:

- **Social network sites' "minimum age"**: General-interest social media services such as Facebook, Gmail, Skype, etc., have established a minimum age of 13 in their Terms of Service due to COPPA's parental consent requirement. This, along with extensive misrepresentation of youth online risk (see this about a recent report from the University of New Hampshire <<http://www.netfamilynews.org/?p=31073>> and a commentary from one of its authors <<http://www.netfamilynews.org/?p=30220>>), has led to a widespread, international misperception that online social networking is dangerous for anyone under 13 – a consequence of COPPA that has had serious implications for, among other things, education reform and the competitiveness of American education. The minimum age has also not helped the 7.5 million US children on Facebook (see this <<http://www.netfamilynews.org/?p=30391>>) benefit from COPPA's intended protection; because they lied about their age, the site can collect their personal information without the consent of their parents.

- Parents helping their U13 children sign up:** A recent academic study found that, among parents of 10-to-14-year-old Facebook users, 84% were aware their children signed up and, of that 84%, nearly two-thirds (64%) even “helped create the account,” the authors wrote. “Our data show that many parents knowingly allow their children to lie about their age – in fact, often help them to do so – in order to gain access to age-restricted sites in violation of those sites’ Terms of Service. This is especially true for general-audience social media sites and communication services such as Facebook, Gmail, and Skype, which allow children to connect with peers, classmates, and family members for educational, social, or familial reasons” (see “Kids lying to Facebook, not their parents: Study” <<http://www.netfamilynews.org/?p=30920>>). These findings suggest several unintended consequences, including encouraging parents to teach or condone deception, the “normalization” of violating site Terms of Use, and restricting what’s available for kids under 13 to access, according to the study’s authors.
- The “participation gap” COPPA created for kids:** By their sheer numbers on Facebook, children under 13 have demonstrated that they want to participate in participatory media too. If our society could encourage purposeful, interest-driven use of social media rather than the blocking of it for children (especially at school), we could better foster its enriching use. The Arab Spring has illustrated for the world that social media is a tool of civically engaged citizens. USC Prof. Henry Jenkins said in an interview (<http://www.nea.org/home/15468.htm>) that “the Internet is allowing us to develop a collective intelligence. Online collaboration is a major influence affecting our world. That process is dramatically improved when a multitude of voices with different perspectives can contribute. The participation gap strips the collective intelligence of diversity, and that has ramifications for us all.” He added that “the ability to navigate social networks, play games, or participate in online conversations affects the way young people present themselves to the world. There’s an informal learning that takes place as they interact with digital media, which gives way to certain skills, competencies, and literacies.” I’m concerned about any legislation that could remove such opportunities for youth under 13 by increasing the cost of creating them.
- COPPA has increased risk for some kids:** I’ve learned from colleagues in the children’s virtual world moderation and community management business that, to stay in compliance with COPPA, they have not been able to help some children under 13 who seem to be crying out for help – kids who talk about hurting themselves. Not all kids find themselves in the functional families with engaged, loving parents at which the law appears to be aimed. And, because some parents are abusive and sites for U13 kids can’t gather personally identifying information without parental consent, site moderators can’t call 911 or social services because they are unable to identify those kids for the purpose of getting them help. [For more information from a site moderator’s perspective, see this <<http://www.netfamilynews.org/?p=30869>>.]

It is my sincere hope that COPPA will not become more restrictive to children's use of social media, to parents' ability to parent young media users and model ethical behavior for them, to online moderators' ability to help kids who can't get help from their parents, and to the media industry's ability to innovate for U13s.

Sincerely,

Anne Collier
Executive Director
Tech Parenting Group