

# Children and Teens' Online Privacy Protection Act

Legislation to strengthen protections for minors online

[S 1628](#), co-authored by Sens. Markey (D-Mass.) and Cassidy (R-La.)

## What does the Children and Teens' Online Privacy Protection Act do?

COPPA 2.0 amends the Children's Online Privacy Protection Act of 1998 to strengthen protections related to the online collection, use, and disclosure of personal information of children and minors up to age 16.

## How are children and teens uniquely vulnerable?

Young people go through developmental stages and cannot critically assess what they see online until they are much older, making it easy for businesses to exploit these developmental vulnerabilities. Research suggests over 75% of 8- to 11-year-olds cannot distinguish ads from other content, and less than half of 12- to 15-year-olds understand search results are paid for, even if identified as an "ad."<sup>1</sup> And they are much more likely to accept advertisements as truthful, accurate, and unbiased.<sup>2</sup>

Children and teens are also prone to oversharing without understanding the consequences of their sharing. They believe that the information they share remains on their device or within an app or game, and that deleting that information on the device or within the app will delete it from the internet.<sup>3</sup> They also do not understand that an app may gather information about them

from sources outside the app.<sup>4</sup> Most teens - mistakenly - believe they can easily delete information online.<sup>5</sup>

## Why do we need an update to the existing law?

Current COPPA is over two decades old, and applies only to children under the age of 13. This leaves a whole group of teens vulnerable to third-party trackers and apps that have been known to seek more data, especially from teens.<sup>6</sup> COPPA 2.0 empowers teens to make decisions for themselves by recognizing their growing autonomy and asking for consent before data collection, while also strengthening special protections for younger children by flatly prohibiting behavioral and targeted marketing.

Existing law also allows for sites and apps to turn a blind eye to young people using their services and has enabled bad actors to claim they do not have strictly defined "actual knowledge" of underage users, even though they tell marketers they can reach children. COPPA 2.0 would offer protections for children if sites and apps reasonably know children or minors are on their site or app, such as if they profile users by age.

Finally, COPPA 2.0 will enhance enforcement by establishing a Youth Privacy and Marketing Division at the Federal Trade Commission. This division will assess emerging concerns related to youth privacy and marketing practices.

<sup>1</sup> Ofcom. [Children and Parents: Media Use and Attitudes Report 2017](#) (Nov. 29, 2017); Ofcom. [Children and Parents: Media Use and Attitudes Report 2015](#) (Nov. 20, 2015).

<sup>2</sup> American Psychological Association. [Television Advertising Leads to Unhealthy Habits in Children: Says APA Task Force](#). (press release; Feb. 23, 2004).

<sup>3</sup> Children's Commissioner. [Who Knows What About Me?](#) (Nov. 18, 2018).

<sup>4</sup> Kaiwen Sun, et. al. ["They See You're a Girl If You Pick a Pink Robot with a Skirt" ... How Children Conceptualize Data Processing and Digital Privacy Risks](#). CHI '21: ACM CHI Conference on Human Factors in Computing Systems (May 6, 2021).

<sup>5</sup> Ofcom. [Children and Parents: Media Use and Attitudes Report 2016](#) (Nov. 2016).

<sup>6</sup> Common Sense Media. [Privacy Matters: Protecting Digital Privacy for Parents and Kids](#). CSM: San Francisco, June 2018.