



## The Daily Dish

# Is TikTok's Time Up?

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As early as today, the Supreme Court will release its ruling on the TikTok case. The justices will weigh the constitutionality of a law - passed by both chambers and signed by the president - that mandates TikTok parent company ByteDance divest social media app TikTok or face a ban on its product. At issue is whether the law violates the First Amendment rights of TikTok, its users, or its parent company ByteDance. Even if there are First Amendment considerations, the justices could still uphold the law if national security concerns - such as Chinese government data collection for surveillance or the use of content promotion to sow discord in the United States - are deemed significant.

This is a case about TikTok, yes, but the debate highlights a much more fundamental tension between national security and free speech. On one hand, the possibility that the Chinese Communist Party collects sensitive information on American TikTok users has prompted proponents of the "divest or ban" position to argue that urgent action is needed to protect their data. And indeed, these aren't just hypothetical concerns: TikTok has already been [accused](#) of collecting personal data such as location, device information, and even biometric data, all of which could feed China's growing arsenal of surveillance tools and allow it to influence U.S. discourse.

On the other hand, Congress' decision to effectively ban a social media company - in part because lawmakers dislike some of its speech content - presents serious First Amendment concerns for users, as well as for TikTok itself. For many, TikTok isn't just a social media app; it's a hub for creativity, political discourse, and even entrepreneurship. And if social media apps are banned for the content they host, at what point is the government just censoring lawful speech?

While these immediate concerns are driving the conversation, a key question for policymakers is whether banning the app will truly resolve those issues - or if a more effective solution lies in strengthening data protections for users across all platforms.

In oral arguments at the Supreme Court on Friday last week, it seemed as if the justices were more receptive to the data security arguments than those on discourse manipulation. But here's the catch: Even if ByteDance divests, the underlying data concerns won't vanish. The real problem lies in the [lack](#) of a unified federal privacy framework, leaving sensitive data vulnerable not just to foreign entities but also to domestic misuse. Divestiture might cut off TikTok's ties to China, but without broader data privacy protections, the risk landscape remains largely unchanged.

If lawmakers are serious about protecting national security and user privacy, they should also address the root issue: robust, enforceable data privacy standards that apply to all apps and platforms, foreign and domestic, with clear rules of the road so that users' data is protected. While the Court considers its ruling on the TikTok case, Congress should consider that passing a targeted, comprehensive privacy law could better balance both user privacy and national interests than the heavy-handed approach it is pursuing now.