The Daily Dish

Kids Online Safety Bills May Do More Harm Than Good

JEFFREY WESTLING | JULY 26, 2024

Yesterday, the Senate considered online kids safety legislation, specifically the Kids Online Safety Act (KOSA) and updates to the Children's Online Privacy Protection Act (COPPA 2.0). Advocates argue that the legislation will help protect kids by placing more responsibility – and liability – on social media companies. As I've written before, however, Congress must understand that the protections in these bills would also likely yield serious unintended consequences.

Take KOSA, which would create a duty of care that requires a wide range of companies – such as social media platforms, streaming services, and online video games – to mitigate harms to minors, regardless of whether the platform knows the user is a minor. As I explained earlier this year, a broad duty of care would open platforms up to liability, likely leading to the implementation of age-verification technologies to prevent minors from using the service at all or the over-removal of online content, both harmful and beneficial to minors.

Or take COPPA 2.0, a bill designed to extend the privacy protections for minors that currently exist and extend them to anyone under the age of 17. The bill would expand a so-called "knowledge standard," however, meaning in many cases a platform can violate the law even if it didn't actually know the individual was a minor. With the added uncertainty to platforms such a law would bring, they again may age gate their services entirely, and could actually increase the amount of data that firms collect, store, and use to better identify if a user is a minor, putting minors' privacy at risk.

With a final vote likely next week in the Senate, these bills will soon move to the House where the immediate future is uncertain. While Congress should work to mitigate potential harms to children online, it must also carefully consider the full impacts of these bills.