Protecting Kids Online – The New Mexico Age Appropriate Design Code

Overview

1. Who We Are

2. The Challenge of Youth Mental Health Online

3. The Age Appropriate Design Code (AADC)

4. What Happens if the AADC Passes

Who We Are

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The Age Appropriate Design Code

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The Challenge of Youth Mental Health Online

"Students are experiencing a mental health crisis."

- *Centers for Disease Control*

New Mexico Mental Health **Facts**

Youth Mental Health

- **Two out of Five** high school students (40%) **felt sad or hopeless** in 2019[2]

- **One out of Six** youth aged 12-17 (17%) experienced a **major depressive episode** in the past year in 2019-2020[4]

The Challenge of Youth Mental Health Online

If students are **already experiencing a mental health challenge**, what experience are they having online?

New Mexico Mental Health **Facts**

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Research Links Time Spent On Social Media and Poor Mental Health

Adolescents who spend more than three hours per day on social media face double the risk of depression and anxiety.

Riehm, K. E., Feder, K. A., Tormohlen, K. N., Crum, R. M., Young, A. S., Green, K. M., Pacek, L. R., La Flair, L. N., & Mojtabai, R. (2019). Associations Between Time Spent Using Social Media and Internalizing and Externalizing Problems Among US Youth. *JAMA psychiatry*, 76(12), 1266–1273. https://doi.org/10.1001/jamapsychiatry.2019.2325

Spending time on Social Media increases loneliness, which results in more time on social media.

Hunt, Melissa G., Rachel Marx, Courtney Lipson, and Jordyn Young. "No More FOMO: Limiting Social Media Decreases Loneliness and Depression." *Journal of Social and Clinical Psychology* 37, no. 10 (December 2018): 751–68.
https://doi.org/10.1521/jscp.2018.37.10.751

The Challenge of Youth Mental Health Online

The Age Appropriate Design Code

The Age Appropriate Design Code

The Challenge of Youth Mental Health Online

Many of these harms are **preventable** if companies are properly incentivized to prevent them

How The Age Appropriate Design Code Meets the Challenge

Require companies to **report on risks** and **address them**

Makes **high privacy settings** the default

Data Protection Impact Assessments

Asks platforms to analyze their own products and mitigate risks of material harm to children before online products are offered to the public.

Creates a law that is flexible enough to account for harms both of today and the future.

Creates liability that provides a material incentive.

High data privacy by default

"By default" removes the onus on the parent or child to exercise privacy settings on every website.

"High privacy" means strict data minimization requirements, Prohibitions on profiling of children, prohibitions on selling children's data.

Goal: Compliance not Punishment

AADC structured to prevent harm rather than punish for harm after the fact.

Platforms that complete an impact assessment have benefit of a 90 day right to cure.

Designed to empower people building technology the right way.

How it's working

Since the AADC's passage in the UK, tech companies have added new protections for children:

States are debating a children's online safety law modeled after the U.K.'s Children's Code, passed in 2020. Here's how tech companies have started to comply. While some pledged to roll out changes globally, it's unclear how many have started to do so:

The **Google Play Store** now prevents children from viewing and downloading adult-only rated apps.

YouTube turned off autoplay for children. It also turned on break and bedtime reminders as default settings.

TikTok does not push notifications to children ages 13 to 15 after 9 p.m., and does not send push notifications to children ages 16 to 17 after 10 p.m.

Instagram and **TikTok** have disabled direct messages between children and adults they do not follow.

Google made SafeSearch the default browsing mode for users younger than 18.
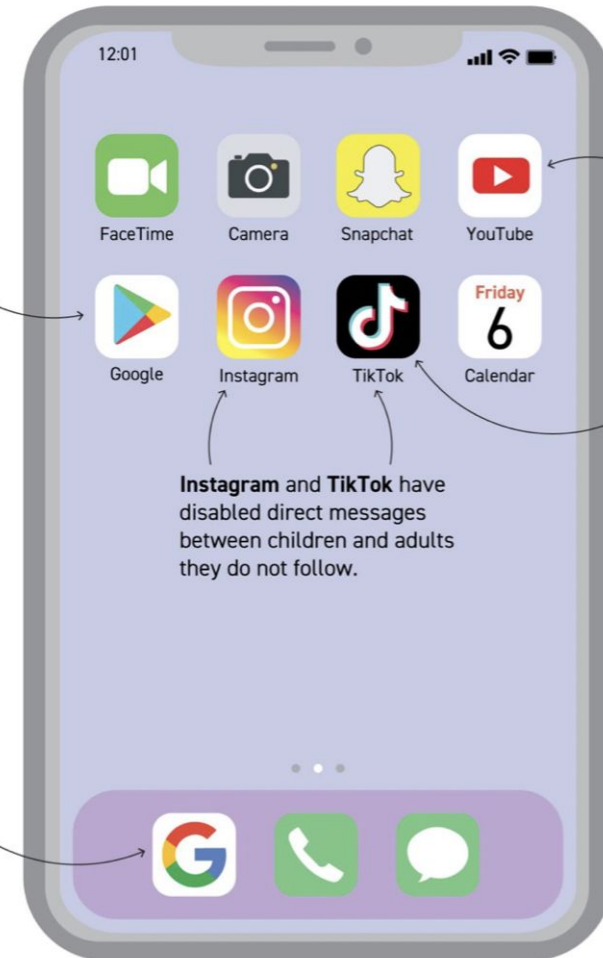
Source: POLITICO reporting

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Since the CA and UK AADCs:

TikTok set one-hour daily screen time limit by default for users under 18
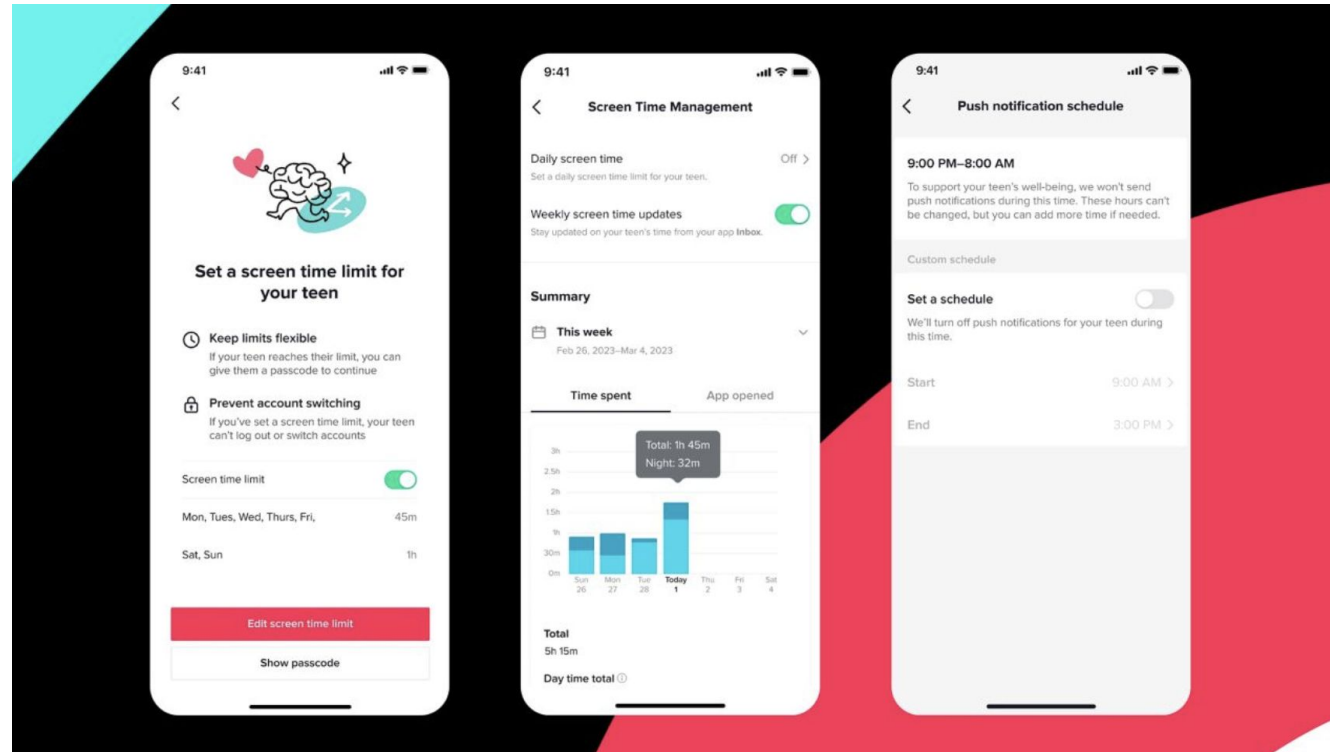
TikTok

What happens if the New Mexico Kids Code Passes?

Trust and Safety Professionals

Entrepreneurs

What happens for companies if the New Mexico Kids Code Passes?

Trust and Safety Professionals

- Resources shifted within product to focus on **building better trust with and safety for end user** by understanding & mitigating harms. This **results in better business outcomes via higher lifetime value*.**

- Internal teams are **empowered & equipped** to prioritize product changes that could **save kids lives**.

- **New policy catalyzes MORE innovation** in current and future products- creating increased **brand loyalty** via values alignment with end user and **commercial value**

What happens for youth/families if the New Mexico Kids Code Passes?

- *Intentional product experience on these platforms **lessens the risk of: suicide, anxiety, depression, human trafficking, etc.***

- *Youth and parents **do not have the burden** of navigating these platforms on their own to root out harms to their mental and physical well being.*

- *Youth spend an average **8+ hours daily in a space that is constrictive for their development***

Blue Fever

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PROMLY

Entrepreneurs

Constitutional challenge to AADC in CA

Does the AADC violates the 1st Amendment?

Constitutional challenge to AADC in CA

Does the AADC violate the 1st Amendment?

- The AADC is a **data protection and design bill**, <u>NOT a content moderation bill.</u>

- Language in the New Mexico Kids Code **has been updated to avoid possible confusion**, explicitly focusing on product decisions not content.

Support for the New Mexico Kids Code

Supporting Organizations:

Appendix

Clarifying common misunderstandings

1) The AADC is a **data protection and design bill**, not a content moderation bill.

2) Section 230 only immunizes platforms for liability re third party content, **not for their own conduct**, as in the AADC.

3) The Ninth Circuit has held that **COPPA does not conflict with state privacy law**, and therefore doesn't preempt it.

4) Platforms **already comply** with a patchwork of laws globally.

Online services that comply with the code will…

1 give children high privacy settings by default

2 mitigate harms from features such as autoplay, nudges, excess notifications , and endless feeds

3 stop tracking children without real-time notice, and making kids' data accessible to others

4 provide tools, like save buttons, opportunities to quit, child–friendly explanations

5 take the LEAST amount of data for the LEAST amount of time and got rid of it at the FIRST OPPORTUNITY

6 stop using children's data to target them with detrimental material (i.e., pro-anorexia, self harm)

7 TURN OFF GPS – unless they need it

8 perform an impact assessment to show they have thought about children's needs in advance.

9 make choices about their service that prioritize children's best interests over profits

10 make sure that a child can be treated like a child

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Approaches to protecting kids online

2023 State Children's Privacy Law Tracker
Click the states to view various resources.

Navigate to: Select State
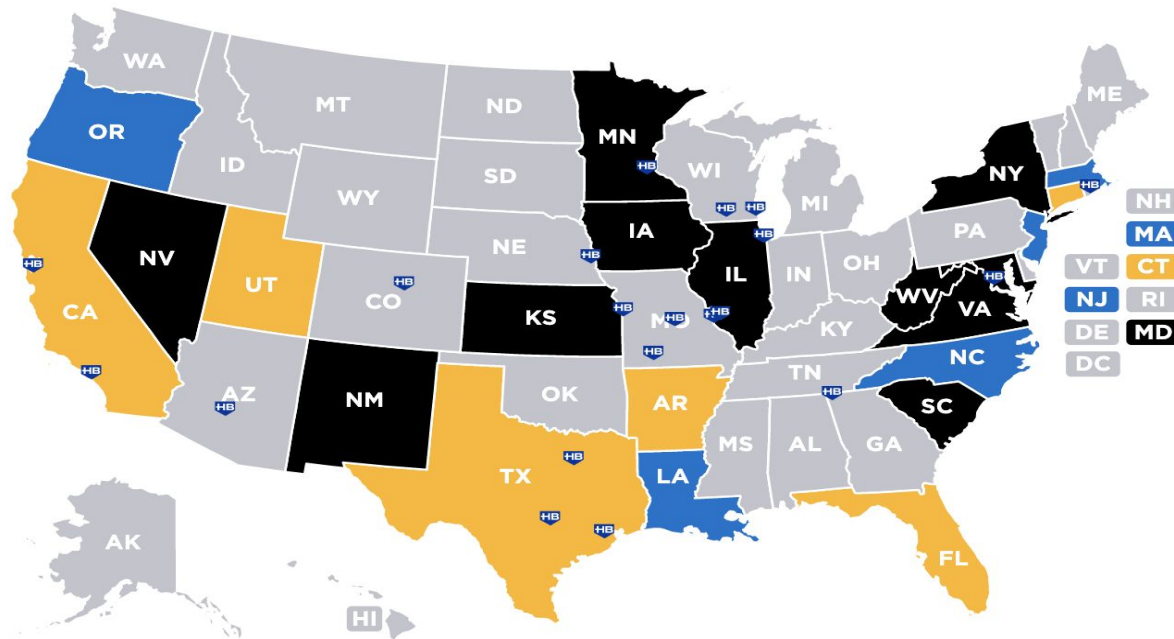
Enacted legislation
Active legislation
Did not pass in 2023
No bill proposed

More than 30 bills in almost 50% of US states. We believe the AADC represents the most carefully calibrated framework that considers competing interests.

Other approaches include:
- parental consent / controls
- age verification
- platform bans
- enumerated harms
- enhanced data privacy
- design

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