Legislative Framework to Protect Children and Teens Online

Digital tools and experiences are a foundational part of children's and teens' everyday lives. Over the years, we have seen how innovative technologies like AI and access to high-quality, diverse content can yield enormous benefits. We believe that the appropriate safeguards can empower young people and help them learn, connect, grow, and prepare for the future.

To that end, online services should build age-appropriate products that align with children's and teens' developmental stages and needs; offer tools that give families flexibility to manage their relationships with technology; implement policies, protections, and programs that increase online safety for every child and teen; and provide informative and accessible digital literacy materials.

Well-crafted legislation can be an effective tool to build on these efforts to keep children and teens safer online. In particular, we support legislation that tailors protections to the age of the child, supports mental health and wellbeing, tackles different risks with proportional responses, and gives space for product and business improvements.

To share the benefits of our experiences with governments, regulators, and experts, we have outlined the following framework, which we hope will provide a useful addition to ongoing conversations about legislation for children and teens around the world.

Respect the best interests and developmental stages of children and teens

1. **Require online services to prioritize the best interests of children and teens in the design of their products.**

A smart and strong regulatory framework for children and teens starts by supporting their best interests. Longstanding consensus among child development experts is that these interests should holistically weigh considerations such as safety, physical and mental wellbeing, privacy, agency, access to information, and freedom of participation in society. Online services used by children and teens should be required to assess the collective interests of children within comparable developmental stages, based on expert research and best practices, to ensure that they are developing, designing and offering age-appropriate products and

services geared to the best interests of children and teens.

2. **Take a risk-based approach when requiring age assurance.**

A good understanding of user age can help online services offer age-appropriate experiences. That said, any method to determine the age of users across services comes with tradeoffs, such as intruding on privacy interests, requiring more data collection and use, or restricting adult users' access to important information and services. Where required, age assurance – which can range from declaration to inference and verification – should be risk-based, preserving users' access to information and services, and respecting their privacy. Where legislation mandates age assurance, it should do so through a workable, interoperable standard that preserves the potential for anonymous or pseudonymous experiences. It should avoid requiring collection or processing of additional personal information, treating all users like children, or impinging on the ability of adults to access information. More data-intrusive methods (such as verification with "hard identifiers" like government IDs) should be limited to high-risk services (e.g., alcohol, gambling, or pornography) or age correction. Moreover, age assurance requirements should permit online services to explore and adapt to improved technological approaches. In particular, requirements should enable new, privacy-protective ways to ensure users are at least the required age before engaging in certain activities. Finally, because age assurance technologies are novel, imperfect, and evolving, requirements should provide reasonable protection from liability for good-faith efforts to develop and implement improved solutions in this space.

3. **Increase protections for teens between the age of parental consent and 18, in a manner that reflects their increased maturity.**

Legislation should recognize that there are many types of protections for children and teens online. Any legislation requiring protections for teenage users should reflect the differences in maturity, capacity, and risks of harm between children and teens, and enable services to provide age-appropriate experiences. Doing so would also meet teens' need for access to digital tools that help them learn and develop social skills, compete in the global economy, and connect with friends and family. This is a better way to protect teens than raising the age of parental consent, which could unnecessarily preclude some teens from accessing the basic benefits of the online world and have unintended effects on vulnerable youth.

Provide age-appropriate controls and features

4. Address the need for robust parental control options that also respect the increased abilities and autonomy of teens.

Legislation should require that online services offer a range of privacy-preserving settings that help parents address the unique needs and preferences of their family. For children under the age of parental consent, these settings and tools should provide parents with a meaningful ability to understand and control their child's experience on the service. Where appropriate, online services should be required to offer settings and tools that include options to manage content and account settings, limit screen time, and apply additional privacy protections. The most robust and restrictive controls we apply to our youngest users are not necessarily appropriate for teens, who are more capable of understanding and choosing settings that are right for them.

5. Require online services to take measures to support mental health and wellbeing for children and teens.

The relationship between technology use, wellbeing, and mental health is complex, especially for children and teens. Regulatory guidance and other published best practices should encourage content-sharing platforms to implement age-appropriate policies and product features that support mental health and wellbeing for children and teens. For example, content policies should address and respond to risks related to content that promotes eating disorders, self-harm, or bullying. Similarly, product features and defaults should work to mitigate risks related to overuse, for example by turning on interruptive reminders by default for children and teens. When such materials would be beneficial, platforms should follow best practices in surfacing crisis resources, authoritative mental health content, and other digital wellbeing and literacy programs to children and teens. Online services should also take steps, including with industry and civil society partners, to improve user digital literacy and ensure children, teens, and their parents have a solid understanding of the risks of technology use.

6. Ban personalized advertising for children and teens.

For those under 18, legislation should ban personalized advertising, including personalization based on a user's age, gender, or interests. Legislation should also ban the sale (i.e., exchange for monetary consideration) of children's and teens' personal information to third parties, including data brokers. These prohibitions limit data processing of children's and teens' personal information, reducing the potential for harmful uses. Legislation should permit

processing information for legitimate business purposes, including ad measurement, ad delivery, and frequency capping. It should also permit contextual ads based only on contextual signals such as the current content being watched, search query, general geographic location, and time of day, rather than a user's past viewing or search history or demographic data. Such ads preserve user privacy while supporting free-of-charge content for all users. (In contrast, subscription models restrict the ability of less affluent users to access information and exacerbate the digital divide.) High-quality content that helps children and teens learn, expand their interests, and find community should be universally accessible to families, regardless of ability to pay. Finally, industry standards should encourage services to develop advertising policies that consider the developmental stages of children and teens and restrict ads that may not be suitable for younger audiences.

Reduce content risks while maintaining benefits

7. **Require platforms to give teens and parents of children tools to manage the use of their online viewing and search history in personalized recommendations.**

Personalized recommendations help connect children and teens to high-quality content that is well-suited to their individual needs and interests. Without this personalization, children and teens will likely see only the most popular content instead of content more relevant to their interests, but which they may not have discovered otherwise. Content-sharing platforms that personalize content or recommendations should be required to implement safeguards to allow teens and parents of younger children to manage the use of their online viewing and search history in recommendations.

8. **Require platforms to take a responsible and transparent approach to developing and enforcing content policies.**

In addition to existing regulatory frameworks for illegal content like child sexual abuse material, legislation can help enable an appropriate approach to other forms of harmful content. For example, in developing and applying content policies and processes, content-sharing platforms should be required to prioritize the best interests of children and teens. In accordance with industry best practices (like those set out in the [Digital Trust & Safety Partnership Best Practices Framework](#)), platforms should also ensure that their content policies and settings are publicly available, understandable to both parents and their families, informed by research and outside expertise, and actively enforced. Enforcement and remedies should

be proportional to the potential harms involved, since over-removal of content could jeopardize free expression. Where relevant and appropriate to the service, legislation should give children, teens, and parents the option to restrict access to mature content – such as violent, graphic, or sexually explicit content. Finally, platforms should be transparent about their policies and enforcement practices.

Ensure oversight and accountability

9. Use risk-based impact assessments to foster accountability.

Accountability provisions like risk or impact assessments that evaluate how a service processes the data of children and teens and prioritizes their best interests can promote the responsible development of online services. To ensure that online services focus their resources appropriately, risk assessment requirements, such as those included in frameworks like age-appropriate design codes (AADCs) and the GDPR, should be scoped to address greater risks of harm. They should also provide appropriate flexibility and be operationally practical, enabling providers to focus on developing mitigations to help improve children's and teens' safety online.

10. Encourage regulatory harmonization and global interoperability.

There is global consensus on the need for strong protections for kids and teens that don't unduly limit their access to services that support learning, growth, and development. Where possible, policymakers should promote consistency and interoperability, reflecting the global nature of the internet. This provides clarity and certainty to users, online services, and policymakers, and enables better and more consistent experiences.

11. Recognize differences among services.

Online services are diverse and play varying roles and functions. Legislation should take into account the different roles played by online service providers, and tailor requirements to what is appropriate and technically feasible. For example, protections aimed at addressing risks of exposure to harmful content may not be as relevant for products that do not allow users to upload and share content. In order to create a safer online environment, well-crafted legislation should be tailored to the potential underlying risk to children and teens posed by a particular service. Educational technology services, for example, should be considered separately given their unique context, roles, and responsibilities.