



March 2, 2023

House Judiciary Committee
1007 East Grand Avenue
Des Moines, IA 50319

Re: HSB 223 - A bill for an act relating to parental consent regarding internet sites for users under the age of sixteen, providing civil penalties, and including applicability provisions (Oppose)

Dear Chair Holt and Members of the House Judiciary Committee:

On behalf of the Computer & Communications Industry Association (CCIA), I write to respectfully oppose HSB 223.

CCIA is an international, not-for-profit trade association representing a broad cross section of communications and technology firms. For over 50 years, CCIA has promoted open markets, open systems, and open networks.

CCIA strongly believes younger users deserve an enhanced level of security and privacy online. Currently, there are a number of efforts among our members to incorporate protective design features into their websites and platforms. CCIA's members have been leading the effort in raising the standard for teen safety and privacy across our industry by creating new features, settings, parental tools, and protections that are age-appropriate and tailored to the differing developmental needs of young people. While CCIA understands that certain users may warrant specific treatments, we caution against several provisions included in HSB 223.

1. As drafted, HSB 223 may actually put Iowans at greater risk of harm, including children that the bill seeks to protect.

HSB 223 provides examples of how to obtain verifiable consent, however, several – a credit card, debit card, or other online payment system and submitting a government-issued identification – raises questions about whether such verification mechanisms would conflict with data minimization principles and other consumer data privacy protection measures. CCIA is concerned that businesses may be forced to collect age verification data, which would paradoxically force companies to collect a higher volume of data on users.¹ Businesses may be forced to accumulate personal information they

¹ Caitlin Dewey, *California's New Child Privacy Law Could Become National Standard*, The Pew Charitable Trusts (Nov. 7, 2022), <https://www.pewtrusts.org/en/research-and-analysis/blogs/stateline/2022/11/07/californias-new-child-privacy-law-could-become-national-standard>.



don't want to collect and consumers don't want to give, and that data collection creates extra privacy and security risks for everyone.

When the federal Communications Decency Act was passed, there was an effort to sort the online population into children and adults for different regulatory treatment. That requirement was struck down by the U.S. Supreme Court as unconstitutional because of the infeasibility.² After 25 years, age authentication still remains a vexing technical and social challenge.³ Though the intention to keep younger users safe online is commendable, this bill is counterproductive to that initiative by requiring more data collection about young people and their parents. California recently enacted legislation that would implement similar age verification measures which is currently being challenged for similar reasons.⁴ CCIA recommends that lawmakers permit this issue to be more fully examined by the judiciary before burdening businesses with legislation that risks being invalidated.

2. The bill may result in shutting down services for all users under 16, including access to supportive communities that may not be available forums in their physical location.

The Children's Online Privacy Protection (COPPA) Rule currently regulates how to address users under 13, a bright line that was a result of a lengthy negotiation process that accounted for the rights of users and children with the compliance burden on businesses. To avoid collecting data from users under 13, some businesses shut down various services when COPPA went into effect due to regulatory complexity – it became easier to simply not serve this population. 14- and 15- year old users could face a similar fate as HSB 223 would implement more complex vetting requirements tied to parental consent.

When businesses are required to deny access to social networking sites or other online resources, this may also unintentionally restrict children's ability to access and connect with like-minded individuals and communities. For example, in instances where children may be in unsafe households, this could create an impediment for children seeking communities of support.

An online central meeting place where younger users can share their experiences and find support can have positive impacts. Teens themselves paint a nuanced picture of the effects of social media. It is one in which majorities credit these platforms⁵ with deepening connections and providing a support network when they need it. In a recent survey, 80% of teens say that what they see on social media makes them feel more connected to what's going on in their friends' lives, while 71% say it makes

² *Reno v. ACLU*, 521 U.S. 844 (1997).

³ Jackie Snow, *Why age verification is so difficult for websites*, The Wall Street Journal (Feb. 27, 2022), <https://www.wsj.com/articles/why-age-verification-is-difficult-for-websites-11645829728>.

⁴ *NetChoice v. Bonta* (N.D. Cal. 22-cv-08861).

⁵ Monica Anderson et al., *Connection, creativity and drama: Teen life on social media in 2022*, Pew Research Center: Internet, Science & Tech (Nov. 17, 2022), <https://www.pewresearch.org/internet/2022/11/16/connection-creativity-and-drama-teen-life-on-social-media-in-2022/>.



them feel like they have a place where they can show their creative side. Additionally, 67% also say these platforms make them feel as if they have people who can support them through tough times.

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We appreciate your consideration of these comments and stand ready to provide additional information as the legislature considers proposals related to technology policy.

Sincerely,

Khara Boender
State Policy Director
Computer & Communications Industry Association