

**Attachment—Additional Questions for the Record**

**Subcommittee on Communications and Technology  
Hearing on  
“Holding Big Tech Accountable: Targeted Reforms to Tech’s Legal Immunity”  
December 1, 2021**

Mr. James Steyer, Founder and CEO, Common Sense Media

**The Honorable Tony Cárdenas (D-CA)**

1. As we heard in previous testimony by Ms. Haugen, Big Tech is responsible for many harms to children and teens online. Surveillance advertising practices as well as many other algorithm driven practices are the underlying cause for these harms. And just like we know that these data driven practices produce a disparate impact in the adult world, they do the same to children and teens and harm children and teens of color disproportionately. How can we hold Big Tech accountable for their practices with regard to children? How can we ensure a more equitable world online for them? Should certain practices be prohibited from the get-go?

**RESPONSE:**

Congress should hold tech companies accountable for their practices with regard to children and make the internet a more equitable world for them by:

1. **Updating and strengthening privacy protections for kids and teens** so platforms are required to act responsibly and transparently when kids and teens are on their platform. Specifically, Congress should update COPPA to protect kids older than 13 years old and ban surveillance advertising, also known as behavioral advertising, to kids to turn off the firehose of data companies have that enables them to exploit kids’ vulnerabilities. At the same time, Congress should adopt comprehensive privacy reform that would establish baseline protections for everyone.
2. **Authorizing and funding independent and longitudinal research on the impact of the use of social media and digital technology** on the cognitive, physical, and social emotional health of children and youth by passing CAMRA. This research, which is already being conducted but being kept secret by platforms, could inform pediatricians, policymakers, technology leaders, and parents about how to better design and interact with technology to benefit instead of harm kids’ health.

3. **Pass other reforms that would build a better internet for kids**, such as the KIDS Act, which would ban manipulative design features, harmful algorithms, and overly commercial content for kids.

Behavioral advertising, algorithmic amplification of harmful content, and manipulative design should be prohibited when used on kids from the get-go. Reforms that would ban these practices would ensure a more equitable world because they would directly address and stop practices exploiting kids' vulnerabilities, and require companies to design their platforms by putting kids' interests before profits and engagement. The harms of these practices are well-established.<sup>1</sup> Behavioral advertising as well as overly commercial content such as influencer marketing uses advanced advertising techniques that make it more difficult for kids and teens with developing brains to distinguish between content and an advertisement.<sup>2</sup> Because behavioral advertising targets ads to someone based on their data, companies can also – whether intentionally or not – act discriminately, such as by showing only certain groups job or housing ads.<sup>3</sup> Algorithmic amplification can take kids down rabbit holes that start with something as innocuous as healthy eating content to disordered eating content, as well as increase kids' and teens' exposure to misinformation, disinformation, and content that is racist, sexist, sexually exploitative, or inappropriate.<sup>4</sup> Finally, manipulative design features such as autoplay, push alerts, and default privacy settings that allow data sharing trick kids and teens into spending more time on platforms, making purchases, or giving up more data than they otherwise would.<sup>5</sup>

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<sup>1</sup> Common Sense Media, [List of Social Media Harms](#) (2021).

<sup>2</sup> Common Sense Media, [AdTech and Kids: Behavioral Ads Need a Time-Out](#) (2021).

<sup>3</sup> Jeff Horwitz, [Facebook Algorithm Shows Gender Bias in Job Ads](#), Study Finds, Wall Street Journal (Apr. 9, 2021); Braktkton Booker, [Housing Department Slaps Facebook With Discrimination Charge](#), NPR (Mar. 28, 2019).

<sup>4</sup> Adam Westbrook, Lucy King, and Jonah M. Kessel, What's One of the Most Dangerous Toys for Kids? The Internet, New York Times (Nov. 24, 2021); Haley Zapa, Bark's Annual Report: 2020 Research on Teens and Tweens, (January 15, 2021); Responding to Online Threats: Minors' Perspectives on Disclosing, Reporting, and Blocking Thorn (2021); Rideout, V., Fox, S., Peebles, A., & Robb, M. B. (2021). Coping with COVID-19: How young people use digital media to manage their mental health. San Francisco, CA: Common Sense and Hopelab.

<sup>5</sup> Trevor Haynes, Dopamine, smartphones and you: A battle for your time, Harvard University (Nov. 26, 2018) and Eames Yates, What happens to your brain when you get a like on Instagram, Business Insider (Mar. 25, 2017).