

Congress of the United States
Washington, DC 20515

June 30, 2021

Mr. Jeffrey Bezos
Chief Executive Officer
Amazon.com, Inc.
410 Terry Avenue N.
Seattle, WA 98109

Mr. Andrew Jassy
Incoming Chief Executive Officer
Amazon.com, Inc.
410 Terry Avenue N.
Seattle, WA 98109

Dear Mr. Bezos and Mr. Jassy:

We write regarding the United Kingdom’s Age Appropriate Design Code (AADC), a statutory code of practice that requires online services available to children and teens in the United Kingdom to meet fifteen standards that protect young people’s privacy and wellbeing online.¹ Children and teens are a uniquely vulnerable population no matter where they live, and companies have an obligation to ensure that their online services put the welfare of young users first. Therefore, we encourage you to extend to children and teens in the United States any privacy protections you implement in the United Kingdom.

Today, children and teens encounter constant threats to their privacy online. Since 2015, American children have spent almost five hours a day watching screens,² and children’s and teens’ daily screen times have increased by 50 percent or more during the coronavirus pandemic.³ Many of the online services available to these young people showcase a “widespread lack of transparency and inconsistent privacy and security practices”⁴ that make children and teens particularly vulnerable to exploitation online. For example, an expert report submitted to the Federal Trade Commission found that 84 children’s apps transferred children’s sensitive personal information, including their location data, to third parties.⁵ The collection of children’s and teens’ data is central to many of these online services, and the Federal Bureau of Investigation has warned that the malicious use of this data “could result in social engineering, bullying, tracking, identity theft, or other means for targeting children.”⁶

¹ U.K. Information Commissioner’s Office, *Age Appropriate Design: A Code of Practice for Online Services* (Sept. 2, 2020), <https://ico.org.uk/media/for-organisations/guide-to-data-protection/key-data-protection-themes/age-appropriate-design-a-code-of-practice-for-online-services-2-1.pdf>.

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⁶ Federal Bureau of Investigation, *Public Service Announcement: Education Technologies: Data Collection and Unsecured Systems Could Pose Risk to Students* (Sept. 13, 2018), <https://www.ic3.gov/media/2018/180913.aspx>.

In light of these threats, children and teens deserve strong online privacy safeguards. Currently, the Children’s Online Privacy Protection Act (COPPA) covers children aged 12 and under and prohibits the collection, use, or disclosure of children’s personal information without notice to parents and parental consent.⁷ However, young internet users deserve a new set of requirements and prohibitions that builds on COPPA. Signers of this letter have proposed legislation to extend privacy protections to teens, amend COPPA to cover websites that should reasonably know that kids are on their platforms, and create new data minimization standards to stop websites from amassing troves of information about kids and teens.⁸

The AADC includes standards that are similar to these legislative proposals to update COPPA. For example, the AADC explicitly includes protections for teens; requires that companies limit the amount of data they collect from young users; and extends coverage to all commercial online services—including apps, search engines, social media platforms, and online games—that are “likely to be accessed by children” in the United Kingdom.⁹ The AADC also covers online services hosted outside the United Kingdom, including online services available in the United States, as long as users in the United Kingdom can access them. The deadline to comply with the AADC is September 2, 2021.

It is imperative that Congress acts with urgency to enact a strong privacy law for children and teens in the 21st century. As we work towards that goal, we urge you to extend to American children and teens any privacy enhancements that you implement to comply with the AADC. We also request responses to the following questions by July 21, 2021.

- Will you commit to providing American children and teens with the same privacy enhancements that you provide in the United Kingdom in accordance with the AADC?
 - If so, what specific privacy enhancements will you implement for users in the United States? Please describe in detail when you plan to implement these enhancements for users in the United States.
 - If not, why not?

Thank you for your attention to these important matters.

Sincerely,

Edward J. Markey
United States Senator

Kathy Castor
Member of Congress

Lori Trahan
Member of Congress

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Congress of the United States
Washington, DC 20515

June 30, 2021

Mr. Mark Zuckerberg
Chief Executive Officer
Facebook, Inc.
1 Hacker Way
Menlo Park, CA 94025

Dear Mr. Zuckerberg:

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Today, children and teens encounter constant threats to their privacy online. Since 2015, American children have spent almost five hours a day watching screens,² and children’s and teens’ daily screen times have increased by 50 percent or more during the coronavirus pandemic.³ Many of the online services available to these young people showcase a “widespread lack of transparency and inconsistent privacy and security practices”⁴ that make children and teens particularly vulnerable to exploitation online. For example, an expert report submitted to the Federal Trade Commission found that 84 children’s apps transferred children’s sensitive personal information, including their location data, to third parties.⁵ The collection of children’s and teens’ data is central to many of these online services, and the Federal Bureau of Investigation has warned that the malicious use of this data “could result in social engineering, bullying, tracking, identity theft, or other means for targeting children.”⁶

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Congress of the United States
Washington, DC 20515

June 30, 2021

Mr. Sundar Pichai
Chief Executive Officer
Google LLC
1600 Amphitheatre Parkway
Mountain View, CA 94043

Dear Mr. Pichai:

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Congress of the United States
Washington, DC 20515

June 30, 2021

Mr. Evan Spiegel
Co-Founder and Chief Executive Officer
Snap Inc.
2772 Donald Douglas Loop N
Santa Monica, CA 90405

Dear Mr. Spiegel:

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Congress of the United States
Washington, DC 20515

June 30, 2021

Mr. Shou Zi Chew
Chief Executive Officer
TikTok Inc.
5800 Bristol Parkway
Culver City, CA 90230

Dear Mr. Chew:

We write regarding the United Kingdom’s Age Appropriate Design Code (AADC), a statutory code of practice that requires online services available to children and teens in the United Kingdom to meet fifteen standards that protect young people’s privacy and wellbeing online.¹ Children and teens are a uniquely vulnerable population no matter where they live, and companies have an obligation to ensure that their online services put the welfare of young users first. Therefore, we encourage you to extend to children and teens in the United States any privacy protections you implement in the United Kingdom.

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Congress of the United States
Washington, DC 20515

June 30, 2021

Mr. Jack Dorsey
Chief Executive Officer
Twitter, Inc.
1355 Market St. Suite 900
San Francisco, CA 94103

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We write regarding the United Kingdom’s Age Appropriate Design Code (AADC), a statutory code of practice that requires online services available to children and teens in the United Kingdom to meet fifteen standards that protect young people’s privacy and wellbeing online.¹ Children and teens are a uniquely vulnerable population no matter where they live, and companies have an obligation to ensure that their online services put the welfare of young users first. Therefore, we encourage you to extend to children and teens in the United States any privacy protections you implement in the United Kingdom.

Today, children and teens encounter constant threats to their privacy online. Since 2015, American children have spent almost five hours a day watching screens,² and children’s and teens’ daily screen times have increased by 50 percent or more during the coronavirus pandemic.³ Many of the online services available to these young people showcase a “widespread lack of transparency and inconsistent privacy and security practices”⁴ that make children and teens particularly vulnerable to exploitation online. For example, an expert report submitted to the Federal Trade Commission found that 84 children’s apps transferred children’s sensitive personal information, including their location data, to third parties.⁵ The collection of children’s and teens’ data is central to many of these online services, and the Federal Bureau of Investigation has warned that the malicious use of this data “could result in social engineering, bullying, tracking, identity theft, or other means for targeting children.”⁶

¹ U.K. Information Commissioner’s Office, *Age Appropriate Design: A Code of Practice for Online Services* (Sept. 2, 2020), <https://ico.org.uk/media/for-organisations/guide-to-data-protection/key-data-protection-themes/age-appropriate-design-a-code-of-practice-for-online-services-2-1.pdf>.

² Victoria Rideout, V & Michael B. Robb, *The Common Sense Census: Media Use by Tweens and Teens*, Common Sense Media (2019).

³ Sara Fischer, *Kids’ Daily Screen Time Surges During Coronavirus*, Axios (Mar. 31, 2020), <https://www.axios.com/kidsscreen-time-coronavirus-562073f6-0638-47f2-8ea3-4f8781d6b31b.html>.

⁴ Common Sense Media, *The State of Kids’ Privacy: Evaluating the Safety and Security of Kids’ Tech* (July 31, 2019), <https://www.common sense media.org/research/the-state-of-kids-privacy-evaluating-the-safety-and-security-of-kids-tech>

⁵ Institute for Public Representation at Georgetown Law on behalf of Campaign for a Commercial-Free Childhood, Center for Digital Democracy, and others, *Request to Investigate Google’s Unfair and Deceptive Practices in Marketing Apps for Children* (Dec. 19, 2018), <https://www.law.georgetown.edu/wp-content/uploads/2018/12/12-19-Google-Play-Store-Complaint-With-Exhibits.pdf>.

⁶ Federal Bureau of Investigation, *Public Service Announcement: Education Technologies: Data Collection and Unsecured Systems Could Pose Risk to Students* (Sept. 13, 2018), <https://www.ic3.gov/media/2018/180913.aspx>.

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In light of these threats, children and teens deserve strong online privacy safeguards. Currently, the Children’s Online Privacy Protection Act (COPPA) covers children aged 12 and under and prohibits the collection, use, or disclosure of children’s personal information without notice to parents and parental consent.⁷ However, young internet users deserve a new set of requirements and prohibitions that builds on COPPA. Signers of this letter have proposed legislation to extend privacy protections to teens, amend COPPA to cover websites that should reasonably know that kids are on their platforms, and create new data minimization standards to stop websites from amassing troves of information about kids and teens.⁸

The AADC includes standards that are similar to these legislative proposals to update COPPA. For example, the AADC explicitly includes protections for teens; requires that companies limit the amount of data they collect from young users; and extends coverage to all commercial online services—including apps, search engines, social media platforms, and online games—that are “likely to be accessed by children” in the United Kingdom.⁹ The AADC also covers online services hosted outside the United Kingdom, including online services available in the United States, as long as users in the United Kingdom can access them. The deadline to comply with the AADC is September 2, 2021.

It is imperative that Congress acts with urgency to enact a strong privacy law for children and teens in the 21st century. As we work towards that goal, we urge you to extend to American children and teens any privacy enhancements that you implement to comply with the AADC. We also request responses to the following questions by July 21, 2021.

- Will you commit to providing American children and teens with the same privacy enhancements that you provide in the United Kingdom in accordance with the AADC?
 - If so, what specific privacy enhancements will you implement for users in the United States? Please describe in detail when you plan to implement these enhancements for users in the United States.
 - If not, why not?

Thank you for your attention to these important matters.

Sincerely,

Edward J. Markey
United States Senator

Kathy Castor
Member of Congress

Lori Trahan
Member of Congress

⁷ COPPA FAQs, A, <https://www.ftc.gov/tips-advice/business-center/guidance/complying-coppa-frequently-asked-questions>. These prohibitions cover any company that has “actual knowledge that it is collecting personal information from a child.” 15 U.S.C. § 6502(a)(1).

⁸ Children and Teens’ Online Privacy Protection Act of 2021, S. 1628, 117th Cong. (2021) (Senator Markey); PRIVCY Act, H.R. 5703, 116th Cong. (2020) (Representative Castor).

⁹ The AADC’s threshold inquiry is whether it is more probable than not that someone under the age of 18 will access the online service. U.K. Information Commissioner’s Office, *Age Appropriate Design: A Code of Practice for Online Services* (Sept. 2, 2020), <https://ico.org.uk/media/for-organisations/guide-to-data-protection/key-data-protection-themes/age-appropriate-design-a-code-of-practice-for-online-services-2-1.pdf>.