TikTok Transparency and Data Security Act

The ***TikTok Transparency and Data Security Act*** seeks to address the national security risks posed by ByteDance's ownership of TikTok without banning the application altogether. The legislation creates a new exemption to the *Protecting Americans from Foreign Adversary Controlled Applications Act* — commonly known as the TikTok Ban — to keep TikTok online. Under this exemption, service providers and app stores are not required to ban TikTok if TikTok meets certain conditions. These conditions are intended to address the biggest concerns with ByteDance's ownership of TikTok — the potential for ByteDance to manipulate TikTok's algorithm to support Chinese interests and to use TikTok's user data in a manner harmful to the United States. In targeting the avenues by which ByteDance could leverage TikTok to hurt American interests, the ***TikTok Transparency and Data Security Act*** addresses the national security risks without resorting to banning an application used by 170 million Americans.

In particular, the ***TikTok Transparency and Data Security Act*** establishes the following (1) Algorithmic transparency requirements and (2) Data access limitations.

Algorithmic Transparency Requirements

- **Researcher Data Access**: TikTok must provide qualified researchers access to data about public content, including information on the number of views, unique viewers, and engagements (likes, comments, etc.) on the content.

- **Public Data Access**: TikTok must provide the public access to data about public viral content or content from major public accounts, including information on the number of views, unique viewers, and engagements (likes, comments, etc.) on the content.

- **Research Safe Harbors**: No person will face liability for conducting privacy-protective research on TikTok by scraping data from the application, creating research users accounts, or obtaining data through voluntary user donations.

- **Transparency Reports**: TikTok must issue public transparency reports with descriptions of its content moderation practices, statistics on its content moderation decisions, and statistics on government-required requests to remove content.

Data Access Limitations

- **Data Localization**: TikTok must maintain the personal information on U.S. users in physical servers in the United States and cannot transfer that information to any foreign adversary country, except if the personal information is public or if maintaining or transferring the information is necessary to route the information to another user, combat spam, respond to an emergency, or protect the security of the application.