

# Legal Developments in Child and Teen Protection

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# Your Presenter

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Lindsey co-chairs Covington’s global Data Privacy and Cybersecurity practice. She advises clients before federal and state regulators on proposed changes to data protection laws, and regularly represents clients in responding to investigations and enforcement actions involving their privacy and information security practices.

Lindsey’s practice focuses on helping clients launch new products and services that implicate the laws governing the use of artificial intelligence, data processing for connected devices, biometrics, online advertising, endorsements and testimonials in advertising and social media, the collection of personal information from children and students, e-mail marketing, disclosures of video viewing information, and new technologies.

# Learning Objectives

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## Applicability Thresholds

- Learn the most **common triggers** for when minor protection requirements apply

## Key Issues

- Learn what **legal requirements** are most common across minor protection laws

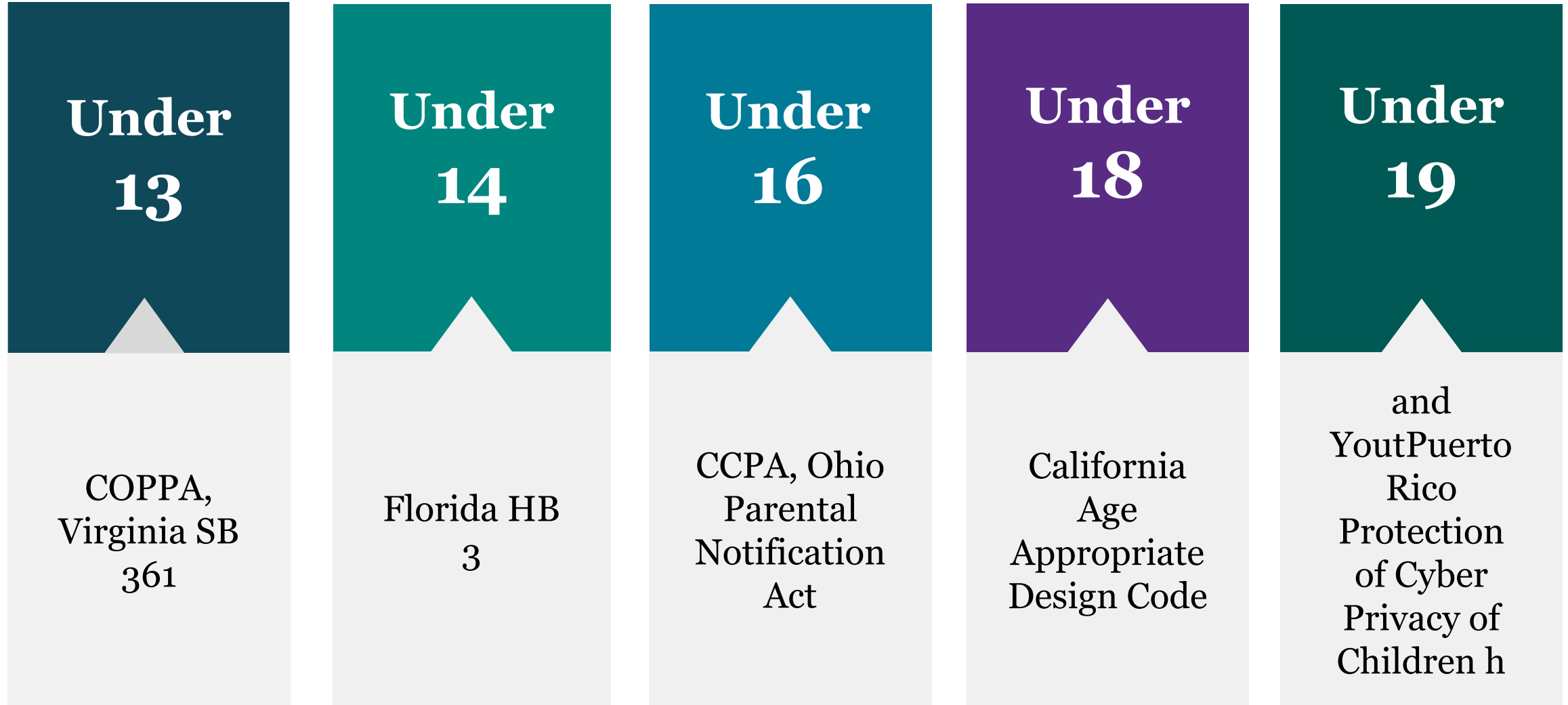
## Seeing Around Corners

- Look ahead to **future developments** on this topic

# Applicability Thresholds

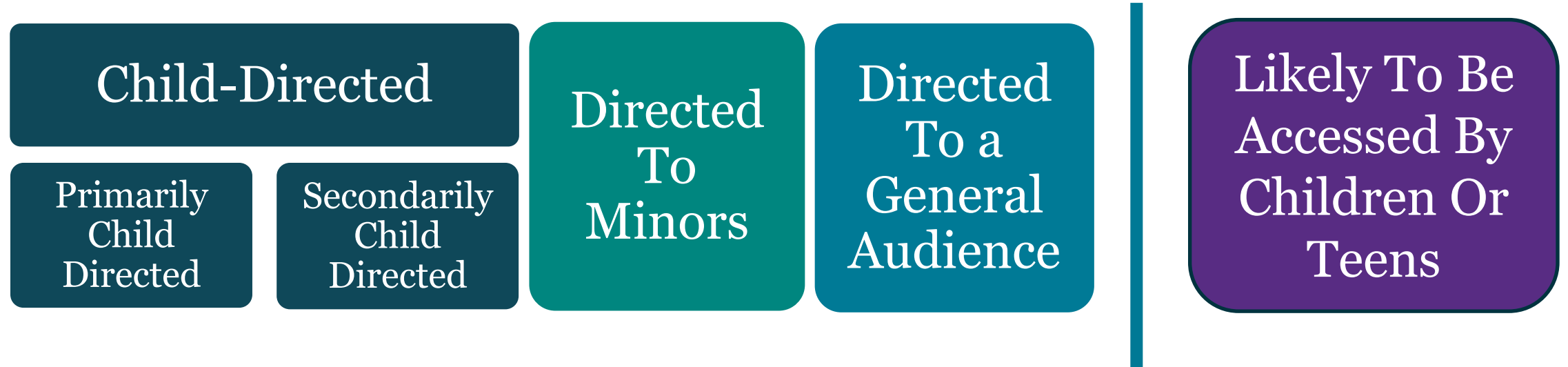
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# Example Age Thresholds

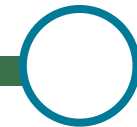


# Example Audience or Knowledge Thresholds

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Constructive Knowledge



Actual Knowledge

# Example Service Offering Thresholds

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Public or  
semi-public  
profiles

Public list of  
users to share  
social  
connection

Create or post  
content  
viewable by  
others

Recommend  
UGC based  
on user or  
device info

Employ  
algorithms to  
select content  
for users

Pornography

Manufacture  
tablets or  
smartphones

Chatbots

# Key Issues

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# Age Assurance Examples

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Minor protections  
as default if no age  
assurance

Not liable if  
conduct  
commercially  
reasonable age  
assurance

Self declared age

Age estimation to  
a reasonable  
certainty based on  
risk

Age verification  
based on  
government ID

Age verification  
based on  
biometric match

Age verification to  
accuracy threshold  
(95%)

Third-party age  
signals

# Transparency

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Direct Notice to  
Parents



Online Privacy Notice  
for Parents & Minors



Terms of Service



Community  
Guidelines

# Consent

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Consent of the  
Minor

Parental  
Consent to  
Process  
Personal Info

Parental  
Consent for  
Account  
Creation

Parental  
Consent For  
Specific  
Functionality

# Other Parental Rights

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Access



Deletion



Unpublish



Supervision



# Examples of Well-Being Standards

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- Prohibitions
- The business knows/ has reason to know/ willfully disregards
- Materially detrimental/ substantial harm
- To minor's physical or mental health/ well-being/ privacy

- Affirmative obligations
  - To use reasonable care to avoid heightened risk of harm caused by service
  - To make commercially reasonable effort to prevent or mitigate exposure to harmful content
  - To develop and implement strategy to prevent exposure to harmful content
  - To ensure best interests of children

# Minor Protection By Design

1

“High” Privacy Settings By Default

5

Restrictions on search engine indexing of profiles

2

Account visibility and content sharing limits

6

Limits on precise geolocation

3

Restrictions of personalization of default content feed

7

Restrictions on viewing of likes or other forms of feedback

4

Screen time limits, notification time limits, and scheduled breaks

8

Restrictions on Direct Messaging and Chat

9

Restrictions on autoplay, infinite scroll, or livestreams

# Profiling and Advertising

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Restrictions  
on targeted  
advertising

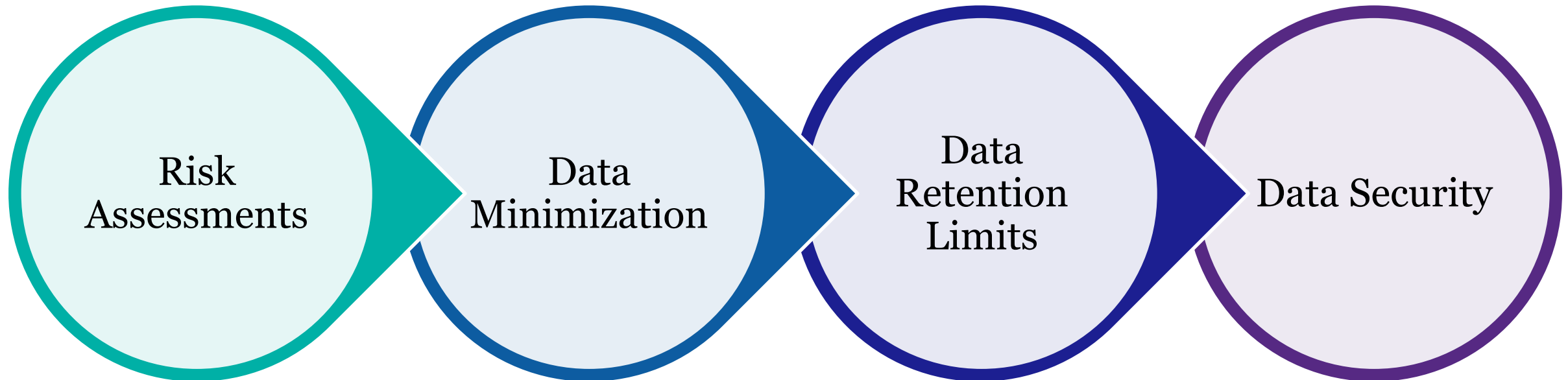
Restrictions  
on profiling

Age-approp  
riate ad  
provisions

Ads based  
on child's  
age and  
location by  
default

# Other Considerations

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# Seeing Around Corners

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# What To Watch

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1

Ongoing Court Challenges

2

Effective Date of COPPA Rule Amendments

3

State Rulemakings (NY CDPA)

4

Federal Legislation