

The NetChoice Coalition

Promoting Convenience, Choice, and Commerce on The Net

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April 15, 2011

The Honorable Noreen Evans
Senate Judiciary Committee
1303 10th Street
Sacramento, CA 95814

RE: Opposition to S.B. 242, Social Networking Internet Web Sites: Privacy: Minors

Dear Senator Evans:

We write to oppose SB 242, a bill that potentially applies to thousands of Internet websites making it illegal to display a teenager's address and telephone information.

NetChoice is a national coalition of Internet-based businesses who share the goal of promoting online commerce, convenience, and choice. We are heavily involved in a number of state, federal and international efforts to address child safety and privacy issues. This includes membership in the federal Online Safety & Technology Working Group (OSTWG) created by Congress to review online risks to child safety.

SB 242's greatest faults are: (1) its overly broad application, (2) its inability to properly protect children online, (3) its creation of a false sense of security for parents through its failure to protect children, and (4) its disregard for schools' sharing of this information for decades.

SB 242 is a broad bill that could apply to thousands of websites. Because of SB 242's broad definition of "social networking websites," SB 242 applies even to sites run by schools and universities. So, even closed social networks, like those created by high schools to allow students, teachers, and coaches to better communicate, are affected.

Even if narrowly applied, SB 242 would not promote child safety and privacy. Recent studies from the University of New Hampshire find:

- **No empirical evidence that posting personal information exposes youths to offenders.** SB 242 attempts to limit the amount of personal information a youth posts; however, no empirical evidence shows this will provide any safety benefit.
- **Use of social networking sites does not increase risk of harm.** Youths' use of social networking sites is not the danger; the danger to youths comes from emotional issues.
- **Education provides a beneficial effect.** Prevention education about how to avoid sex crimes should be started at an early age.

So, SB 242's attempt to limit children from sharing their information with their friends on social networking sites does not result in protection of children from offenders.

Furthermore, we believe that SB 242 would discourage websites from being responsible corporate citizens. The “willful and knowing” standard will impact only those sites that attempt to learn the age of their users so that they can take steps to protect them. Other sites that don’t require date of birth – and thus offer no additional protections for minors – could never be found to having willfully and knowingly displayed a minor’s contact information, because they don’t know which users are minors.

As a result, technology features that apply to children will not be triggered. For example, many sites use a “safe search” to filter age-inappropriate search results. Others restrict how adults and minors communicate or what advertisements display alongside a minor’s profile page. The result could be a “race to the bottom,” an abandonment of protection measures for websites unable to take on legal risk. This would be the wrong thing to do, but the bill creates liability for doing the right thing.

Since SB 242 does not effectively guard children, parents would be lured into a false sense of security that the state is protecting their children. So, SB 242 discourages parents from taking an active role in supervising their children online; thus, SB 242 places children in potentially greater harm.

Finally, schools have been sharing this information for decades. Every year schools produce facebook for students containing their classmates’ home addresses and phone numbers. The sharing between friends of phone numbers and addresses online is no different. SB 242 attempts to achieve good outcomes, but, as history has shown, the sharing of this information between classmates and friends is not the source of the alleged harm.

There are ways for policymakers to impact online safety. California has been a leader in new laws to enhance child safety and privacy, and lawmakers should continue to pursue policies that empower parents, educate kids, give law enforcement more resources, and update the criminal code where needed. NetChoice and our members are ready to be a resource for future online safety efforts.

In conclusion, we respectfully urge you to oppose SB 242. Opposing this bill is not a vote *against* child safety. Instead, it’s a vote for preserving incentives for websites to *promote* child safety.

Sincerely,



Steve DelBianco
Executive Director, NetChoice

cc: Members of the Committee

NetChoice is a coalition of trade associations and e-Commerce businesses who share the goal of promoting convenience, choice and commerce on the Net. More information about NetChoice can be found at www.netchoice.org