

**NetChoice** Promoting Convenience, Choice, and Commerce on The Net

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March 17, 2014

Chairperson Elizabeth Hernandez  
286-S Stratton Office Building  
Springfield, IL 62706

## RE: HB 3686, Amends the Consumer Fraud and Deceptive Business Practices Act

Dear Chairperson Hernandez:

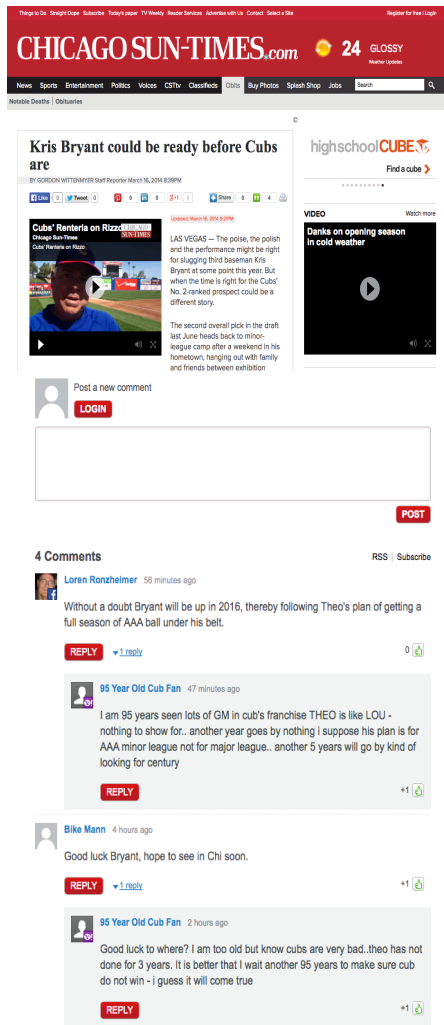
We understand the desire to provide teenagers the ability to remove content they post to the internet. However, HB 3686 actually encourages teenagers to post inappropriate content and misleads them to believe they have greater control than they may actually have.

Internet companies and privacy advocates work to discourage teenagers from posting inappropriate content – “Think Before You Post.” This campaign has helped remind teenagers of the open nature of the internet comments and prevented thousands of regrettable comments. However, HB 3686 dulls this effort.

Instead of taking pause before posting, teens will instead think of the mischaracterized headlines of HB 3686 telling them, they can just hit an eraser button and remove all their online skeletons.<sup>1</sup> But as HB 3686 points out, this is not the case. Teens can’t remove the content if: posted by another, re-tweeted by another, or simply copied and pasted into another online service by another. In essence, the teen can remove their content, but not someone else’s even if just a copy of the teen’s.

Along with the misrepresentation to teens, HB 3686 exposes Illinois businesses to new liability. Ambiguous terms such as a requirement for “clear instructions” could cause Illinois businesses complying with the spirit of the bill to run afoul of its ambiguous requirements – impacting businesses like ChicagoSun-Times.com that knowingly allows teens to post comments.

Fortunately, online services already provide *all* users, not just teens, with the ability to edit and make invisible their posts – they wouldn’t be very good services if users couldn’t edit their posts. For example, ChicagoSun-Times.com, Twitter, Yelp, Google+, and Facebook, already allows users to remove and edit posted comments. This achieves the goals of HB 3686 without these



<sup>1</sup> See, e.g. Musil, *California gives teens an 'eraser button' to hide online skeletons*, CNet (Sept. 23, 2013), Berkman, *New California Law Lets Teens Press 'Eraser Button' Online*, Mashable (Sept. 24, 2013).

unintended consequences.

Thank you for considering our views. Please let me know if we can provide further information.

Sincerely,

A handwritten signature in cursive script, appearing to read "Carl Szabo".

Carl Szabo

Policy Counsel, NetChoice

NetChoice is a coalition of e-Commerce businesses. More information at [www.netchoice.org](http://www.netchoice.org)

cc: Illinois House Consumer Protection Committee