



October 6, 2015

Sen. William N. Brownsberger, Chair
Rep. John V. Fernandes, Chair
Joint Committee on the Judiciary
Room 504
Boston, MA 02133

RE: Opposition to HB 3251, An Act relative to the online privacy of minors

Dear Chairmen Brownsberger and Fernandes:

We understand the desire to provide teenagers the ability to remove content they post to the Internet. However, HB 3251 actually encourages teenagers to post inappropriate content and misleads them to believe they have greater control than they may actually have. On behalf of our memberships, we ask that the Committee report his bill unfavorably, to avoid potential unintended consequences, create unnecessary burdens on our innovation economy and instead allow internet companies to continue to refine and improve ways for their users to protect their

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 3251 dulls this effort.

Instead of taking pause before posting, teens will instead think of the mischaracterized headlines of HB 3251 telling them they can just hit an eraser button and remove all their online skeletons.¹ But as HB 3251 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 3251 exposes Massachusetts businesses to new liability. Ambiguous terms



¹ 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).

such as a requirement for “clear instructions” could cause Massachusetts businesses complying with the spirit of the bill to run afoul of its ambiguous requirements – impacting businesses like BostonHerald.com that knowingly allows teens to post comments. It was also wreak havoc on Internet companies trying to comply with a patchwork of privacy rules in different states.

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, BostonHerald.com, Twitter, Yelp, Google, Yahoo and Facebook, already allows users to remove and edit posted comments. This achieves the goals of HB 3251 without these unintended consequences and leading the Legislature down a slippery slope of determining what users posting on public sites should have access to an “erasure” button.

Thank you for your work on this bill and for considering our views. Please let us know if we can provide further information and consider us a resource as you deliberate your Committee report on the bill.

Sincerely,



Carl Szabo

Policy Counsel
1401 K St NW, Suite 502
Washington, DC 20005
202-420-7485
www.netchoice.org



Matt Mincieli

Executive Director - Northeast
53 State Street, 25th Floor
Boston, MA 02109
617-921-4760 (cell)
mmincieli@technet.org