



April 14, 2023

Dear Senator Maye Quade & members of the Senate Judiciary Committee,

We write on behalf of the News/Media Alliance, representing the news and magazine media industries in the United States, to express concerns regarding SF 2810, the Age-Appropriate Design Code Act. While well-intentioned, as currently drafted, this legislation would hurt news media's ability to continue its vital role in providing Minnesota citizens access to important and timely news and information from trusted, curated, and well-respected news and culture web sites.

The members of the News/Media Alliance care deeply about children's privacy and want to ensure protection of minors from exposure to harm. At the same time, a broadly inclusive definition of "likely to be accessed" by children combined with the lack of an actual knowledge standard for required "default" privacy settings of sites likely to be accessed by children will make compliance with SF 2810 unworkable for publishers – who, in most instances, do not know the age of their visitors. This risks limiting access to content even if content itself is not otherwise subject to the bills restrictions.

As currently drafted, publishers seeking to comply with SF 2810 would face a very difficult choice, one that could significantly harm the future viability of news media, and access by all individuals to news and information. Publishers would have to: collect *more* personal information about *all* of their visitors – to confirm or otherwise have assurances of the age of their audiences; OR limit content that might bring visitors under the age of 18 to their websites and apps; OR treat all visitors as minors for advertising purposes, despite news media's broader adult focus and audience composition. Serious First Amendment concerns are raised if publishers must apply the strictest default privacy setting designed for children to all visitors, most of whom are adults, given the fact that our content is – for the betterment of society – "likely to be accessed" by children.

Further, as drafted, the default privacy setting requirements are not tied to the avoidance of material detriment to children. These requirements would apply to any online product, service, or feature "likely to be accessed" by minors whether or not a data protection impact assessment found any risk of material detriment to children or not.

Presenting an advertisement to a minor is not inherently detrimental. Further, the data protection impact assessment already includes an evaluation of whether targeted advertising systems used by the online product could harm children. Forcing publishers to configure





privacy settings to a high level of privacy for all visitors is an overbroad and legally-concerning restriction if a data protection impact assessment leads to the conclusion that the online product's targeted advertising systems do not cause harm.

News and media are a valuable research tool for younger readers and media literacy and exposure to news media is more important than ever. The goal should be to encourage more young people to consume news media, not to discourage publishers from creating content likely to be accessed by younger visitors. We look forward to working with you and the Minnesota Newspaper Association to ensure news media can continue to inform and educate the public.

Thank you for your consideration of our comments.

Rita Cohen

Consultant

News/Media Alliance

202-369-1237

rita-consultant@newsmediaalliance.org

Danielle Coffey

Executive Vice President/General Counsel

News/Media Alliance

danielle@newsmediaalliance.org

