To: Members of the California State Senate  
Date: April 30, 2013  

Our organizations must oppose SB 501, which seeks to allow parents to delete certain content from a child’s social networking website (address, telephone number, driver's license number, state ID number, social security number, employee ID number, mother's maiden name, demand deposit account number, savings account number, or credit card number). SB 501 violates the privacy rights of older teenagers, is unnecessary and impossible to implement, would create an incentive for minors to establish fake accounts and could be used as a tool for estranged parents to place unreasonable and hurtful restrictions on their children's social media accounts.

- **SB 501 upsets teenage consumers’ expectation of privacy and First Amendment rights by allowing others to regulate their expression and content.** SB 501’s regulation of “address, phone number” and “mother's maiden name” would restrict the First Amendment rights of teenagers who may use their mother's maiden name as part of their full name to speak on social networking platforms in their full names and all teenagers’ right to communicate contact information with one another. While takedown requirements are probably constitutional for children under age 13, giving others the ability to limit the expression of older teenagers is likely unconstitutional. As the Supreme Court held in Planned Parenthood v. Danforth, “constitutional rights do not mature and come into being magically only when one attains the state-defined age of majority.” This legislation would likely be subject to challenge in the courts.

- **Aspects of the bill are unnecessary.**  
Non-emancipated minors cannot possess most of the sensitive data elements listed in the bill including a demand deposit account, savings account, or credit card. Parents can, however, open these accounts on behalf of their children, in which case the parent – not the minor - is the account holder. Posting another person's financial information is prohibited by law so in the improbable instance where a minor posts
financial account information, the account owner could have it removed. California Civil Code Sections 1798.85-1798.86 already prohibit the posting of an individual’s Social Security number. Anyone, not just a parent, could report the posting of a Social Security number and have it taken down.

• **As law, this would be impossible to implement.**
  This legislation would require a social networking website (many of which strive to minimize the amount of personal information they collect about users) to collect and validate detailed personal information about users. The company would need to validate the following:
  - The real identity of the suspected minor,
  - The real age of the suspected minor,
  - Whether the suspected minor lived in California,
  - If the information posted was, if fact, prohibited,
  - The identity of the person making the report, and
  - The relationship between the person making the report and the minor.

All of this information would need to be collected and verified with 96 hours or the company would face a $10,000 fine. This law would be extremely burdensome for start up social networking sites that lack the resources to process such requests.

• **The bill creates a dangerous incentive to lie about age.**
  After conversations with California and national law enforcement officials and child safety groups, we have not been able to identify a case in which a minor came to harm because of phone or address information posted on a profile page.

Many social networking sites ask for users’ dates of birth for one important reason: to protect users that identify themselves as under 18. Once a user is identified as a minor, a number of behind-the-scenes security measures kick in. These range from restrictions on adults being able to search for minors, limits on minors’ ability to share information with strangers, and additional steps in the friend verification process. Additionally, by default, access to contact information is limited to friends only. This bill imagines a world in which unknown predators can find and use minors’ contact information; this is simply not the reality.

All of the additional protections social networks can provide for minors are dependent on the minor accurately representing her age. By denying minors the ability to publish data entered into text fields designated for phone and address information, this bill may encourage minors to lie about their age to restore the lost functionality. This would enable them to circumvent the restrictions of SB 501 while undermining existing privacy and security protocols.

• **Where parents are in an acrimonious situation, this legislation could disadvantage mothers with regard to their child’s social media account.** It is not hard to see how the prohibition on posting one’s “mother’s maiden name” could cause serious problems. A minor wishing his or her mother a happy birthday or expressing his or her admiration for her could have that post removed by the other parent or guardian under this law.

For the reasons stated, we must oppose SB 501.