

Broadening the Focus:

Addressing Platforms' Threats to Civil Rights and Privacy While Preserving Civil Liberties

On January 31, 2024, the Senate Judiciary Committee will hear from the CEOs of five prominent social media companies (TikTok, Meta, Snap, X, and Discord) about their efforts to protect kids on their platforms. As children and teens utilize social media platforms to find community, access information, take part in school, and express themselves creatively, we understand the urge to protect children from the harms that are present online.

However, the harms that can come from targeted advertising, deceptive algorithms, widespread disinformation, and inconsistent content moderation are not confined to potential impacts on children. Congress needs to measure their impacts more broadly: from civil rights and election integrity to targeted harassment and hate. And efforts to protect young people should not harm their rights to expression, information, and community.

In the hearing and subsequent legislative efforts, Free Press Action urges committee members to:

- (1) Gather more information on platforms' "backslide" on their moderation, trust, and safety measures;
- (2) Focus on election integrity issues posed by the platforms appearing in front of them; and
- (3) Oppose legislation that actually decreases young people's rights while harming everyone's privacy.

No one can deny the crucial nature of the questions posed by this hearing. But we submit that a broader approach—examining all of the potential harms of disinformation, discrimination, and data abuse—would be better all around. And it would avoid the pitfalls of well-intentioned legislation that actually exposes everyone, including children and teens, to more invasive practices and government overreach.

1. Influential Platforms Have Cut Back on Their Trust and Safety Investments at the Worst Time.

Balancing all of the priorities platforms claim to champion in order to keep their users safe requires a serious investment in expertise and content moderation infrastructure. Suggestions from civil society and government on how these platforms can curb the spread of disinformation and extremism have been met with indignation and inaction. Getting insight into platforms' business practices is notoriously difficult.

Even formal inquiries like this hearing can yield little substantive information on their data practices, algorithms, and enforcement of their own terms of service.

Free Press has studied the biggest social media companies' practices. And unfortunately, as we detail in our recent report, [Big Tech Backslide](#), these platforms have long failed to maintain the systems or human capital necessary to deliver on their promises to keep users safe. Worse still, over the last 14 months, Meta, X, and YouTube have all rolled back critical policies and cut teams tasked with moderating content and safeguarding platform integrity.

2. Election Integrity Hangs in the Balance Because of This Backsliding Too.

The issues raised by platforms' cutbacks are an urgent concern not only for younger users' safety online, but for the 2024 election cycle already in full swing in the U.S. and around the world, with broader implications for people of all ages. We encourage members of this committee to use this hearing as an opportunity to obtain insights and details on these companies' content moderation policies, platform

integrity measures, and uses of AI as we head further into that election cycle. We invite Members to ask these questions of the CEOs called to testify.

- What is your content moderation and enforcement process, and the sequencing between automated and human review of flagged content? Will automated tools alone review and determine how to enforce policies related to elections? Will all of this occur in local languages or translated processes? Will humans review initial content decisions made by automated tools?
- Together, Meta, X, and YouTube have laid off over 40,000 staff, including thousands that had previously worked on critical tasks related to moderation and enforcement; will automated tools and processes oversee content moderation alone?
- Meta, X, and YouTube have all weakened their political ads policy. Can you share any updates to your political advertising policy now? How do you plan to review political ad requests?
- How does your company review advertising requests and determine whether to allow their use of digitally created/altered content?
- What AI tools does the platform already use or plan to use to review content which may be violative of election integrity and national security policies you have in place?

3. Comprehensive Privacy Protections Would Protect Kids Too, But Weakening Encryption and Requiring More Data Collection Pose Dangers for Everyone.

Committee leadership has teed up several bills for discussion in this hearing. Unfortunately, some include provisions that would increase data collection while decreasing privacy—putting activists, communities of color, LGBTQ+ communities, and those seeking reproductive and gender affirming care at increased risk.

Several bills increase the potential for harm to specific communities and to everyone online, while comprehensive privacy protections would mitigate harm to children without these negative impacts.

- *Threats to Private and Encrypted Communication*
Provisions in the STOP CSAM Act and EARN IT Act create liability and insufficient safeguards for platforms that offer end-to-end encryption. This would be detrimental to users' overall safety by increasing the risk of privacy violations, as platforms will restrict encrypted services to protect themselves from liability.
- *Increased Data Collection and Surveillance*
In order to comply with the mandates of bills like EARN IT and KOSA, platforms would be required to collect even more information from users (such as browsing behavior, messages, search history, and other content or metadata) for age verification purposes, or required to surveil users to meet reporting and disclosure requirements. As our report [Insatiable](#) demonstrates, existing platforms and newer entrants will collect as much information as they can in an unregulated environment—racing to the bottom instead of competing to protect privacy.
- *Discriminatory targeting of LGBTQ+ and reproductive health content*
Provisions in KOSA that leave enforcement in the hands of state attorneys general to determine what types of content are deemed harmful or inappropriate could allow states to prevent children and teens from accessing information about gender-affirming and reproductive health care, finding community with other LGBTQ+ individuals, or even engaging in political discourse.

Robust and comprehensive privacy legislation must include provisions to limit the amount of data platforms can collect, process, and share with third parties. Meaningful platform accountability legislation

should also increase transparency surrounding the ways that platforms acquire, use, and retain our personal information. Such legislative measures would substantially limit the ability of platforms to target users of all ages with harmful content, while protecting users from abusive surveillance practices.