

The Online Products American Teens & Children Use Are Overwhelmingly Not 'Directed at Children'

Key Findings

Right now, federal privacy law only holds platforms, apps, and websites 'directed at children' accountable for violating children's online privacy, yet the most widely used platforms by kids and teens are not considered to be 'directed at children'. This means platforms like Instagram and Snapchat – that are especially popular with young people – are able to avoid the existing rules around children's privacy and safety.

New laws, including AB 2273, the California Age Appropriate Design Code, would broaden the scope of which entities are held to a higher standard of privacy and security to those online apps and platforms that are "likely to be accessed" by children under 18 years. This would avoid the loophole that has allowed online services to evade other laws designed to protect children.

In this report we reviewed the terms of service of the 38 most popular online products for children – as reported by young people in a 2021 study by Thorn and Benenson Strategy Group – and identified which would be considered 'directed at children'. Apps that outlined a minimum age of 13 or above were identified as **not** directed at children.

This analysis shows that very few of the popular online products young people use are directed towards children:

- For teenagers aged 13-17:
 - More than half use YouTube, Instagram, and Snapchat daily, platforms **not** directed at children
 - Of the 13 platforms that teenagers reported having ever used, less than a third are 'directed at children'
- For children aged 9-12:
 - There is only one app that more than half of children ages 9-12 years old reported using daily – YouTube. It is **not** directed at children
 - Of the 10 platforms that at least half of American children aged 9-12 report having ever used, only 2 are directed at children

Providing effective regulatory protections for children and young people requires regulating the online products and services *they actually* use. Limiting regulations to products 'directed at children' will fail to cover the vast majority of products that are popular with and used by young people. The 'directed at children' standard fails to cover 69% of the products that have ever been used by more than half of American teenagers 13-17 years old, and 80% of the products that have ever been used by more than half of 9-12 year olds.

The Online Products American Teens and Children Use Frequently

A survey of 2,002 young people aged 9-17 in America¹ conducted by Thorn and Benenson Strategy Group in 2020 explored the apps, websites, and online services they commonly use.² 38 different online products were identified and explored, ranging from those that have been used by 97% of minors, to products only ever used by 2% of those under the age of 18 (see Appendix A).

Accountable Tech analyzed the privacy policies and terms of services of these products, to identify which were ‘directed at’ children and which were not (see Appendix B).

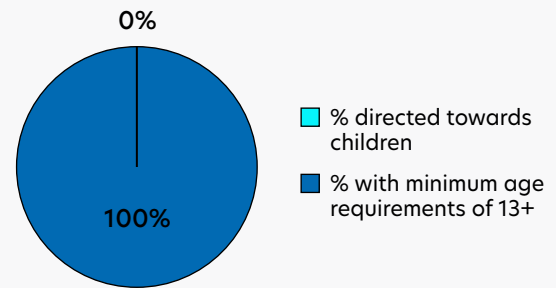
This analysis showed that the most popular online products used by young people aged 13-17 on a daily basis are not ‘directed at children’, that is they are general use apps for adults that lots of children use. None of the three platforms used by more than half of American young people every single day – YouTube, Instagram, and Snapchat – are ‘directed at children’.

This trend continues if you look at apps, websites and platforms young people aged 13-17 have *ever* used:

- Only 31% of the apps, websites, and platforms more than half of American teenagers aged 13-17 have *ever* used are directed at children
- Only 27% of the apps, websites, and platforms more than a quarter of American teenagers aged 13-17 have *ever* used are directed at children .

The same survey explores the online products that children aged 9-12 used. It found that the only app more than half of American children in this age group used every single day – YouTube – is not directed towards children.

Platforms that are used daily by more than half of American 13-17 year olds (n=3)



Platforms that are used daily by more than a quarter of American 13-17 year olds (n=10)

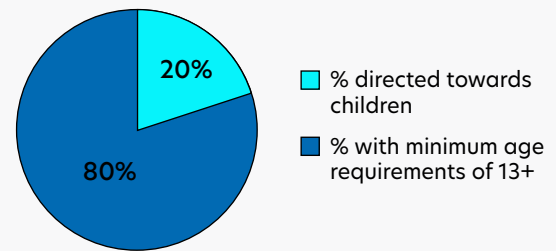


Figure 1: Apps, websites and platforms that American teenagers 13-17 years old use on a daily basis, based on a survey of 2,002 young people exploring 38 apps & websites

1 Thorn 2021 Responding to Online Threats: Minors Perspectives of Disclosing, Reporting & Blocking https://info.thorn.org/hubfs/Research/Responding%20to%20Online%20Threats_2021-Full-Report.pdf

2 For the purpose of this report, ‘app’, ‘website’, ‘online service(s)’, and ‘products’ are used interchangeably.

Likewise, looking at apps, websites, and platforms children aged 9-12 have ever used shows that:

- Only 20% of the apps, websites and platforms more than half of children aged 9-12 have ever used are directed at children
- Only 22% of the apps, websites and platforms more than a quarter of children 9-12 years old have ever used are directed at children

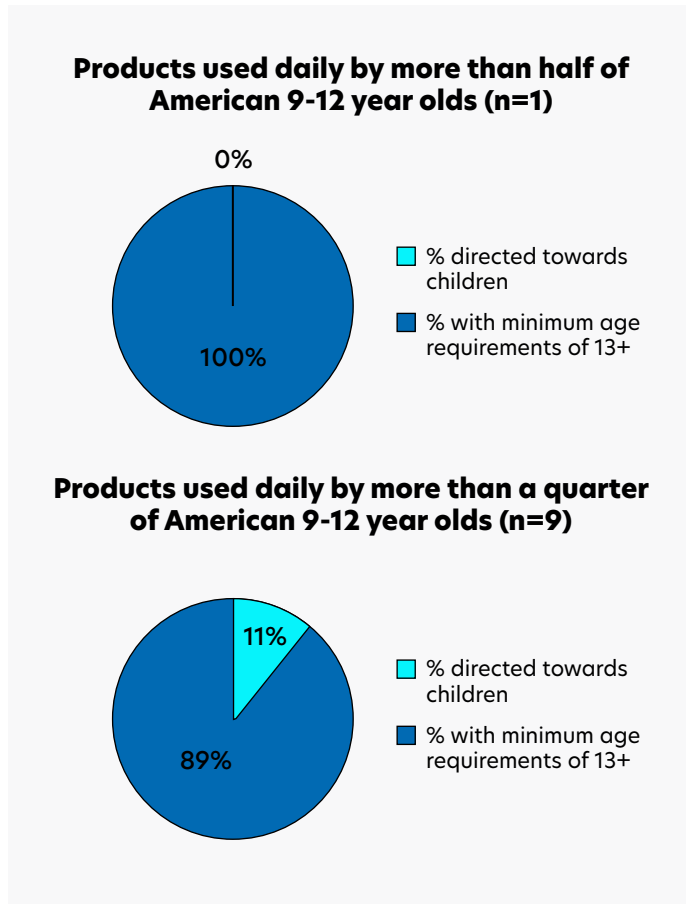


Figure 2: Apps, websites and platforms that American children 9-12 years old used on a daily basis, based on a survey of 2,002 young people exploring 38 apps & websites

What This Means For Policy Makers

The proposals in AB 2273, the California Age Appropriate Design Code, aim to improve the privacy and safety of all children and young people up until the age of 18, on all online products that they are likely to use.

The bill outlines ten common sense requirements that digital products must not do (such as tracking young peoples' live locations if they do not need to for the app to function), and seven things they must do (like ensuring the default setting is the highest level of privacy available)³.

Under the bill, these proposals will apply to any *'business that provides an online service, product, or feature likely to be accessed by a child'*.

Adequately protecting children and young people online requires regulating the online products and services *they actually use*. Limiting regulations to products 'directed at children' will fail to cover the vast majority of products that are popular with young people.

This is vital to protecting children and young people in the online world. Limiting protections to businesses that provide an online service directed at children would miss the vast majority of young people's online worlds.

3 See for example Farthing, R. 2022 'Safer by Design: How the CA Age Appropriate Design Code Would Change Children's Online Experiences' <https://designedwithkidsinmind.us/wp-content/uploads/2022/06/AADC-How-it-Works.pdf>

Appendix A: Online Apps, Websites, Platforms & Products Explored

Product	Directed at children ⁴	Minimum age requirement ⁵	% WHO USE PRODUCT DAILY			% WHO HAVE EVER USED PRODUCT		
			All minors	9-12	13-17	All minors	9-12	13-17
Amino	No	13	3%	4%	3%	10%	8%	11%
Among Us	Yes	None	23%	13%	31%	43%	23%	59%
Byte (now Clash)	No	13	1%	1%	1%	5%	5%	4%
Call of Duty	No	13	18%	20%	16%	48%	45%	51%
Discord	No	13	19%	12%	25%	34%	20%	45%
Google Hangouts	No	13	33%	36%	30%	64%	63%	65%
Facebook	No	13	36%	45%	28%	62%	66%	60%
Fortnite	No	13	17%	22%	13%	47%	47%	47%
Grand Theft Auto	No	13	12%	14%	11%	39%	36%	42%
Instagram	No	13	50%	40%	59%	76%	65%	85%
Kik	No	13	4%	5%	3%	14%	11%	16%
Marco Polo	No	13	2%	3%	1%	10%	12%	8%
Messenger	No	13	32%	38%	27%	62%	69%	56%
Minecraft	Yes	None	20%	23%	17%	62%	57%	65%
Monkey	No	18	2%	2%	2%	7%	7%	8%
Nintendo Switch	Yes	None	17%	21%	13%	43%	43%	42%
OnlyFans	No	18	3%	2%	3%	6%	4%	8%
Pinterest	No	13	16%	13%	17%	45%	36%	52%
Reddit	No	13	10%	8%	12%	32%	20%	41%
Roblox	Yes	None	17%	22%	13%	47%	42%	50%
Signal	No	13	1%	2%	1%	2%	3%	2%
Slack	No	16	2%	2%	2%	6%	5%	6%
Slither.io	Yes	None	3%	2%	4%	31%	17%	42%
Snapchat	No	13	47%	40%	52%	71%	67%	74%
Tagged	No	18	1%	2%	0%	4%	5%	3%
Telegram	No	16 (in EU, unclear in US)	6%	10%	3%	11%	17%	7%
TikTok	Yes	None (in US)	45%	41%	49%	69%	66%	71%

4 Where a product stated it was not directed at children, did not collect children's data and/or set a minimum age of 13+ in its terms of service, it was identified as not directed at children. Where its minimum age was below 13 or it was made clear that younger children can use the service (often with parental consent) we identified it as directed at children.
5 As stipulated in terms of service or privacy policies. State rules or territory rule may override this. See below for details.

Appendix A: Online Apps, Websites, Platforms & Products Explored Cont.

Product	Directed at children ⁶	Minimum age requirement ⁷	% WHO USE PRODUCT DAILY			% WHO HAVE EVER USED PRODUCT		
			All minors	9-12	13-17	All minors	9-12	13-17
Triller	No	13	2%	2%	2%	7%	8%	7%
Tumblr	No	13	13%	18%	9%	40%	45%	36%
Twitch	No	13	14%	14%	14%	36%	30%	41%
Twitter	No	13	28%	30%	27%	59%	56%	62%
VSCO	No	13	3%	2%	4%	12%	8%	15%
WhatsApp	No	13	26%	39%	16%	47%	55%	40%
Whisper	No	13	1%	1%	1%	4%	5%	4%
Wink	No	13	2%	2%	2%	5%	6%	5%
YouNow	No	13	3%	5%	1%	7%	10%	5%
YouTube	No	13	80%	78%	81%	97%	98%	97%
Houseparty (now deleted)	No	13	3%	3%	3%	15%	10%	19%

⁶ Where a product stated it was not directed at children, did not collect children's data and/or set a minimum age of 13+ in its terms of service, it was identified as not directed at children.

⁷ As stipulated by the service in their terms of service or privacy policies. State or territory rules may override this. See below for details.

Appendix B: Methodology for Determining Which Products Are Directed at Children: Minimum Ages as Described in Policies

Product	Directed at children	Minimum Age	Relevant description of minimum age from the product's Terms of Service or Privacy Policy
Amino	No	13	<i>If you are under 13, or 16 where applicable, please do not attempt to register for the Services</i>
Among Us	Yes	None	None discovered
Byte (now Clash)	No	13	<i>The Services are not directed to children under 13 (or other age as required by local law),</i>
Call of Duty	No	13	<i>Activision does not knowingly collect or store any personal information from children under 13 in the US or under the relevant age threshold in other jurisdictions where the child is located</i>
Discord	No	13	<i>By accessing our services, you confirm that you're at least 13 years old and meet the minimum age of digital consent in your country.</i>
Facebook	No	13	<i>Facebook requires everyone to be at least 13 years old before they can create an account (in some jurisdictions, this age limit may be higher).</i>
Fortnite	No	13	<i>M Recommended for Mature Audiences</i>
Google Hangouts	No	13	<i>For all countries not listed below, 13 is the minimum age to manage your own Google Account</i>
Grand Theft Auto	No	13	<i>Generally, we direct our Services to a general audience and we do not knowingly collect personal information from children under 13 years old (or older, if applicable law provides for different protections).</i>
Instagram	No	13	<i>Instagram requires everyone to be at least 13 years old before they can create an account (in some jurisdictions, this age limit may be higher).</i>
Kik	No	13	<i>You must be at least 13 years of age in the US, or 16 years of age in countries subject to the EU General Data Protection Regulation (the "GDPR"), unless exempted by individual country exceptions, to use the Services or submit any information to MediaLab.</i>
Marco Polo	No	13	<i>We do not direct the Service to, nor do we knowingly collect any Personal Information from children under 13. Children under 13 are not eligible to use the Service.</i>
Messenger	No	13	<i>You cannot use Facebook if: You are under 13 years old (or the minimum legal age in your country to use our Products).</i>
Minecraft	Yes	None	<i>We manage data for children under 13 years of age as required by U.S. law.</i>
Monkey	No	18	<i>Monkey does not direct the App or its Service at children under 18 years of age.</i>
Nintendo Switch	Yes	None	<i>We do not knowingly collect, use or share personal information from children under the age of 13 without verifiable parental consent or as permitted by law.</i>
OnlyFans	No	18	<i>Our Services are not intended for anyone under 18.</i>
Pinterest	No	13	<i>Children under 13 are not allowed to use Pinterest.</i>
Reddit	No	13	<i>Children under the age of 13 are not allowed to create an account or otherwise use the Services.</i>

Appendix B: Methodology for Determining Which Products Are Directed at Children: Minimum Ages as Described in Policies Cont.

Product	Directed at children	Minimum Age	Relevant description of minimum age from the product's Terms of Service or Privacy Policy
Roblox	Yes	None	<i>Roblox is also committed to protecting the privacy of our users, including children. Please see the "Children's Privacy and Parental Controls" section below for more information about ... the measures we take to afford children users with additional protections and comply with applicable data protection legislation, depending on where you are located, such as the Children's Online Privacy Protection Act ("COPPA"), the General Data Protection Regulation ("GDPR") and the Brazilian General Data Protection Law ("LGPD").</i>
Signal	No	13	<i>You must be at least 13 years old to use our Services.</i>
Slack	No	16	<i>Slack does not allow use of our Services and Websites by anyone younger than 16 years old.</i>
Slither.io	Yes	None	<i>By using the Websites, you do confirm that you are over 13; if you are under 13, you are accompanied directly by a parent or legal guardian. If you are under 13, please do not access the Websites without any parent or legal guardian.</i>
Snapchat	No	13	<i>Our services are not intended for – and we don't direct them to – anyone under 13. And that's why we do not knowingly collect personal information from anyone under 13.</i>
Tagged	No	18	<i>If you are under the age of 18, you may not download or use Tagged or Hi5. We do not knowingly collect, maintain, or sell information from minors under 18.</i>
Telegram	No	16	<i>Citizens of EU countries and the United Kingdom must be at least 16 years old to sign up. (Unclear in the US)</i>
TikTok	Yes	None (in US)	<i>[For the main experience] By registering, accessing or using the Services, you agree that you can, and are entering into a legally binding contract with TikTok comprised of the Terms, that you are 13 years old or over and that you accept these Terms and that you agree to comply with them [But also for the younger experience] This Privacy Policy for Younger Users explains our information collection practices with respect to information provided by users under the age of 13 on the under-13 experience of the TikTok mobile application for users in the United States</i>
Triller	No	13	<i>The Platform is not intended for children under the age of 13 and we do not knowingly collect personal information online from individuals under age 13.</i>
Tumblr	No	13	<i>The Minimum Age is (i) thirteen (13) (ii) for users in the European Union or the United Kingdom, sixteen (16), or (iii) for users to give or receive tips ("Tipping Feature"), eighteen (18).</i>
Twitch	No	13	<i>In order to register for a Twitch account you must be at least 13 years of age.</i>
Twitter	No	13	<i>... you must be at least 13 years old, or in the case of Periscope 16 years old, to use the Services.</i>
VSCO	No	13	<i>VSCO does not knowingly collect or solicit personal information from anyone under the age of 13. The Service and its content are not directed at children under the age of 13.</i>
WhatsApp	No	13	<i>You must be at least 13 years old to register for and use our Services (or such greater age required in your country or territory for you to be authorized to register for and use our Services without parental approval)</i>
Whisper	No	13	<i>You must be at least 13 years of age to use the Services or submit any information to MediaLab.</i>
Wink	No	13	<i>THE SERVICES ARE NOT FOR PERSONS UNDER THE AGE OF 13.</i>

Appendix B: Methodology for Determining Which Products Are Directed at Children: Minimum Ages as Described in Policies Cont.

Product	Directed at children	Minimum Age	Relevant description of minimum age from the product's Terms of Service or Privacy Policy
YouNow	No	13	<i>YouNow is intended for individuals ages 13 and older.</i>
YouTube	No	13	<i>You must be at least 13 years old to use the Service</i>
Houseparty (now deleted)	No	13	<i>n/a</i>