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YouTube Kids – Luring Kids in, One App at a Time

April 14, 2015 · by Courtney Serrato · in GGU Law Review.



<https://ggulawreview.files.wordpress.com/2015/04/kids.jpg>

Whether you're an overnight sensation like Justin Bieber or you're uploading a tutorial on how to apply the perfect make up; YouTube has become the go-to site for watching all the hottest videos. Technologically speaking, the cyber world has significantly changed over the years, especially with the Internet now being easily accessible from mobile devices. But the most alarming and overlooked trend is the ubiquitous use of the Internet by children.

Today, children use iPhones, tablets and computers to access the Internet as early as three-years-old (<http://www.telegraph.co.uk/technology/internet/10029180/Children-using-internet-from-age-of-three-study-finds.html>). With the amount of time children spend online, some have become skilled navigators. The Internet offers children a lot of great advantages. Kids can access educational videos and gain exposure to new concepts and ideas all at the click of the mouse. However, everyone knows as great as the Internet is, there are a ton of risks associated with its use. A particular drawback is the privacy issues that come with such widespread access to information. Children on the Internet alone creates a lot of public concern. Not to mention the development of new devices including cell phones, tablets, and applications (apps), that have now created an alterative way to expose children to a number of privacy related issues online.

On February 23, 2015 (<https://www.youtube.com/watch?v=OUmMAAPX6E8&feature=etp-gs-ytk>), Google launched a new app called “YouTube Kids” (<http://youtube-global.blogspot.com/2015/02/youtube-kids.html>) that is specifically tailored towards the younger YouTube audience. The app creates a site that allows children to search and explore YouTube more easily and safely (<http://www.wired.com/2015/02/youtube-kids/>) while locating the videos they want. The app is currently available in the United States for free and can be downloaded on iOS and Android devices.

YouTube Kids features four categories of videos, which include: child-friendly videos; educational clips; music; and shows. The categories raise a number of questions regarding what is going to be done to protect the privacy of children using this app.

How is Google going to receive consent from parents before allowing children to access the app? Will there be ads marketed towards children using the app? If the app is to be used solely by children, what filters are going to be implemented to make sure there are age appropriate videos? Also, it is going to be interesting to see if children are able to upload their own videos, and if so, what type of sensitive information will this potentially disclose? These questions are just a number of those parents may pose; questions that hopefully parents are seeking the answers to by doing research before allowing children to access any services linked to the Internet.

The law that regulates children’s privacy online is the Children’s Online Privacy Protection Act (COPPA (<http://www.ecfr.gov/cgi-bin/text-idx?SID=4939e77c77a1a1a08c1cbf905fc4b409&node=16%3A1.0.1.3.36&rgn=div5>)). Passed in 1998, Congress created the statute to ensure online service providers and organizations comply with certain standards to help protect children’s information online. This pertains to companies that collect the private information, or data, of children under the age of thirteen (<http://www.ftc.gov/enforcement/rules/rulemaking-regulatory-reform-proceedings/childrens-online-privacy-protection-rule>) online. COPPA does not apply to operators that do not collect information. In other words, COPPA protects information that is gathered *from* children, but not necessarily the information collected *about* children.

In 2013, COPPA strengthened children's privacy protections online by expanding some requirements to ensure the law reflected the new technology that has been developed since 1998. The expansion covers tablets, cell phones and the apps that can be downloaded onto these devices. The law applies to sites and apps that are geared towards children and collect the data of children under the age of thirteen. COPPA also applies to sites and apps that have general audiences but have actual knowledge that data is collected from children under thirteen.

COPPA is complicated. Essentially, the law aims to provide notice to parents that a child's personal information is going to be collected, consent to verify the collection is authorized, and to let the parent know the child's information is going to be protected. The law goes into depth as to all the requirements, but varies depending on the specific service provided and what type of information is collected. In any case, if a site or app is collecting a child's personal information, the parent has the power to access the information collected, to demand the cease of the collection of information at any point, and requires the data collected be deleted at any time.

Looking closely at the language of COPPA, the law does not require that operators investigate the age of the children using their sites or apps. As long as a company does not collect information from children under thirteen and explicitly says so, the company does not have an obligation to make sure children under thirteen are not *actually* using their service. This means parents are responsible for making sure children are observed while online and are not consenting to use a site or app themselves. The Federal Trade Commission (FTC) is the governmental agency that regulates unfair and deceptive practices against consumers, and this includes practices against children.

Since YouTube Kids is definitely geared towards a young audience and if Google plans to collect the information of the children using the app, YouTube Kids will need to comply with COPPA. Specifically, in regard to consent (<http://www.ecfr.gov/cgi-bin/text-idx?SID=4939e77c77a1a1a08c1cbf905fc4b409&node=16%3A1.0.1.3.36&rgn=div5>). But the concern still remains regarding how parents are going to be given notice about data collected on their children, and what kind of consent is appropriate for an app like YouTube. Currently, consent standards that adhere to COPPA include: emailing a parent; requiring a permission slip that is signed and sent back; a 1-800 number that allows a parent to call in to confirm; video-conferencing; governmental identification check; or any other reasonable efforts to obtain consent. This also poses the question as to how many times consent is going to be needed and what efforts are in place to assure the children are not consenting themselves. Realistically, there is no definite way to prevent children from accessing the Internet or downloading apps in general, besides parental oversight. However, YouTube Kids is going to have to get ready for any issues that may arise with consent.

Another issue is the area of marketing. If adults are being targeted with specific ads, children could very well be susceptible to the same. Users of the app have already mentioned child-friendly ads (<http://www.latimes.com/entertainment/envelope/cotown/la-et-ct-youtube-kids-app-20150407-story.html#page=1>) are used pervasively. This also raises the question as to whether third party companies that are advertising on the app are also complying with the

same level of privacy standards as Google. Additionally, it also becomes a concern if parents will have to provide consent to allow these third parties to collect the child's information as well.

The content available on YouTube Kids is going to be another issue that parents are going to have to examine. Depending on whether children are going to have the capability of uploading their own videos, COPPA now categorizes voice (<http://www.insidecounsel.com/2015/02/24/youtube-kids-raises-some-coppa-questions>) and video uploads as personal information. Thus, if children can upload content on YouTube Kids, there will likely be issues regarding how consent is obtained, and if it will be required just once or every time a video is uploaded.

Another obvious concern is who is going to be able to access and upload videos onto YouTube Kids if there are people out there specifically looking to target children with inappropriate content. On the other hand, there is optimism about Google taking appropriate measures to ensure children are protected and the content on YouTube Kids is filtered. This is also mentioned as a positive (<http://www.insidecounsel.com/2015/02/24/youtube-kids-raises-some-coppa-questions>) move in the right direction, since a number of Internet and app providers moved away from offering any child-friendly services after COPPA made updates to the law. The app also provides preferences for parents including removing the search bar entirely, thereby only allowing children to watch videos. However, users of the app say the parental controls (<http://www.wired.com/2015/02/youtube-kids/>) are not secured by password and therefore give children that are old enough to read the opportunity to change the settings. The comments are also disabled which is another filter YouTube Kids offers; probably to remove any inappropriate content and potentially to prevent cyber-bullying.

Whatever Google has in store for providing online services tailored for children, offering YouTube Kids through the app is one way to test through trial and error. This includes the number of privacy issues that will be present if and when the app moves to the web. For now, COPPA offers at the very least protective measures to keep children's information collected online private. This framework is not perfect and may leave room for leeway by operators, however it is better than nothing. Either way, there is still the possibility that children under thirteen are using YouTube now. If so, hopefully Google is tailoring this app to the younger children who have not accessed the Internet yet. It will be interesting to see how YouTube Kids complies with COPPA, and if not, the FTC (<http://www.insidecounsel.com/2012/10/11/celebrity-fan-sites-fined-for-coppa-violations>) will be watching closely.

Tags: Apps, Cell Phone, Children, Computer, COPPA, Disclosure, Federal Trade Commission, GGU Law Review, Google, privacy, Tablet, YouTube, YouTube Kids

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