



Internet.Works New York

February 6, 2024

Internet Works is submitting its comments on Part O of A.8805/S.8305.

Internet Works is a diverse group of small to medium-sized internet platforms with a focus on differing types of content delivered with varying functionality. These platforms have benefited from both open competition and the flexibility in moderating content. As such, they have built loyal user bases and trust in their brands due to consistently high-quality, useful content. Our trade association consists of 16 companies, including Automattic, Discord, Dropbox, eBay, Etsy, Eventbrite, Expedia, Indeed, Nextdoor, Pinterest, Reddit, Scribd, Tripadvisor, Twilio, Vimeo, and Yelp. Across the entire coalition, these companies employ over 3,500 New Yorkers, generate over \$15B in annual revenue, and directly support millions of other small businesses and entrepreneurs.

While we applaud Governor Hochul, Attorney General James, Senator Gounardes, and Assemblymember Rozic's focus on protecting children's online activity, we fear that the SAFE for Kids Act is overly broad, would unintentionally capture platforms that are irrelevant or inherently low-risk to children, and significantly impair the ability of many online platforms to provide their users with content that is both appropriate and relevant to their interests.

Our group represents a wide array of digital service platform companies, ranging from B2B service providers, marketplaces for creative professionals and entrepreneurs, and social platforms likely to be accessed by users under 18. These social platforms, in particular, have been at the forefront of raising the standard for child safety and privacy online by creating new features, settings, parental tools, and protections that are age-appropriate and tailored to the differing developmental needs of young people. However, as an association of small to mid-sized platforms with varied business models and risk potential, we need the flexibility to implement content moderation controls in a way that is relevant to our individual models and reflective of the potential risk to users posed by each.

To help remedy these concerns with the SAFE for Kids Act, we suggest narrowing the scope of the definition of "addictive feed" to exclude three different use cases:

- 1) companies that empower users to control their feed or set their preferences via an objective refinement (i.e. enabling users to choose to organize content by price, location, chronology, etc.),
- 2) companies that offer B2B services including cloud storage, shared document or file collaboration, or other commercial transactions,
- 3) companies that offer specialized and curated content around a given topic such as

travel, events, jobs and hiring, marketplaces, or consumer reviews thereof, or content the user is not actively seeking out, such as through an intentional subscription.

Such clarification of the definition would more directly accomplish the objectives of the SAFE for Kids Act and avoid inadvertently covering online business models that would not reasonably be considered targets of the proposed legislation.

More specifically, many online platforms moderate user-generated content so that it remains relevant to a specific topic (e.g., neighborhood news, authentic reviews of a travel destination, or comments on a seller's handmade goods). Maintaining such connection between content and user preferences is the basis of trust and brand loyalty with consumers, not the basis of addiction.

Additionally, the age verification requirements included in the bill would be a major challenge for a number of our member companies, as there is no clear method or mechanism to ascertain the required information without collecting additional data points from every user, including sensitive information and geolocation data. We believe the benefit of the age verification requirement is outweighed by the harm of needing to collect such sensitive data from users. We also believe such requirements would run into legal challenges on constitutional grounds, much like they have in other states such as California.¹

We thank you for the opportunity to provide you with our comments on this proposal. We look forward to working with you and your staff to continue to enhance important user protections and support New York's role as a home to the technology industry.

Dave Barmore

Internet Works

<https://www.theinternet.works/>



¹ <https://iapp.org/news/a/federal-judge-sides-with-tech-industry-issues-injunction-against-caadc/>