



# APP STORE BASED AGE VERIFICATION POLICY PROPOSAL

## APP STORE ACCOUNTABILITY ACT (ASAA)



### UNWORKABLE AND UNCONSTITUTIONAL PROPOSALS

- Popular in Principle, Unworkable in Practice, Unconstitutional in law
- Shifts burden from social media apps to app stores.
- Parents must set up child accounts.
- Requires phones to share every user's age (including your child's) with every app developer, for every download -to pizza chains, retailers, etc.
- Every app developer must redesign their app to accept age data.
- Necessitates the widespread collection, storage, and dissemination of sensitive personal information, even when users are simply accessing lawful, general-purpose apps on their own devices.
- Adults need to surrender sensitive personal data as a condition of participating in the digital economy – a government ID or credit card.
- For example, if a 60-year-old wants to download a weather or news app, they'd still have to verify their age first, have it sent to the app, despite posing no age risk.
- Applies changes to **ALL 4 million apps**, by contrast Australia's social media age restrictions applies to just 10 targeted social media apps.



### MAJOR PRIVACY RISKS FOR ALL

- It broadly expands potential privacy risks for adults and children
- **First**, takes away parents' existing choice to protect children's data from being shared with strangers.
- **Second**, it places few limits on how shared data can be used.
- **Third**, **85% of parents** are specifically concerned about protecting the privacy of data about their children's age. ([TF Survey](#))
- **Fourth**, it creates a plethora of high-value "honey pots" of data stored by each developer filled with sensitive personal age data.
  - These honey pots are valuable targets for bad actors.
  - Data can be breached, misused, and exploited.
  - It's not hypothetical. Past breaches of age info have exposed millions of users to fraud, identity theft, and harassment.
  - Last July, Tea, a women's dating safety app which required a selfie and government ID breached, exposing 72,000 women .
  - Discord breach exposed nearly 70,000 driver's licenses and passports used for age verification.



### PROVIDES FALSE SENSE OF EFFECTIVENESS

- **Clever kids can easily circumvent these restrictions** – simply by opening a browser on a laptop, computer or game console to access the same age-inappropriate content via the web version instead of trying to access the content through an app.
- **It also creates a shared use dichotomy** – for example sharing devices among multiple children is common. One tablet might be shared between a parent, a 14-year-old, and 10-year-old –who are in two different regulated age ranges but use the same device.



## SHIFTS BURDEN & HUGE ECONOMIC COST

- **Burden Shifting:** [App Store Accountability Act](#) (ASAA) (UT, TX, LA) is [backed by META](#) as a way to shift its burden from those hosting age-inappropriate content, to the entire mobile ecosystem.
- **Impact on Small Business:** **90% of the 4 million apps** covered are small businesses (e.g. a local restaurant, bike shop, or retailer) that don't host age-inappropriate content yet are now burdened by requirements to update apps and comply.
- **Huge Economic Costs:** TF estimates **\$20–80K per small developer** to comply. **\$70 billion in total** compliance costs for the 3.5 million small app developers covered. ([TF analysis](#))



## PARENTS DON'T THINK IT KEEPS KIDS SAFE

- **Ineffective:** Only **1 in 3 parents** think that this strategy keeps kids fully safe online.
- **Can't Let Social Media off the Hook:** **90% of parents** agree that social media platforms have responsibility to prevent kids from seeing inappropriate content like pornography or violence.
- **Lacks Continuous Protection:** **70% of parents** want constant safety, not just a one-time check at moment of download.
- **Privacy Concerns:** **Over half (54%) of adults** say they do not trust apps to keep kids' age information secure from hackers or other bad actors. ([Morning Consult/PPI](#))



## BETTER ALTERNATIVES EXIST

- **Knowledge of Content:** Apps and websites that host both adult and children's content know their content best and are generally better suited than app stores to design age-appropriate experiences and implement safety features that reflect the specific risks, content, and use cases of their services.
- **Movie Theatre Metaphor:** It's the movie theater in a shopping mall that is responsible for checking IDs for adult-rated films, and the mall restaurant who verifies age before serving alcohol, rather every person's ID checked when entering the mall, even if someone is just going to the food court. Same should be true for app marketplace.
- **Create Better Age-Appropriate Experience:** Apps like HBO and Netflix host both adult and children's content and are better positioned to create age-appropriate experiences for their users.



## FACES CONSTITUTIONAL CHALLENGES

- **Violates Free Speech Protections of Adults and Minors:** Texas App Store Accountability Act (SB 2420) first to come into effect, and immediately enjoined by district court Judge Robert Pitman for failing to pass constitutional muster.
- **Unconstitutional:** In his decision, he likened app store age verification as "akin to a law that would require every bookstore to verify the age of every customer at the door and, for minors, require parental consent before the child or teen could enter and again when they try to purchase a book" and declared the law **"unconstitutional in the vast majority of its applications."**
- **Parents Already Have Control:** The judge said "This is the state doing it under the guise of parental control when the parents already have control."