



TESTIMONY OF MICHAEL KEBEDE, ESQ.

LD 844 – Ought Not to Pass

An Act to Regulate Social Media Use by Minors Under 16 Years of Age

Joint Standing Committee on Judiciary

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Senator Carney, Representative Kuhn and distinguished members of the Joint Standing Committee on Judiciary, greetings. My name is Michael Kebede, and I am Policy Director for the American Civil Liberties Union of Maine, a statewide organization committed to advancing and preserving civil liberties guaranteed by the Maine and U.S. Constitutions. On behalf of our members, I urge you to oppose LD 844 because it would erode Mainers' privacy and increase the dangers of data breaches.

If enacted, LD 844 would prohibit people who are younger than 14 from having social media accounts. It would require all social media companies to verify the age of people who attempt to become an account holder. The bill would allow people aged 14 or 15 to have social media accounts, as long as the child's parents provide consent. To verify parental consent for 14- and 15-year-olds who seek to have social media accounts, the bill requires parents to provide their government-issued identification document and documentation verifying parental authorization. The bill grants the Attorney General the power to enforce its provisions with a two-tier structure of civil penalties.

This bill seeks to address a serious harm that big technology companies perpetrate. Recent research suggests that “of American teens ages 12-15, those who used social media over three hours each day faced twice the risk of having negative mental health outcomes, including depression and anxiety symptoms.”¹ The ACLU shares the bill sponsor's concern about the harmfulness of social media platforms and big tech platforms in general. Indeed, these harms are not restricted to the minds of children: big tech companies have imperiled our civic life, our privacy, or civil liberties, and our democracy itself. The solution, however, is not this bill.

¹ Kathy Katella, *How Social Media Affects Your Teen's Mental Health: A Parent's Guide*, *Yale Medicine*, June 17, 2024, <https://www.yalemedicine.org/news/social-media-teen-mental-health-a-parents-guide#:~:text=According%20to%20a%20research%20study,incl%20depression%20and%20anxiety%20symptoms.>



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This bill poses a grave risk to Mainers' privacy. By putting personal and identifying data in the hands of private actors that aren't always equipped to keep them safe, this bill would increase the likelihood of identity theft and other data breaches that threaten Mainers' safety and privacy. For example, in 2019, "[m]ore than 540 million records about Facebook users were publicly exposed on Amazon's cloud computing service."² That data breach "exposed 146 gigabytes of Facebook user data, including account names, IDs and details about comments and reactions to posts."³ Later that year, the Federal Trade Commission (FTC) imposed a \$5 billion fine on Facebook to settle the social media company's consumer privacy violations.⁴ To date, no company has faced a higher FTC fine.

While it is true that Facebook agreed to certain privacy-protective terms as part of the FTC penalties, the very reason it was fined was that it failed to abide by "a 2012 FTC order by deceiving users about their ability to control the privacy of their personal information."⁵ The incentives to violate our privacy were simply too strong for tech companies to resist.

One solution not in this bill, but in other legislation that has been before this legislature, is a comprehensive data privacy bill. Last year, Maryland enacted its Online Data Privacy Act, and Maine came close to passing a similar bill here in Maine.⁶ An omnibus tech privacy bill of this sort will better address the concerns we all share, and in a more comprehensive way. When such a bill appears before you this session, we urge you to support it. For LD 844, I urge you to vote *ought not to pass*.

² Jason Silverstein, Hundreds of millions of Facebook user records were exposed on Amazon cloud server, CBS, April 4, 2019, <https://www.cbsnews.com/news/millions-facebook-user-records-exposed-amazon-cloud-server/>.

³ *Id.*

⁴ FTC Imposes \$5 Billion Penalty and Sweeping New Privacy Restrictions on Facebook, Federal Trade Commission, July 24, 2019, <https://www.ftc.gov/news-events/news/press-releases/2019/07/ftc-imposes-5-billion-penalty-sweeping-new-privacy-restrictions-facebook>.

⁵ *Id.*

⁶ Maryland Online Data Privacy Act of 2024, House Bill 667, Maryland Legislature, available at <https://mgaleg.maryland.gov/2024RS/bills/hb/hb0567e.pdf>.