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Improving Youth Online Safety without Sacrificing Privacy and Speech

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Policymakers at state and federal levels have called for regulation of social media and other technology for children and teenagers. Many in the public are worried about young people being exposed to harmful content, the effect of social media on teenage mental health, and the amount of time young people are spending on new technology. Yet regulations are being proposed (and in some cases have been enacted) that would use blunt tactics that raise serious issues for the privacy and speech of children, teens, and adults and fail to address the proponents' often well-intentioned concerns even truly.

Policymakers' concerns are often benevolent. However, currently proposed policy approaches are overly blunt tools that will cause more harm than good. Efforts to address particularized concerns or specific harms among a subset of young users risk undermining the benefits

many young people gain from technology. Furthermore, current proposed policy approaches take ineffective steps to restrict young people's access to social media and the internet, resulting in concerning consequences for speech and privacy of all internet users, not just kids and teenagers.¹ Troublingly, adults focus on the negative interactions rather than considering the full spectrum of experiences young people may have.

Instead of concentrating on restrictions, policymakers should look at ways to empower parents and younger users to navigate social media and the internet. Each family and each child has unique concerns and choices associated with their online experience. Policymakers should focus on an approach that would help families address their concerns that isn't blunt, doesn't harm speech and privacy, and doesn't presume that the most restrictive approach is always preferable.



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AMPLIFYING THE TOOLS THAT RESPOND TO FAMILIES' NEEDS

This is not the first time parents and policymakers have expressed concerns about children and teenagers online. In fact, the internet's early days were filled with concerns about the content children and teens might be exposed to.² The legislative responses that would have negatively impacted the speech of all users (children, teens, and adults) were struck down on First Amendment grounds.³ However, the free market has responded by providing parents with the means to address a range of concerns. Tools already exist for parents to monitor the content their children might see, whom they might contact, and the amount of time they spend online.

Today's online youth safety proposals would face similar First Amendment challenges. The government mandating that specific parental controls be automatically activated—such as limits on when a child or teen can be online, parental access to a child's messages or account, or age verification—is unlikely to meet the legal burden to survive potential court challenges.⁴ While in some cases parents may feel this level of control is needed, those who are best positioned to make decisions about the tradeoffs related to appropriate technology use are the parents themselves or other trusted adults in a young person's life—not policymakers. In fact, many free and paid services at an app, system, or third-party level are available to respond to concerns families may have.

However, with so many tools available and such a wide range of concerns, adults may not be sure where to start or might be overwhelmed by the potential choices. Modern parental controls are available at all levels of the internet stack. For example, devices often come with features such as Ask to Buy or time limits that a parent may set up to limit use.⁵ Internet services may offer filters or reports on internet activity to parents to understand or limit what their children may access.⁶ A growing number of social media services, such as Instagram, offer family resource centers that allow parents to know when their children block another user, control the amount of time their children are allowed to use an app, and more.⁷ As technology evolves, the market continues to respond to the concerns of parents and provide new options to improve online safety.

One way policymakers could support parents in navigating what is right for their families is through cultivating greater awareness of the options available and providing a

central location to access privately available resources. Many civil society organizations, such as the Family Online Safety Institute and ConnectSafely, provide numerous guides, videos, and templates for families as their children get online.⁸ Such an approach provides parents with the ability to select how to transmit their values and a time for important conversations about what to do if children or teens encounter an issue online. Conversely, blunt legislative-level approaches rely on the state to dictate a one-size-fits-all solution. In fact, a legislative approach could create a false sense of security for parents about their children's access to questionable content online. Allowing families to find the tools right for them can also encourage conversations around technology use and can create trust between both parents and young people should issues arise. If there is any role for the state in such conversations, it is to collate available resources so that parents are better able to find the resources that are right for their families.

A STRONGER UNDERSTANDING OF WHAT'S GOING ON: CONSULT RESEARCH AND YOUTH OPINIONS

As with any product or service, some users of all ages have had negative experiences with social media and the internet. Like all users, young people have a variety of experiences online. It is easy to focus on the many negative experiences that make headlines, while numerous positive experiences unfortunately remain quiet. Before taking extreme action to limit young people's access to the internet, policymakers should consult appropriate experts and consider studies to understand if the problem they believe they are attempting to solve truly exists and to what extent, if any, it is connected to technology use. Policymakers should also consult and listen to the young people whom they say they are trying to protect.

Proponents of youth online safety regulations often focus on the fact that teenagers' brains are not fully developed to support their calls for further regulation.⁹ Additionally, many point to the growing number of teenagers experiencing mental health problems to imply that time spent on social media has caused this increase.¹⁰ Yet overall, the current research has reached mixed and sometimes contradictory conclusions around these claims because there may be difficulty in obtaining the proper kind of data

to understand what, if any, problems and links may arise from the use of social media by young people.¹¹

Consult and Conduct Further Research

Current research on negative impacts of social media use by teenagers remains mixed in many cases.¹² For example, while some studies have shown that teenagers who spend large amounts of time on their phone are more likely to be depressed or anxious, others have also refuted such claims.¹³

There has been a growing amount of research on this issue over the past few years, and while some studies have shown alarming conditions about the current state of teenage mental health, these studies typically present a chicken-and-egg problem. For example, are young people more depressed because they are spending more time online, or are they spending more time online because they are depressed? In short, studies have failed to prove a causal link between social media and decreased mental health. Additionally, in many cases, reports of increasing teenage mental health issues pre-date the rise of social media use in the same age group.¹⁴

The experience and impact of social media technology use on even a single individual can vary significantly depending on the interactions that person has and the content they consume on any given day, just as it can with offline interactions.¹⁵ Government regulation or restriction is a blunt tool that unfortunately would likely sacrifice the positive and beneficial experiences along with the harmful ones. Certain types of content related to mental health issues can be important and valuable in improving awareness, acceptance, and understanding of those issues, but in other situations the exact same content can be triggering for certain individuals. Rather than using top-down approaches, the growing collaboration between various social media platforms and mental health organizations, such as the National Eating Disorder Association and the Trevor Project, can provide individuals and parents with the means to respond. As platforms vary in their use cases, the specific approach to sharing such content would need to be adaptable.

While for some users social media may exacerbate feelings of loneliness or isolation, for others they may find communities that help them understand and cope with their struggles. In addition to research that implies a negative impact of social media, other research has found a beneficial impact from

consumption of certain types of content, such as body positive imagery.¹⁶ The accessibility of online communities can be critical in providing their users with peer support or resources that would not be available or would be difficult to connect with in their offline community; online communities also help users avoid the risk of social stigma they may encounter in the offline world with issues like mental health disorders.¹⁷ Additionally, these online spaces may provide teens with the opportunity to develop agency and problem-solving and communication skills in an independent manner.¹⁸

Just as with the impact of other media, the impact of social media may depend on the particular user and not be as easily generalized. Still, this topic produces unique challenges for researchers. For example, many platforms are reluctant to hand over information about algorithms or users on privacy and trade-secret grounds. In the headline-grabbing Cambridge Analytica scandal, said consulting firm was provided with Facebook users' profiles for political advertising purposes by a university-affiliated researcher who could collect and access the data for legitimate purposes.¹⁹ Here, policymakers could provide better clarity for platforms regarding their protections from liability for allowing researchers access to certain aggregate data to better understand these concerns about social media impact.

But access to higher-quality data would not yield better research or understanding of the effects of teen social media use. To properly understand any relationship between social media usage and mental health concerns or other perceived harms to young people, researchers will likely need to engage in longitudinal studies of similar cohorts of young people. Only a few such studies following young people over the years have been conducted so far, and they generally have not found links to increased depression and anxiety among the cohort.²⁰ While a randomized controlled experiment would remain the gold standard, it would be difficult, if not impossible, to conduct such given the number of controls that would be necessary.

Consult with Those Impacted: Kids and Teens

In addition to consulting the research conducted by adults, policymakers should also discuss their concerns with the young people they intend to protect. Focus groups or youth

advisory councils could help provide a fuller picture of the positive experiences that are not highlighted by the media. It would also help adults, including concerned policymakers and parents, understand why children and teens are choosing online communities and experiences instead of the “real world” and how this affects their lives. By consulting those directly impacted, policymakers can better control for assumptions about young people’s experiences based on their own past or understanding of technology and interactions.

A broad cross section of young people would likely reveal both positive and negative experiences online. For example, some young people have found communities that help them understand difficult challenges they are going through, such as a disability or belief, that might make them otherwise feel marginalized. Others may find social media important for connecting with college recruiters or learning to express themselves through a creative passion, such as video making or graphic design. Some may be bullied or have negative experiences in online communities that encourage harmful and problematic behaviors related to issues like disordered eating or self-harm. Policies aimed to blunt the negative effects would also likely stifle the many positive benefits young people gain online.²¹

Just as with adults, young people’s experiences online are not uniform. One must consider how regulations would limit positive experiences as well as negative ones. Additionally, without talking to teens, we may not know why they are choosing to have increasingly digital lives. Concerns about teen overreliance on digital communication and entertainment cannot be divorced from the decline in opportunities for in-person socialization, particularly during the years of the COVID-19 pandemic. In fact, teenagers are engaging in fewer real-life dangerous behaviors, including sex, drugs, and driving, than previous generations.²²

Additionally, young people may be able to provide one another with solutions to online problems as peers. Such solutions include encouraging each other to limit the time they spend online or explaining how things like filters and Adobe Photoshop impact the images they see.²³ Solutions can also include peer resources about how to navigate feelings of missing out, bullying, or harmful trends.²⁴ In some cases, this may provide them opportunities to highlight struggles in their offline lives related to a lack of safe places to connect or other needs.

In sum, policymakers would be wise to take an approach that consults scientific research as well as considering the opinions of young people. Doing so may provide a more thorough understanding of how social media consumption impacts kids and teens. It may also provide opportunities to empower young people to better use these tools and their own agency to make decisions. Finally, better research and consultations with young people ensure that preexisting assumptions about “kids these days” are relevant to the actual experience and not based on an outsider’s point of view.

IMPROVING DIGITAL LITERACY CURRICULUM

In many ways, social media have become a part of everyday life for most Americans.²⁵ Teenagers are often the early adopters of new technologies and new platforms and use technology differently than adults in generations before them. While much could be written about whether there is a need to improve digital and media literacy for all Americans, providing an educational framework at the ages around which young people are likely to first have their own accounts could provide a toolkit that would help them to address difficult situations and content they may encounter online. Such an approach, however, should not only focus on risks but also on beneficial ways to use these tools.

Nine states already have a digital literacy minimum requirement; however, most of these requirements focus on basic computing skills, such as using a search engine and email, rather than on questions about social media use. More recently, states, including Indiana and Florida, have considered legislation with more up-to-date standards that could provide an opportunity to include in the curriculum information about resources should teens encounter problematic content online.²⁶ There are already a variety of resources, including specific curricula regarding online safety and social media, from a range of sources, including industry-created tools, internet-safety-specific nonprofits, and other specific groups, that address issues such as cyberbullying or eating-disorder content.²⁷

While decisions regarding social media use are best left to individual families, updating existing digital education requirements or adding basic information on using and understanding social media content would not run afoul

of the First Amendment or limit beneficial uses of technology the way restrictions would. Better digital education could provide young people with the agency to address the concerns they may have. Ideally, any requirements regarding social media and digital literacy education should be created in a flexible way that would allow schools to focus on specific needs and concerns of their students and be accessible to parents who may be concerned about the online safety curriculum's content and discussions of sensitive subjects.

An education-focused approach has the advantage of allowing teenagers to weigh the risks and benefits of social media and the internet more generally with appropriate guidance from adults. It can also help create relationships with trusted adults that teenagers can turn to should they have a negative experience online or need further guidance with struggles they may be having. Finally, an

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education-based approach can be a step forward in empowering teenagers while giving them safer opportunities to explore the many benefits of online communities.

CONCLUSION

Like adults, teenagers have a range of online experiences both positive and negative. Many policymakers pushing to improve youth online safety and privacy come from a well-intentioned point of view but often put forward restrictive proposals that would negatively impact the privacy and speech of all online users. For policymakers who sincerely want to help, their focus should be on maintaining the advantages of a free-market approach to amplify the beneficial uses of social media and support the development of tools and responses to harmful uses through education, research, and empowerment.

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