TO: Ofcom

FROM: Common Sense Media

DATE: 17 July, 2024

RE: Consultation: Protecting children from harms online

CONFIDENTIALITY:

Per Ofcom's consultation response form, the whole response below is not confidential. Responses may be attributed to Common Sense Media.

Point of contact: Holly Grosshans, Senior Counsel of Tech Policy

RESPONSE:

Common Sense is the leading nonprofit organisation working on behalf of children and teens to make the world healthier, safer, and more equitable. Backed by the research that's the foundation of everything we do, we champion quality media that entertains and inspires, and support legislation that aims to close the digital divide. We ensure students and educators think critically about technology and become responsible digital citizens. We safeguard children's health and well-being by protecting their data privacy and shielding them from potential online harms.

We are pleased to submit these comments in response to Ofcom's consultation focusing on how internet services that enable user-to-user services and search services should approach their duties related to content that is harmful to children. Common Sense Media supports Ofcom's efforts to protect children from the causes and impacts of harms to children, and additionally the efforts to identify how services should assess and mitigate the risks of harms to children due to the use of their services. Through these comments we seek to offer constructive suggestions to help to achieve these efforts.

Common Sense Media emphasizes the need to hold internet services accountable for what they share, how they share, and how their platforms are designed. Some key points we would like to highlight in this consultation are:

- Mental health and financial harms related to the use and regulation of addictive design features such as: (1) opaque recommendation algorithms; (2) like, comment, view, or reaction counts; (3) "beautifying" filters; and (4) targeted advertisements;
- The struggle that young people have with trying to self-regulate their use of internet services due to these addictive design features; and
- The urgency for accountability and corporate governance that requires these internet services to be designed with children and young people in mind.

Question 4

Do you have any views on Ofcom's assessment of causes and impacts of online harms? Please provide evidence to support your answer.

(a) Do you think we have missed anything important in our analysis?

Ofcom's assessment of causes and impacts of online harms was thorough and identifies harmful content as a source of online risks for children. This harmful content includes exposure to pornography, content promoting self-harm and eating disorders, and online abuse. As Ofcom has pointed out, encountering such content can lead to anxiety, fear, and a discouragement of self-expression, particularly among marginalized groups. Additionally, certain functionalities and features, such as inadequate age verification and exposure to strangers can exacerbate these harms. The study further highlights the vulnerability of certain demographics, such as children with pre-existing mental health conditions or those from minority backgrounds.

Ofcom could improve its analysis of causes and impacts of online harms by also analyzing the role screen time plays in those online harms that children experience. Social media companies use personally tailored and targeted feeds ("addictive feeds") to get children and teens to view and engage with platforms longer in order to make larger profits. For social media companies, time online equals more money. Addictive feeds have had an increasingly devastating effect on children and teens, contributing to significantly higher rates of youth depression, anxiety, suicidal ideation, and self-harm. Common Sense Media's research, *Constant Companion : A week in the life of a Young Person's Smartphone Use* adds another layer to this understanding by exploring the potential negative influence of excessive screen time.[1] This strategy, aimed at maximizing user engagement and ultimately revenue, raises concerns especially as our research reveals that children and teens are struggling to set their own boundaries when it comes to fielding the barrage of notifications from apps on their smartphones. [2] As was identified in the U.S. Surgeon General's report, *Social Media and Youth Mental Health: the U.S. Surgeon General's Advisory, "*the types of use and content children and adolescents are exposed to pose mental health concerns."[3]

Our findings indicate a struggle among young people to manage their online experiences as well as they would like.[4] This is especially concerning with youth that are already vulnerable. Young people suffering from depressive symptoms attempt to curate their feed at a higher rate. 90% of young people with moderate to severe depressive symptoms have tried to see less of what they do not like on social media, versus 67% of those with no symptoms. 81% of youth

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[1] Radesky, J., Weeks, H.M., Schaller, A., Robb, M., Mann, S., and Lenhart, A. (2023). Constant Companion: A Week in the Life of a Young Person's Smartphone Use. San Francisco, CA: Common Sense.
[2] *Id.*
[3] Office of the U.S. Surgeon General. (2024). Social Media and Youth Mental Health: The U.S. Surgeon General's Advisory.
[4] Madden M., Calvin A., Hasse, A., and Lenhart, A. (2024). A Double-Edged Sword: How Diverse Communities of Young People Think About the Multifaceted Relationship Between Social Media and Mental Health. San Francisco, CA: Common Sense and Hopelab

with moderate to severe depressive symptoms have taken actions to try to curate their social media feed, compared to 55% of those with no symptoms.[5]

Question 6
Do you have any views on the age groups we recommended for assessing risk by age? Please provide evidence to support your answer.

Analysis of Ofcom's Age Groups:

As Ofcom has identified, throughout childhood and adolescence, the progression in online behavior mirrors broader developmental stages, influenced by both physiological changes and social environments. Early exposure to digital platforms shapes digital literacy and socialization patterns, while increasing autonomy in digital spaces parallels cognitive and emotional maturation. Understanding these developmental trajectories is essential for fostering responsible digital citizenship and mitigating potential risks associated with online interactions across different age groups.

Common Sense Media's research that supports these Age Groups as identified:

Early Childhood (0-5 years):
Early childhood is a critical period marked by foundational interactions with digital platforms. According to Ofcom, by age 5, a significant majority of children in the UK are already accessing online services, primarily for entertainment under parental supervision. This early exposure not only influences digital literacy but also shapes socialization patterns, setting the stage for future digital behaviors (Ofcom's findings). Concurrently, *Zero to Eight: Children's Media Use in America, A Common Sense Media Research Study,* highlights a notable rise in mobile device usage among children under 2, from 10% to 38% over two years, though TV remains dominant. Educational TV programming is crucial during this stage, with 60% of young children engaging in educational content, reflecting parental priorities in constructive media consumption.[6]

Middle Childhood (6-9 years):
Transitioning into middle childhood, children exhibit more independent and diversified media consumption habits. Ofcom's findings indicate that this age group begins using mobile phones and laptops for both educational purposes and recreational activities, with social media and online gaming becoming increasingly prominent. Simultaneously, our census report, *The Common Sense Census: Media Use by Tweens and Teens,* reveals that tweens (broadly defined as 8- to 12-year olds) spend nearly 6 hours daily on entertainment media, showcasing

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[5] *Id*.
[6] Rideout, V. and Saphir, M. (2013). Zero to Eight: Children's Media Use in America, A Common Sense Media Research Study. San Francisco, CA: Common Sense.

diverse usage patterns ranging from heavy viewers to avid gamers.[7] Furthermore, this research reveals that this phase represents a critical period for developing digital literacy and navigating online social norms.[8]

Preadolescence and Adolescence (10-17 years):
As children progress into preadolescence and adolescence, their digital engagement intensifies, driven by academic demands and expanding social networks. Ofcom's findings underscore the pervasive use of social media, messaging apps, and online gaming among this demographic, influencing their identities and interactions in digital spaces. Our research has revealed that teens spend over 6 hours daily on entertainment media, with educational content increasingly accessed through interactive platforms.[9] Concurrently, our research notes that older children exhibit higher engagement with educational media on mobile devices and computers, alongside continued TV viewing for educational purposes.[10] This period witnesses the consolidation of digital autonomy but also presents challenges related to mental

Question 9
Have you identified risks to children from GenAI content or applications on U2U or Search services?

There are several risks to children from GenAI content or applications, including illegal harms and harms covered by this OSA consultation. These risks include being victimized or exposed to child sexual abuse material (CSAM), non-consensual intimate images ("NCII" or "deepfake pornography"), online grooming, financial sexual extortion, and bullying. The threat of harm to children is particularly exacerbated when it comes to the production and distribution of child sexual abuse material (CSAM) using GenAI.[11] Unfortunately, in the United States, AI generated CSAM imagery often does not rise to the level of child pornography because it does not involve "a minor engaging in sexually explicit conduct" which is an element of the United States federal child pornography law in the United States[12]. This technology blurs the distinction between genuine images and images (or "deep fakes") created using GenAI by using massive datasets to quickly create incredibly lifelike photos, videos, and audio.[13]

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[7] Rideout, V., Pai, S., and Saphir, M. (2024). The Common Sense Census: Media Use By Tweens and Teens. San Francisco, CA: Common Sense.
[8] *Id.*
[9] *Id.*
[10] Rideout, V. and Saphir, M. (2013). Zero to Eight: Children's Media Use in America, A Common Sense Media Research Study. San Francisco, CA: Common Sense.
[11] Hingorani, S., Gore, M., and Greene, N. (2023). Global Threat Assessment 2023: Assessing the scale and scope of sexual exploitation and abuse online, to transform the response. WeProtect Global Alliance.
[12] 18 U.S. Code § 2252 - *Certain activities relating to material involving the sexual exploitation of minors.*
[13] Thorn. (2022). Self-Generated Child Sexual Abuse Material: Youth Attitudes and Experiences in 2021.

This has created a particular problem for law enforcement in the United States, and as such, we encourage Ofcom to lead by providing mechanisms under the Online Safety Act to address these challenges. GenAI tools allow complete novices, even children, to generate AI generated nude images of their classmates with ease. In many instances these are being created using clothed images of classmates and then the images are rendered nude by either "face swapping" or "clothing removal" tools that are available online at little to no cost to the user.[14] The images are being used at an alarming rate to bully classmates and a number of these high-profile cases have involved young girls targeted by their classmates.[15] A large percentage between 90% and 95% of deepfake videos tracked online since December 0f 2018 are nonconsensual porn. "**About 90% of that is nonconsenusal porn of women."**[16] "The spread of these images—possibly in perpetuity if allowed to remain online—is having a profoundly traumatic impact on victims."[17] Furthermore, GenAI tools rely on photos of actual people. Real children are being victimized when their face and body images are used as a template for generating CSAM using GenAI. Further to accurately recreate child sexual assault, an AI program must first find existing CSAM images. This means that those who generate CSAM using AI are relying on the prior victimization of actual children in the creation of these CSAM images.

In light of the unique ease and rapid nature with which this GenAI material is created and spread, this calls for Ofcom to raise the stakes around safety by design requirements in company risk assessments. Additionally, Ofcom could develop unique user reporting channels for GenAI produced harms so that there is a real time mechanism to report incidents of peer cyberbullying with GenAI material in schools.There are several bills being considered in the United States that are trying to solve this problem. One of these bills is a bill that Common Sense Media has co-sponsored, the California CSAM AI Bill (AB1831). Under this bill, CSAM offenders will be held accountable for possessing CSAM images whether they depict an actual child being abused or if they are digitally altered images or images made with AI. Another bill is the federal *Tools to Address Known Exploitation by Immobilizing Technological Deepfakes on Websites and Networks (TAKE IT DOWN) Act,* which has been introduced in the United States Senate and requires a notice and takedown process from websites that contain user generated content, including social media sites, which is aimed at ensuring that, "if the content is published online, victims are protected from being retraumatized again and again."[18]

The availability of GenAI tools has made it easier to avoid traditional content moderation attempts by enabling a spike in CSAM on U2U platforms and through search services. These tools are used by criminals to upload AI generated content, taking advantage of minors and exposing their vulnerabilities on the internet.[19] Vulnerability is largely influenced by age; older

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[14] Jargon, J. (2023). AI Fake Nudes Are Now a Frightening Reality for Teens. *The Wall Street Journal.*
[15] U.S. Senate Commerce Committee Press Release. (2024). Sen. Cruz Leads Colleagues in Unveiling Landmark Bill to Protect Victims of Deepfake Revenge Porn. [Press Release].
[16] Hao. (2021). Deepfake porn is ruining women's lives. Now the law may finally ban it MIT Technology Review.
[17] U.S. Senate Commerce Committee Press Release. (2024). Sen. Cruz Leads Colleagues in Unveiling Landmark Bill to Protect Victims of Deepfake Revenge Porn. [Press Release].
[18] *Id.*
[19] Thorn. (2022). Self-Generated Child Sexual Abuse Material: Youth Attitudes and Experiences in 2021. and Internet Watch Foundation. (2022). Annual report 2022: #BehindTheScreens. Internet Watch Foundation.

teenagers in Asian and African nations report higher incidence of online sexual exploitation. Regrettably, targeting of very young children has increased, with a considerable increase in self-generated sexual imagery among 7–10-year-olds.[20]

Building off of Common Sense Media's generative AI research and AI product reviews, we also find that GenAI content or services can disproportionately impact vulnerable communities such as women, LGBTQ+ youth, or children with disabilities. Non-consensual image sharing and online sexual exploitation instances primarily affect women. On the other hand, males are more likely to be the victims of sexual extortion and are more likely to create cases of "self-generated" abuse imagery.[21] Children who identify as LGBTQ+ or who have impairments face particular difficulties while using the internet; they often participate in online groups where there is a risk of unintentional exposure to sexual assault.[22] For instance, communication barriers make it difficult for deaf children to ask for assistance or recognize abusive behavior.[23]

Given the nascent and rapidly evolving nature of GenAI technology, we strongly recommend that Ofcom integrate digital and media literacy solutions into approaches to mitigating GenAI risk -- both as a long-term mitigation approach as well as to enable real-time awareness and reporting mechanisms. Early education and awareness campaigns are essential for improving children's internet safety and enabling people to identify and report suspicious activity.[24] This is why Common Sense Media has created an AI Literacy Curriculum for grades 6-12[25] that provides an introduction to AI and helps to address AI's social and ethical impacts.These lessons are designed to help students: (1) understand what AI is and how it works; (2) consider some of AIs potential benefits and risks; and (3) think critically about how they can be responsible and ethical users of AI. We have launched an AI ratings system[26] which was developed with input from a range of AI experts. This AI ratings system evaluates products against a set of "Common Sense AI Principles" that help the public to understand where these tools are using best practices—and where they may compromise human rights or data privacy, or perpetuate misinformation and unfair bias.

Common Sense Media is a supporter of a bill introduced in the United States Congress which supports government grants for the development and distribution of AI literacy initiatives.The Artificial Intelligence (AI) Literacy Act "codifies AI literacy as a key component of digital literacy and creates opportunities to incorporate it into existing programs."[27]

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[20] *Id.*

[21] Canadian Centre for Child Protection. (2022). Self-generated sexual abuse material and sexual extortion: A Canadian landscape.

[22] Thorn. (2022). Online grooming: Examining risky encounters amid everyday digital socialization.

[23] DeafKidz Defenders. (2022). The Launch of DeafKidz Defenders: An Innovative Digital Platform Making the Internet Safer for Children.

[24] Economist Impact. (2023). Estimates of childhood exposure to online sexual harms and their risk factors.

[25] Common Sense Media. (2024). AI Literacy Lessons for Grades 6-12.

[26] Common Sense Media (2023). Common Sense Media Launches First-Ever AI Ratings System. [Press Release]. San Francisco, CA: Common Sense.

[27] The Artificial Intelligence (AI) Literacy Act, Summary Document.

Question 10

Do you have any specific evidence relevant to our assessment of body image content and depressive content as kinds of non-designated content? Specifically, we are interested in:

(a) specific examples of body image or depressive content linked to significant harms to children,

(b) evidence distinguishing body image or depressive content from existing categories of priority or primary priority content.

Body image develops early in childhood and exposure to social media is a risk factor for developing body dissatisfaction. There are many articles that directly link social media use to body image concerns, low self-esteem, and disordered eating.[28] Four design features have been proven to directly enhance or exacerbate body image issues: (1) opaque recommendation algorithms; (2) Like, comment, view, or reaction counts; (3) "beautifying" filters; and (4) advertisements.

Opaque recommendation algorithms promote negative social comparisons. According to a 2020 Facebook study of 50,590 people in 10 countries, 33% of people compared their appearance to others on Instagram and 26% always or often saw content that made them feel worse about their appearance.[29] It's worse for teen girls: 48% compared appearance, 37% felt worse about themselves, and 34% felt a lot or extreme pressure to look perfect. In another 2020 study, 40% of teen boys experienced negative social comparison due to Instagram, but body image contributed less than other factors like economic status.[30] An external study from 2019, focusing on young women, found that frequency of Instagram use is correlated with depressive symptoms, decreased self-esteem, general and physical appearance anxiety, and body dissatisfaction.[31] Additionally, exposure to beauty and fitness images, in particular, significantly decreased self-rated attractiveness. A 2020 study found that just 7 minutes on Instagram, compared to Facebook or playing a game, led to decreased body satisfaction and increased negative emotions among college-aged women.[32] Content moderation guidelines for TikTok, which were leaked in 2020, instructed moderators to suppress content featuring fatness, wrinkles, "abnormal body shape," "ugly facial looks," and poverty, among other categories.[33]

Opaque recommendation algorithms also promote disordered body image content. Communities that encourage disordered eating use coded language to evade platform filters,

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[28] Holland, G. (2016). A systematic review of the impact of the use of social networking sites on body image and disordered eating outcomes. *Body Image 17*, pp. 100-110.
[29] *The Wall Street Journal.* (2021). Appearance-based Social Comparison on Instagram.
[30] Wells, G., Horwitz, J., & Seetharaman, D. (2021). Facebook knows Instagram is toxic for teen girls, company documents show. *The Wall Street Journal*.
[31] Sherlock, M., & Wagstaff, D. L. (2019). Exploring the relationship between frequency of Instagram use, exposure to idealized images, and psychological well-being in women. *Psychology of Popular Media Culture, 8*(4),pp. 482.
[32] Engeln, R., Loach, R., Imundo, M. N., & Zola, A. (2020). Compared to Facebook, Instagram use causes more appearance comparison and lower body satisfaction in college women. *Body Image 34*, pp. 38-45.
[33] Biddle, S., Ribeiro, P. V., & Dias, T. (2020). Invisible Censorship: TikTok told Moderators to Suppress Posts by "Ugly" People and the Poor to Attract New Users. The Intercept.

sharing memes, “thinspiration” photos, goal weights, and tips on Twitter, TikTok, Instagram, Facebook, YouTube, Discord, Tumblr, and Snapchat.[34] Instagram, in particular, was shown to recommend search terms like “appetite suppressant” to people with eating disorders.[35] Several investigations, including some conducted by United States Senator Blumenthal's office and CNN, have created fake youth accounts on Instagram that like a few dieting posts and then, within a day or two, are shown majority pro-anorexia content.[36] A 2019 study of 12-13-year-olds in Australia found that girls with Snapchat, Instagram, and Tumblr accounts and boys with Snapchat, Facebook and Instagram were significantly more likely to report disordered eating than youths not using social media. Greater daily time spent using Instagram and Snapchat was associated with significantly higher disordered eating behaviors among girls.[37] YouTube, Instagram, and Facebook are central to the encouragement and sale of steroids, particularly to boys, pushed through algorithms recommending content, ads, groups to join, and accounts to follow.[38]

But as mentioned above, opaque recommendation algorithms are only one of the design features that lead to body image issues. Like, comment, view, and reaction counts can as well. Greater investment in Instagram likes was associated with more appearance comparison and facial dissatisfaction.[39] Multiple surveys have shown that users view “likes” as “an accepted numerical indicator of consensually determined physical beauty.”[40] 36% of those with moderate to severe depressive symptoms report that they focus too much on numbers, followers, likes, shares, and comments on social media, versus 17% of those with no symptoms.[41] “Beautifying” filters are another harmful feature. The root of body dissatisfaction is comparison to others. Social media offers a constant stream of comparisons. With the ability to create the “perfect” face and body using filters, minors are increasingly comparing themselves to the unattainable.[42] Lastly, advertisements tell girls that, with the right beauty products, they can look picture-perfect, and the proportion of undressed males in advertising has been rising steadily since the 1980s.[43]

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[34] Conger, K., Browning, K., & Woo, E. (2021). Eating Disorders and Social Media Prove Difficult to Untangle. *The New York Time*s.; Reese, A. (2019). The evolution of online eating disorder communities from Tumblr to Twitter Meme. *Jezebel*.
[35] Hern, A. (2021). Instagram apologises for promoting weight-loss content to users with eating disorders.*The Guardian*.
[36] O'Sullivan, D., Duffy, C., & Jorgensen, S. (2021). Instagram promoted pages glorifying eating disorders to teen accounts. *CNN*.
[37] Wilksch, S. M., O'Shea, A., Ho, P., Byrne, S., & Wade, T. D. (2020). The relationship between social media use and disordered eating in young adolescents. *International Journal of Eating Disorders, 53*(1), pp. 96-106.
[38] Digital Citizens Alliance.(2019). Digital Platforms on Steroids: How Facebook and Google Enable the Sale of Illegal Appearance and Performance Enhancing Drugs.
[39] Tiggemann, Hayden, Brown, & Veldhuis. (2018). The effect of Instagram "likes" on women's social comparison and body dissatisfaction. *Body Image*. pp. 90-97.
[40] Rittenhouse. (2018). Instagram and Body Image Dissatisfaction. Why Are "Likes" So Important?. Eating Disorder Hope..
[41] Madden M., Calvin A., Hasse, A., and Lenhart, A. (2024). A Double-Edged Sword: How Diverse Communities of Young People Think About the Multifaceted Relationship Between Social Media and Mental Health. San Francisco, CA: Common Sense and Hopelab
[42] Gabriele, S. (2022). The Filter Effect: What Does Comparing Our Bodies on Social Media Do to Our Health?. Harvard Law Petrie-Flom Center.
[43] Knorr, C. Boys are affected by the media’s depictions of unrealistic body types. Help them attain their own ideal – not someone else’s. issues online.

Additionally, Ofcom has highlighted suicide and self-harm as Primary Priority Content. Depressive content is a related, but non-designated, area of content that concerns feelings of sadness, loneliness, and inadequacy. Depressive content becomes especially concerning when it is consumed in high volumes. As noted by Ofcom, the coroner's report following the suicide of 14-year-old Molly Russell linked her death to binge periods of content concerned with self-harm, suicide, or that were "otherwise negative or depressing in nature."

However, as noted in our research conducted with Hopelab, *A Double-Edged Sword: How Diverse Communities of Young People Think About the Multifaceted Relationship Between Social Media and Mental Health*, in a landmark review of existing research on indicators of social media use and adolescent health by the National Academies released this year, the authors concluded that: "[D]espite widespread concern about social media's effects, it is hard to offer an overall summary of the relationship between social media and mental health beyond observing that the effects, both helpful and harmful, accrue differently to different users."[44] Our research shows that constantly comparing oneself to the "perfect" lives of "perfect-looking" peers can lead to low-self esteem and body image issues.[45] When users are instead exposed to more realistic posts, such as someone dealing with mental health issues, that can be positive. 65% say that social media is important for connecting with others who have similar mental health concerns, compared with 55% of those with no symptoms, and 63% say that social media is important to them for getting support or advice when they need it, compared with 51% of those with no symptoms.[46] Among youth who report at least moderate depressive symptoms, using social media to connect with people who share similar concerns about their mental health or well-being is also an important feature. A larger share of those who report moderate to severe symptoms say that social media is important for connecting with others who have similar mental health concerns (65%), compared with those reporting mild (56%) and no symptoms (55%). More generally, those with moderate to severe depressive symptoms are considerably more likely (63%) than those with mild (54%) and those with no symptoms (51%) to say that social media is important to them for getting support or advice when they need it.[47]

What seems to be truly concerning is when the depressive content is on a never-ending loop; when the algorithm (or "addictive feed") feeds endless content about loneliness and insecurity because the user is engaging with such content. This can perpetuate mental health issues. One study emphasizes how quick young people can fall down the "rabbit hole." Within 3-20 minutes of use on accounts disguised as 13-year old girls, more than half of the videos in the 'For You' feed of TikTok were related to mental health struggles.[48] What is worse is that most of the content glamorized mental health issues. Studies have raised concerns that depressive

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[44] National Academies of Sciences, Engineering, and Medicine. (2024). Social media and adolescent health (supplementary "Highlights" document). Washington, D.C: National Academies Press.

[45] Madden M., Calvin A., Hasse, A., and Lenhart, A. (2024). A Double-Edged Sword: How Diverse Communities of Young People Think About the Multifaceted Relationship Between Social Media and Mental Health. San Francisco, CA: Common Sense and Hopelab

[46] *Id.*

[47] *Id*.

[48] Amnesty International. (2023). Global: TikTok's 'For You' feed risks pushing children and young people towards harmful mental health content.

content "romanticizes" depression.[49] Even content creators making genuine attempts to destigmatize mental health issues often "inadvertently end up romanticizing it" and "portraying it as an accessory."[50] It may be positive to teach children that it is alright to struggle with mental health issues, but it's dangerous to pass along the idea that depression is something to be desired.

Question 31

Do you agree with our proposal to recommend the use of highly effective age assurance to support Measures AA1-6? Please provide any information or evidence to support your views.

(a) Are there any cases in which HEAA may not be appropriate and proportionate?

(b) In this case, are there alternative approaches to age assurance which would be better suited?

Highly effective age assurance (HEAA) is a solid method to support measure AA1-6. This year, Common Sense Media worked with the New York Attorney General and Governor's Offices to pass The SAFE for Kids Act, in New York. The Act aims to protect children and teenagers from the detrimental effects of addictive social media content and disruptive notifications. Under the Act, social media platforms would be prohibited from providing addictive feeds to minors under 18 without parental consent, aiming to mitigate issues such as increased rates of depression and anxiety linked to excessive social media use. Additionally, notifications to minors between midnight and 6:00 AM would require parental approval to prevent disturbances to sleep patterns. The Act empowers the Attorney General to enforce these regulations, including seeking damages for violations, ensuring accountability among social media companies. Crucially, the legislation strikes a balance by allowing minors access to non-addictive content while mandating commercially reasonable age verification methods to uphold these protections without imposing undue burdens on users. Overall, the SAFE for Kids Act aims to safeguard the mental health and well-being of New York's youth in the digital age, emphasizing responsible platform practices and parental oversight.

Implementing effective age assurance measures becomes crucial here. Platforms would need to verify the age of users reliably to comply with this requirement. This could involve robust age verification technologies and methods to ensure that parental consent is properly obtained before exposing underage users to potentially harmful content. The New York Attorney General will be drafting regulations regarding age assurance, taking into consideration a number of factors. One of the factors that was particularly important in getting this law enacted was proportionality and taking into account the size, financial resources, and technical capabilities of the addictive social media.

Section 1501 (b) states regulations :

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[49] Issaka, B., Aidoo, E.A.K., Wood, S.F. et al. (2024). "Anxiety is not cute" analysis of twitter users' discourses on romanticizing mental illness. *BMC Psychiatry 24*, pp. 221.

[50] *Id.*

"shall consider the size, financial resources, and technical capabilities of the addictive social media platform, the costs and effectiveness of available age determination techniques for users of the addictive social media platform, the audience of the addictive social media platform, prevalent practices of the industry of the covered operator, and the impact of the age determination techniques on the covered users' safety, utility, and experience."

Furthermore, Section 1501 (c) states :
"Such regulations shall also identify the appropriate levels of accuracy that would be commercially reasonable and technically feasible for covered operators to achieve in determining whether a covered user is a covered minor. Such regulations shall set forth multiple commercially reasonable and technically feasible methods for a covered operator to determine if a covered user is a covered minor, including at least one method that either does not rely solely on government issued identification or that allows a covered user to maintain anonymity as to the covered operator of the addictive social media platform.

The language of the The SAFE for Kids Act, strikes a balance between ensuring the safety of children and creating appropriate and proportionate regulation for service providers. Similar to The SAFE for Kids Act, AA1-6 prioritizes the mental health of children. According to the U.S. Surgeon General's report, Social Media and Youth Mental Health: The U.S. Surgeon General's Advisory, up to 95% of youth ages 13-17 report using social media, with more than a third saying they use social media "almost constantly."[51] Therefore with AA1-6 focus on pornography, content that encourages, promotes, or provides instructions for either: self-harm, eating disorders , or suicide, bullying, abusive or hateful content, content which depicts or encourages serious violence or injury, content which encourages dangerous stunts and challenges; and content which encourages the ingestion, inhalation or exposure to harmful substances HEAA is a proportionate method in mitigating the risk that such contents are to children.

Question 49

Do you agree with the proposed recommender systems measures to be included in the Children's Safety Codes?

(a) Please confirm which proposed measure your views relate to and provide any arguments and supporting evidence.

(b) If you responded to our illegal harms consultation and this is relevant to your response here, please signpost to the relevant parts of your prior response.

Common Sense Media agrees with the recommender system measures included in the draft Children's Safety Codes. We would like to emphasize that algorithmic feeds are

[51] Office of the U.S. Surgeon General. (2024). Social Media and Youth Mental Health: The U.S. Surgeon General's Advisory.

problematic, share additional evidence to support such a claim, and spotlight attempts in the United States to diminish harm caused to children by algorithmic feeds.

According to the U.S. Surgeon General's report, *Social Media and Youth Mental Health: The U.S. Surgeon General's Advisory*, up to 95% of youth ages 13-17 report using social media, with more than a third saying they use social media "almost constantly."[52] Social media companies use personally tailored and targeted feeds ("addictive feeds") to prompt children and teens to view and engage with platforms longer to make larger profits. For social media companies, time online equals more money. Addictive feeds have had an increasingly devastating effect on children and teens, contributing to significantly higher rates of youth depression, anxiety, suicidal ideation, and self-harm. Additionally, our research, *Constant Companion: A Week in the Life of a Young Person's Smartphone Use*, has shown that children and teens are struggling to set their own boundaries when it comes to fielding the barrage of notifications from apps on their smartphones.[53] Many businesses have long made intentional design choices to help increase their profits and user engagement, often to the detriment of children's health and well-being. This has placed parents in the unfair position of trying to supervise their child's online experience to keep them safe. We have provided a more comprehensive analysis of opaque recommendation algorithms and how they promote negative social comparisons in our response to Question 10 of these comments. It is long overdue for businesses to make some of these basic and necessary changes to their privacy and design practices to ensure all their young users are safer online.

As for current legislation in the United States, New York State's *Stop Addictive Feeds Exploitation (SAFE) for Kids Act*, described above, is a law that was just signed by New York State's Governor to protect children online by limiting social media companies' ability to use addictive feeds that keep children glued to their devices. It also prevents companies from waking children at all hours of the night with notifications and pings from addictive feeds, unless parents consent.[54] There is similar legislation to the SAFE for Kids Act that is being considered in the state of California, the *Protecting Our Kids from Social Media Addiction Act,* also limits social media companies' ability to use addictive feeds and it prevents platforms from sending notifications and pings during the night and school time hours (unless a parent gives permission).[55] Common Sense Media also provided testimony to support the *Healthier Social Media Use by Youth Act* in the state of Colorado and this law was signed by Colorado's Governor this year.[56] This law will mitigate the addictiveness and negative mental health impacts of social media platforms. This bill will do this through informational pop-up notifications to kids and teens that are on a social media platform for over an hour and through digital literacy programming available to all Coloradans.

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[52] *Id.*

[53] Radesky, J., Weeks, H.M., Schaller, A., Robb, M., Mann, S., and Lenhart, A. (2023). Constant Companion: A Week in the Life of a Young Person's Smartphone Use. San Francisco, CA: Common Sense.
[54] Common Sense Media. (2024). Stop Addictive Feeds Exploitation (SAFE) for Kids Act Fact Sheet.
[55] Common Sense Media. (2024). Protecting Our Kids from Social Media Addiction Act Fact Sheet.
[56] Common Sense Media. (2024). Healthier Social Media Use by Youth Act Fact Sheet.

Conclusion

Common Sense Media believes that meaningful regulation is critical to our broader mission of protecting children in the digital world. Moreover, strong global collaboration among regulators, civil society, and tech industry is particularly key to address common pain points such as age assurance that can help successfully enforce child safety policies. To that end, we applaud Ofcom's global engagement, regulatory progress to date, and investment in ample resources to help address these complex challenges.

Common Sense Media supports Ofcom's efforts to protect children from the causes and impacts of harms to children, and additionally the efforts to identify how internet services should assess and mitigate the risks of harms to children due to the use of their services. Common Sense recognizes that Ofcom is undergoing a number of consultations regarding the Online Safety Act, and we encourage Ofcom to remain vigilant about consistency in this process. Ofcom should also consider the extent to which its guidance is consistent with the recently published opinion from the Information Commissioner, which evaluates in detail the effectiveness of several of the proposed highly effective age assurance methods.[57]

As Ofcom analyzes how internet services that enable these services should approach their duties related to content that is harmful to children, we are grateful for the opportunity to respond to Ofcom's online safety consultation and offer these few concluding recommendations:

- We recognize that Ofcom's remit focuses on safety. As outlined above, Common Sense strongly encourages Ofcom to apply a holistic approach to risk mitigation by considering the long-term safety risks of U2U services and addictive design on child mental health and well-being.
- GenAI services offer potential for outsized benefit and also harm. We encourage Ofcom to consider unique regulatory approaches to mitigating this risk in schools and homes, including user reporting channels and robust digital and media literacy tools. It is important that Ofcom's guidance under the OSA also incentivizes new technologies to be built with children's safety in mind.
- We encourage ongoing global collaboration across jurisdictions, particularly for complex issues such as age assurance and risk mitigation around GenAI content. We hope that you continue to view Common Sense Media as an ongoing resource to facilitate these consultations particularly across US state and federal levels.

As a trusted global brand for children and families, we look forward to helping bring American and global perspectives to consideration as Ofcom develops essential regulatory guidance, standards, and tools to improve children's lives around the world.

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[57] *Id*.

About Common Sense Media UK

Common Sense is an independent nonprofit organisation dedicated to helping children thrive in a rapidly changing world. The organisation is based in San Francisco with regional offices across the U.S. We launched our first international office in the UK in 2019, a registered charity (also Common Sense Media, 1188840), through which we rate, educate, investigate, and advocate for the safety, privacy, and well-being of children in the UK and globally.

Common Sense Media achieves its aim to create a more healthy, equitable, and empowering future for children in the following ways:

RATE: Through our parent platform, Common Sense Media, we provide independent ratings and reviews of various forms of media.

EDUCATE: Through Common Sense Education, we share our Digital Citizenship curriculum with millions of teachers across the world to increase media literacy and shape digital citizens, as well as offer tips to families and communities as they navigate media and technology.

ADVOCATE: We advocate and raise awareness to drive policy and industry changes that protect the safety, wellbeing, and privacy of children in the digital world, including the UK, EU, and USA.

INVESTIGATE: Our team conducts independent research to provide parents and caregivers, educators, health organisations, and policymakers with reliable, independent data on young people's use of media and technology and its impact on their physical, emotional, social, and intellectual development.

For more information, visit https://www.commonsense.org/.