



Re: Minnesota Age-Appropriate Design Code Act

Dear Chair Stephenson and Members of the House Commerce Committee,

I write on behalf of Minnesota's newspapers and magazines to express concerns about the inclusion of the Age-Appropriate Design Code Act in the House Commerce Omnibus bill (HF 2680.) Although it doesn't appear that the focus of the legislation is on professional news organizations, we believe that some of the provisions, particularly the definitions, involve enough ambiguity that it could be interpreted so that such professional organizations are covered. This could in turn produce very adverse consequences for the state's news media.

For example, the broadly inclusive definition of "likely to be accessed by children" language, combined with the lack of an actual knowledge standard for required "default" privacy settings, makes compliance effectively unworkable for publishers, who do not know the age of their visitors, and who therefore cannot comply with the restrictive children-specific provisions of section 5. This section also references the need to examine whether children could be exposed to "harmful, or potentially harmful, content" as part of the data protection impact assessment. Taken together, the requirements of this bill create a significant risk of limiting access to news content even if that content itself is not otherwise subject to the bill's restrictions.

To illustrate, compliance with the Act as drafted would require news organizations to make a very difficult choice, one that could significantly harm their viability, as well as limit consumer access to important news and information. For example, publishers would need to:

- collect *more* personal information about *all* of their visitors – to confirm or otherwise have assurances of the age of their audiences; OR
- limit content that might bring visitors under the age of 18 to their websites and apps; OR
- treat all visitors as minors for advertising purposes, despite the primarily adult focus and audience composition of professional news organizations' publications.

However, none of these options are realistically feasible for news publishers, and thus the bill in its current form will inevitably harm not only the viability and integrity of news organizations but will also the restrict the kind of information available to their readers.

We respectfully ask to work with you to resolve these concerns. We believe there are two possible approaches that could accomplish this. The first is to include an exemption specifying that content of the type typically published on news media web sites and apps is not included in the bill's definition of an "online product."

In the alternative, we request that you consider incorporating an "actual knowledge" standard in the procedures to be applied in determining when privacy settings must use the highest level of privacy protection. This standard would, we believe, comply with both the spirit and intended substance of the legislation: protecting minors while allowing professional news organizations to continue to provide valuable information to the public.

High-quality, professional journalism plays an important role in the democratic process, and in supporting local communities. Millions of Minnesotans – including young readers – rely on the state's news organizations and their associated websites and apps to stay up to date on the latest local, domestic, and international news, political developments, culture and society, and specific topics related to their hobbies, activities, or areas of interest. We look forward to working with you to ensure that the state's news organizations will not be inhibited in performing this role.

We very much appreciate your consideration.

Lisa Hills
Executive Director