

Congress of the United States

Washington, DC 20515

August 10, 2021

Mr. Robert Kotick
Chief Executive Officer
Activision Blizzard Inc.
3100 Ocean Park Boulevard
Santa Monica, CA 90405

Dear Mr. Kotick:

We are writing to inquire about Activision Blizzard's intentions to comply with the United Kingdom's (UK) Age Appropriate Design Code (AADC) within the United States. 70% of families have at least one child who plays video games.¹ While online gaming can benefit children, risks range from the collection and monetization of children's data, exposure to violent content, online predators, and manipulative design.²

The prevalence of micro-transactions—often encouraged through nudging—have led to high credit card bills for parents. Loot boxes go one step further, encouraging purchase before a child knows what the “bundle” contains—akin to gambling.³ Children are uniquely vulnerable to manipulation and peer pressure associated with in-game purchases and loot boxes. Experts suggest that Entertainment Software Rating Board (ESRB) ratings and parental controls are insufficient.⁴ The AADC represents a monumental step towards child centric design by default.

Additionally, the social interactions in online gaming allow cyber criminals to manipulate conversations and garner detailed personal information.⁵ In light of these threats, children and teens deserve strong online privacy safeguards. Currently, the Children's Online Privacy Protection Act (COPPA) covers children aged 12 and under and prohibits the collection, use, or disclosure of children's personal information without notice to parents and parental consent.⁶

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⁵ Eric J. Hayes, *Playing it Safe: Avoiding Online Gaming Risks*, US CERT (February 6, 2014) <https://us-cert.cisa.gov/security-publications/playing-it-safe-avoiding-online-gaming-risks>

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However, young internet users deserve a new set of requirements and prohibitions that builds on COPPA. Signers of this letter have proposed legislation to extend privacy protections to teens, amend COPPA to cover websites that should reasonably know that kids are on their platforms, and create new data minimization standards to stop websites from amassing troves of information about kids and teens.⁷

The AADC, created under s.123 of the UK Data Protection Act 2018 required the UK Information Commissioner's Office (ICO) to draft and implement The Children's Code. The standards will apply to "information society services" which are likely to be accessed by children, under 18, in the UK, regardless of where the company is headquartered. The Code seeks to empower children and, given that a child could be 7 or 17, the protections vary by age range. The Code includes 15 flexible standards that provide protections for children to learn and grow online. Standards range from privacy by default and data minimization to limits on "nudge techniques" and transparency standards.⁸ Organizations that operate in the UK are expected to comply with The Age Appropriate Design Code beginning on September 2, 2021, and companies have already begun to announce privacy policy changes that appear to be driven by efforts to comply with AADC.⁹

It is imperative that Congress acts with urgency to enact a strong privacy law for children and teens in the 21st century. As we work towards that goal, we urge you to extend to American children and teens any privacy enhancements that you implement to comply with the AADC. We also request responses to the following questions by August 26, 2021.

1. Do you intend to make changes to your product or service's design or data collection and use to comply with the UK Age Appropriate Design Code?
2. Will you implement these changes for users in the United States? If not, why not? If yes, will these changes be reflected on a public-facing website or in your terms of service?

Thank you for your attention to these important matters.

Sincerely,

Lori Trahan
Member of Congress

Kathy Castor
Member of Congress

Edward J. Markey
United States Senator

⁷ Children and Teens' Online Privacy Protection Act of 2021, S. 1628, 117th Cong. (2021) (Senator Markey); PRIVCY Act, H.R. 5703, 116th Cong. (2020) (Representative Castor).

⁸ U.K. Information Commissioner's Office, *Age Appropriate Design: A Code of Practice for Online Services* (Sept. 2, 2020), <https://ico.org.uk/media/for-organisations/guide-to-data-protection/key-data-protection-themes/age-appropriate-design-a-code-of-practice-for-online-services-2-1.pdf>.

⁹ Facebook, *Giving Young People a Safer, More Private Experience on Instagram* (July 2021), <https://about.fb.com/news/2021/07/instagram-safe-and-private-for-young-people/>.

Congress of the United States

Washington, DC 20515

August 10, 2021

Mr. Robert Chapek
Chief Executive Officer
The Walt Disney Company
500 S Buena Vista St
Burbank, CA 91521

Dear Mr. Chapek:

We are writing to inquire about Disney's intentions to comply with the United Kingdom's (UK) Age Appropriate Design Code (AADC) within the United States. 70% of families have at least one child who plays video games.¹ While online gaming can benefit children, risks range from the collection and monetization of children's data, exposure to violent content, online predators, and manipulative design.²

The prevalence of micro-transactions—often encouraged through nudging—have led to high credit card bills for parents. Loot boxes go one step further, encouraging purchase before a child knows what the “bundle” contains—akin to gambling.³ Children are uniquely vulnerable to manipulation and peer pressure associated with in-game purchases and loot boxes. Experts suggest that Entertainment Software Rating Board (ESRB) ratings and parental controls are insufficient.⁴ The AADC represents a monumental step towards child centric design by default.

Additionally, the social interactions in online gaming allow cyber criminals to manipulate conversations and garner detailed personal information.⁵ In light of these threats, children and teens deserve strong online privacy safeguards. Currently, the Children's Online Privacy Protection Act (COPPA) covers children aged 12 and under and prohibits the collection, use, or disclosure of children's personal information without notice to parents and parental consent.⁶

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Congress of the United States

Washington, DC 20515

August 10, 2021

Mr. Tim Sweeney
Chief Executive Officer & Founder
Epic Games Inc.
620 Crossroads Blvd
Cary, NC 27518

Dear Mr. Sweeney:

We are writing to inquire about Epic's intentions to comply with the United Kingdom's (UK) Age Appropriate Design Code (AADC) within the United States. 70% of families have at least one child who plays video games.¹ While online gaming can benefit children, risks range from the collection and monetization of children's data, exposure to violent content, online predators, and manipulative design.²

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It is imperative that Congress acts with urgency to enact a strong privacy law for children and teens in the 21st century. As we work towards that goal, we urge you to extend to American children and teens any privacy enhancements that you implement to comply with the AADC. We also request responses to the following questions by August 26, 2021.

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Sincerely,

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Congress of the United States

Washington, DC 20515

August 10, 2021

Mr. Satya Nadella
Chief Executive Officer
Microsoft
One Microsoft Way
Redmond, WA, 98052

Mr. Phil Spencer
Executive President of Gaming at Microsoft
Xbox Game Studios
3640 150th NE
Redmond, WA, 98052

Dear Mr. Nadella & Mr. Spencer:

We are writing to inquire about Microsoft's intentions to comply with the United Kingdom's (UK) Age Appropriate Design Code (AADC) within the United States. 70% of families have at least one child who plays video games.¹ While online gaming can benefit children, risks range from the collection and monetization of children's data, exposure to violent content, online predators, and manipulative design.²

The prevalence of micro-transactions—often encouraged through nudging— have led to high credit card bills for parents. Loot boxes go one step further, encouraging purchase before a child knows what the “bundle” contains— akin to gambling.³ Children are uniquely vulnerable to manipulation and peer pressure associated with in-game purchases and loot boxes. Experts suggest that Entertainment Software Rating Board (ESRB) ratings and parental controls are insufficient.⁴ The AADC represents a monumental step towards child centric design by default.

Additionally, the social interactions in online gaming allow cyber criminals to manipulate conversations and garner detailed personal information.⁵ In light of these threats, children and teens deserve strong online privacy safeguards. Currently, the Children's Online Privacy Protection Act (COPPA) covers children aged 12 and under and prohibits the collection, use, or

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Mr. Nadella & Mr. Spencer

August 10, 2021

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Congress of the United States

Washington, DC 20515

August 10, 2021

Mr. John Hanke
Chief Executive Officer & Co-founder
Niantic
1 Ferry Building, Suite 200
San Francisco, CA 94111

Dear Mr. Hanke:

We are writing to inquire about Niantic’s intentions to comply with the United Kingdom’s (UK) Age Appropriate Design Code (AADC) within the United States. 70% of families have at least one child who plays video games.¹ While online gaming can benefit children, risks range from the collection and monetization of children’s data, exposure to violent content, online predators, and manipulative design.²

The prevalence of micro-transactions—often encouraged through nudging— have led to high credit card bills for parents. Loot boxes go one step further, encouraging purchase before a child knows what the “bundle” contains— akin to gambling.³ Children are uniquely vulnerable to manipulation and peer pressure associated with in-game purchases and loot boxes. Experts suggest that Entertainment Software Rating Board (ESRB) ratings and parental controls are insufficient.⁴ The AADC represents a monumental step towards child centric design by default.

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Congress of the United States

Washington, DC 20515

August 10, 2021

Mr. Shuntaro Furukawa
President/Representative Director
Nintendo Co Ltd
4600 150th Avenue, NE
Redmond, WA 98052

Dear Mr. Furukawa:

We are writing to inquire about Nintendo's intentions to comply with the United Kingdom's (UK) Age Appropriate Design Code (AADC) within the United States. 70% of families have at least one child who plays video games.¹ While online gaming can benefit children, risks range from the collection and monetization of children's data, exposure to violent content, online predators, and manipulative design.²

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The AADC, created under s.123 of the UK Data Protection Act 2018 required the UK Information Commissioner's Office (ICO) to draft and implement The Children's Code. The standards will apply to "information society services" which are likely to be accessed by children, under 18, in the UK, regardless of where the company is headquartered. The Code seeks to empower children and, given that a child could be 7 or 17, the protections vary by age range. The Code includes 15 flexible standards that provide protections for children to learn and grow online. Standards range from privacy by default and data minimization to limits on "nudge techniques" and transparency standards.⁸ Organizations that operate in the UK are expected to comply with The Age Appropriate Design Code beginning on September 2, 2021, and companies have already begun to announce privacy policy changes that appear to be driven by efforts to comply with AADC.⁹

It is imperative that Congress acts with urgency to enact a strong privacy law for children and teens in the 21st century. As we work towards that goal, we urge you to extend to American children and teens any privacy enhancements that you implement to comply with the AADC. We also request responses to the following questions by August 26, 2021.

1. Do you intend to make changes to your product or service's design or data collection and use to comply with the UK Age Appropriate Design Code?
2. Will you implement these changes for users in the United States? If not, why not? If yes, will these changes be reflected on a public-facing website or in your terms of service?

Thank you for your attention to these important matters.

Sincerely,

Lori Trahan
Member of Congress

Kathy Castor
Member of Congress

Edward J. Markey
United States Senator

⁷ Children and Teens' Online Privacy Protection Act of 2021, S. 1628, 117th Cong. (2021) (Senator Markey); PRIVACY Act, H.R. 5703, 116th Cong. (2020) (Representative Castor).

⁸ U.K. Information Commissioner's Office, *Age Appropriate Design: A Code of Practice for Online Services* (Sept. 2, 2020), <https://ico.org.uk/media/for-organisations/guide-to-data-protection/key-data-protection-themes/age-appropriate-design-a-code-of-practice-for-online-services-2-1.pdf>.

⁹ Facebook, *Giving Young People a Safer, More Private Experience on Instagram* (July 2021), <https://about.fb.com/news/2021/07/instagram-safe-and-private-for-young-people/>.

Congress of the United States

Washington, DC 20515

August 10, 2021

Mr. Nicolo Laurent
Chief Executive Officer
Riot Games Inc
2450 Broadway Suite 100
Santa Monica, CA 90404

Dear Mr. Laurent,

We are writing to inquire about Riot Games' intentions to comply with the United Kingdom's (UK) Age Appropriate Design Code (AADC) within the United States. 70% of families have at least one child who plays video games.¹ While online gaming can benefit children, risks range from the collection and monetization of children's data, exposure to violent content, online predators, and manipulative design.²

The prevalence of micro-transactions—often encouraged through nudging— have led to high credit card bills for parents. Loot boxes go one step further, encouraging purchase before a child knows what the “bundle” contains— akin to gambling.³ Children are uniquely vulnerable to manipulation and peer pressure associated with in-game purchases and loot boxes. Experts suggest that Entertainment Software Rating Board (ESRB) ratings and parental controls are insufficient.⁴ The AADC represents a monumental step towards child centric design by default.

Additionally, the social interactions in online gaming allow cyber criminals to manipulate conversations and garner detailed personal information.⁵ In light of these threats, children and teens deserve strong online privacy safeguards. Currently, the Children's Online Privacy Protection Act (COPPA) covers children aged 12 and under and prohibits the collection, use, or

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³ Jo Thornhill, *With Children off School and Gaming Online, Parents face Shock Bills*, *The Guardian* (April 5, 2020), <https://www.theguardian.com/money/2020/apr/05/with-children-off-school-and-gaming-online-parents-face-shock-bills>

⁴ FTC Staff Perspective, *FTC Video Game Loot Box Workshop* (August, 2020) pg 3, https://www.ftc.gov/system/files/documents/reports/staff-perspective-paper-loot-box-workshop/loot_box_workshop_staff_perspective.pdf

⁵ Eric J. Hayes, *Playing it Safe: Avoiding Online Gaming Risks*, US CERT (February 6, 2014) <https://us-cert.cisa.gov/security-publications/playing-it-safe-avoiding-online-gaming-risks>

Mr. Laurent
August 10, 2021
Page 2

disclosure of children’s personal information without notice to parents and parental consent.⁶ However, young internet users deserve a new set of requirements and prohibitions that builds on COPPA. Signers of this letter have proposed legislation to extend privacy protections to teens, amend COPPA to cover websites that should reasonably know that kids are on their platforms, and create new data minimization standards to stop websites from amassing troves of information about kids and teens.⁷

The AADC, created under s.123 of the UK Data Protection Act 2018 required the UK Information Commissioner’s Office (ICO) to draft and implement The Children’s Code. The standards will apply to “information society services” which are likely to be accessed by children, under 18, in the UK, regardless of where the company is headquartered. The Code seeks to empower children and, given that a child could be 7 or 17, the protections vary by age range. The Code includes 15 flexible standards that provide protections for children to learn and grow online. Standards range from privacy by default and data minimization to limits on “nudge techniques” and transparency standards.⁸ Organizations that operate in the UK are expected to comply with The Age Appropriate Design Code beginning on September 2, 2021, and companies have already begun to announce privacy policy changes that appear to be driven by efforts to comply with AADC.⁹

It is imperative that Congress acts with urgency to enact a strong privacy law for children and teens in the 21st century. As we work towards that goal, we urge you to extend to American children and teens any privacy enhancements that you implement to comply with the AADC. We also request responses to the following questions by August 26, 2021.

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Thank you for your attention to these important matters.

Sincerely,

Lori Trahan
Member of Congress

Kathy Castor
Member of Congress

Edward J. Markey
United States Senator

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⁹ Facebook, *Giving Young People a Safer, More Private Experience on Instagram* (July 2021), <https://about.fb.com/news/2021/07/instagram-safe-and-private-for-young-people/>.

Congress of the United States

Washington, DC 20515

August 10, 2021

Mr. David Baszucki
Chief Executive Officer & Co-Founder
Roblox Corp
970 Park Pl
San Mateo, CA 94403

Dear Mr. Baszucki:

We are writing to inquire about Roblox’s intentions to comply with the United Kingdom’s (UK) Age Appropriate Design Code (AADC) within the United States. 70% of families have at least one child who plays video games.¹ While online gaming can benefit children, risks range from the collection and monetization of children’s data, exposure to violent content, online predators, and manipulative design.²

The prevalence of micro-transactions—often encouraged through nudging— have led to high credit card bills for parents. Loot boxes go one step further, encouraging purchase before a child knows what the “bundle” contains— akin to gambling.³ Children are uniquely vulnerable to manipulation and peer pressure associated with in-game purchases and loot boxes. Experts suggest that Entertainment Software Rating Board (ESRB) ratings and parental controls are insufficient.⁴ The AADC represents a monumental step towards child centric design by default.

Additionally, the social interactions in online gaming allow cyber criminals to manipulate conversations and garner detailed personal information.⁵ In light of these threats, children and teens deserve strong online privacy safeguards. Currently, the Children’s Online Privacy Protection Act (COPPA) covers children aged 12 and under and prohibits the collection, use, or disclosure of children’s personal information without notice to parents and parental consent.⁶

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³ Jo Thornhill, *With Children off School and Gaming Online, Parents face Shock Bills*, *The Guardian* (April 5, 2020), <https://www.theguardian.com/money/2020/apr/05/with-children-off-school-and-gaming-online-parents-face-shock-bills>

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⁵ Eric J. Hayes, *Playing it Safe: Avoiding Online Gaming Risks*, US CERT (February 6, 2014) <https://us-cert.cisa.gov/security-publications/playing-it-safe-avoiding-online-gaming-risks>

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The AADC, created under s.123 of the UK Data Protection Act 2018 required the UK Information Commissioner's Office (ICO) to draft and implement The Children's Code. The standards will apply to "information society services" which are likely to be accessed by children, under 18, in the UK, regardless of where the company is headquartered. The Code seeks to empower children and, given that a child could be 7 or 17, the protections vary by age range. The Code includes 15 flexible standards that provide protections for children to learn and grow online. Standards range from privacy by default and data minimization to limits on "nudge techniques" and transparency standards.⁸ Organizations that operate in the UK are expected to comply with The Age Appropriate Design Code beginning on September 2, 2021, and companies have already begun to announce privacy policy changes that appear to be driven by efforts to comply with AADC.⁹

It is imperative that Congress acts with urgency to enact a strong privacy law for children and teens in the 21st century. As we work towards that goal, we urge you to extend to American children and teens any privacy enhancements that you implement to comply with the AADC. We also request responses to the following questions by August 26, 2021.

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Thank you for your attention to these important matters.

Sincerely,

Lori Trahan
Member of Congress

Kathy Castor
Member of Congress

Edward J. Markey
United States Senator

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⁹ Facebook, *Giving Young People a Safer, More Private Experience on Instagram* (July 2021), <https://about.fb.com/news/2021/07/instagram-safe-and-private-for-young-people/>.

Congress of the United States

Washington, DC 20515

August 10, 2021

Mr. Michael Lynton
Chief Executive Officer
Sony Corporation of America
25 Madison Avenue
New York, NY, 10010

Dear Mr. Lynton:

We are writing to inquire about Sony's intentions to comply with the United Kingdom's (UK) Age Appropriate Design Code (AADC) within the United States. 70% of families have at least one child who plays video games.¹ While online gaming can benefit children, risks range from the collection and monetization of children's data, exposure to violent content, online predators, and manipulative design.²

The prevalence of micro-transactions—often encouraged through nudging—have led to high credit card bills for parents. Loot boxes go one step further, encouraging purchase before a child knows what the “bundle” contains—akin to gambling.³ Children are uniquely vulnerable to manipulation and peer pressure associated with in-game purchases and loot boxes. Experts suggest that Entertainment Software Rating Board (ESRB) ratings and parental controls are insufficient.⁴ The AADC represents a monumental step towards child centric design by default.

Additionally, the social interactions in online gaming allow cyber criminals to manipulate conversations and garner detailed personal information.⁵ In light of these threats, children and teens deserve strong online privacy safeguards. Currently, the Children's Online Privacy Protection Act (COPPA) covers children aged 12 and under and prohibits the collection, use, or disclosure of children's personal information without notice to parents and parental consent.⁶

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⁴ FTC Staff Perspective, *FTC Video Game Loot Box Workshop* (August, 2020) pg 3, https://www.ftc.gov/system/files/documents/reports/staff-perspective-paper-loot-box-workshop/loot_box_workshop_staff_perspective.pdf

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Mr. Lynton
August 10, 2021
Page 2

However, young internet users deserve a new set of requirements and prohibitions that builds on COPPA. Signers of this letter have proposed legislation to extend privacy protections to teens, amend COPPA to cover websites that should reasonably know that kids are on their platforms, and create new data minimization standards to stop websites from amassing troves of information about kids and teens.⁷

The AADC, created under s.123 of the UK Data Protection Act 2018 required the UK Information Commissioner's Office (ICO) to draft and implement The Children's Code. The standards will apply to "information society services" which are likely to be accessed by children, under 18, in the UK, regardless of where the company is headquartered. The Code seeks to empower children and, given that a child could be 7 or 17, the protections vary by age range. The Code includes 15 flexible standards that provide protections for children to learn and grow online. Standards range from privacy by default and data minimization to limits on "nudge techniques" and transparency standards.⁸ Organizations that operate in the UK are expected to comply with The Age Appropriate Design Code beginning on September 2, 2021, and companies have already begun to announce privacy policy changes that appear to be driven by efforts to comply with AADC.⁹

It is imperative that Congress acts with urgency to enact a strong privacy law for children and teens in the 21st century. As we work towards that goal, we urge you to extend to American children and teens any privacy enhancements that you implement to comply with the AADC. We also request responses to the following questions by August 26, 2021.

1. Do you intend to make changes to your product or service's design or data collection and use to comply with the UK Age Appropriate Design Code?
2. Will you implement these changes for users in the United States? If not, why not? If yes, will these changes be reflected on a public-facing website or in your terms of service?

Thank you for your attention to these important matters.

Sincerely,

Lori Trahan
Member of Congress

Kathy Castor
Member of Congress

Edward J. Markey
United States Senator

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Congress of the United States

Washington, DC 20515

August 10, 2021

Mr. Max Rangel
Director, Global President & CEO
Spin Master
5880 West Jefferson Blvd Suite A
Los Angeles, CA 90016

Dear Mr. Rangel:

We are writing to inquire about Spin Master's intentions to comply with the United Kingdom's (UK) Age Appropriate Design Code (AADC) within the United States. 70% of families have at least one child who plays video games.¹ While online gaming can benefit children, risks range from the collection and monetization of children's data, exposure to violent content, online predators, and manipulative design.²

The prevalence of micro-transactions—often encouraged through nudging—have led to high credit card bills for parents. Loot boxes go one step further, encouraging purchase before a child knows what the “bundle” contains—akin to gambling.³ Children are uniquely vulnerable to manipulation and peer pressure associated with in-game purchases and loot boxes. Experts suggest that Entertainment Software Rating Board (ESRB) ratings and parental controls are insufficient.⁴ The AADC represents a monumental step towards child centric design by default.

Additionally, the social interactions in online gaming allow cyber criminals to manipulate conversations and garner detailed personal information.⁵ In light of these threats, children and teens deserve strong online privacy safeguards. Currently, the Children's Online Privacy Protection Act (COPPA) covers children aged 12 and under and prohibits the collection, use, or disclosure of children's personal information without notice to parents and parental consent.⁶

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³ Jo Thornhill, *With Children off School and Gaming Online, Parents face Shock Bills*, *The Guardian* (April 5, 2020), <https://www.theguardian.com/money/2020/apr/05/with-children-off-school-and-gaming-online-parents-face-shock-bills>

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⁵ Eric J. Hayes, *Playing it Safe: Avoiding Online Gaming Risks*, US CERT (February 6, 2014) <https://us-cert.cisa.gov/security-publications/playing-it-safe-avoiding-online-gaming-risks>

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However, young internet users deserve a new set of requirements and prohibitions that builds on COPPA. Signers of this letter have proposed legislation to extend privacy protections to teens, amend COPPA to cover websites that should reasonably know that kids are on their platforms, and create new data minimization standards to stop websites from amassing troves of information about kids and teens.⁷

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It is imperative that Congress acts with urgency to enact a strong privacy law for children and teens in the 21st century. As we work towards that goal, we urge you to extend to American children and teens any privacy enhancements that you implement to comply with the AADC. We also request responses to the following questions by August 26, 2021.

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Thank you for your attention to these important matters.

Sincerely,

Lori Trahan
Member of Congress

Kathy Castor
Member of Congress

Edward J. Markey
United States Senator

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Congress of the United States

Washington, DC 20515

August 10, 2021

Mr. Strauss Zelnick
Chairman & Chief Executive Officer
Take-Two Interactive Software Inc
622 Broadway
New York, NY 10012

Dear Mr. Zelnick:

We are writing to inquire about Take-Two Interactive's intentions to comply with the United Kingdom's (UK) Age Appropriate Design Code (AADC) within the United States. 70% of families have at least one child who plays video games.¹ While online gaming can benefit children, risks range from the collection and monetization of children's data, exposure to violent content, online predators, and manipulative design.²

The prevalence of micro-transactions—often encouraged through nudging— have led to high credit card bills for parents. Loot boxes go one step further, encouraging purchase before a child knows what the “bundle” contains— akin to gambling.³ Children are uniquely vulnerable to manipulation and peer pressure associated with in-game purchases and loot boxes. Experts suggest that Entertainment Software Rating Board (ESRB) ratings and parental controls are insufficient.⁴ The AADC represents a monumental step towards child centric design by default.

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Thank you for your attention to these important matters.

Sincerely,

Lori Trahan
Member of Congress

Kathy Castor
Member of Congress

Edward J. Markey
United States Senator

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Congress of the United States
Washington, DC 20515

August 10, 2021

Ms. Ann Sarnoff
Chief Executive Officer
Warner Bros Entertainment Inc
4000 Warner Blvd
Burbank, CA 91522

Dear Ms. Sarnoff,

We are writing to inquire about Warner Bros Entertainment’s intentions to comply with the United Kingdom’s (UK) Age Appropriate Design Code (AADC) within the United States. 70% of families have at least one child who plays video games.¹ While online gaming can benefit children, risks range from the collection and monetization of children’s data, exposure to violent content, online predators, and manipulative design.²

The prevalence of micro-transactions—often encouraged through nudging— have led to high credit card bills for parents. Loot boxes go one step further, encouraging purchase before a child knows what the “bundle” contains— akin to gambling.³ Children are uniquely vulnerable to manipulation and peer pressure associated with in-game purchases and loot boxes. Experts suggest that Entertainment Software Rating Board (ESRB) ratings and parental controls are insufficient.⁴ The AADC represents a monumental step towards child centric design by default.

Additionally, the social interactions in online gaming allow cyber criminals to manipulate conversations and garner detailed personal information.⁵ In light of these threats, children and teens deserve strong online privacy safeguards. Currently, the Children’s Online Privacy Protection Act (COPPA) covers children aged 12 and under and prohibits the collection, use, or

¹ Entertainment Software Association, *2019 Essential Facts About the Computer and Video Game Industry* (May 2009), <https://www.theesa.com/wp-content/uploads/2019/05/2019-Essential-Facts-About-the-Computer-and-Video-Game-Industry.pdf>

² Unicef, *Child Rights and Online Gaming: Opportunities & Challenges for Children and the Industry* (August, 2019), https://www.unicef-irc.org/files/upload/documents/UNICEF_CRBDigitalWorldSeriesOnline_Gaming.pdf

³ Jo Thornhill, *With Children off School and Gaming Online, Parents face Shock Bills*, *The Guardian* (April 5, 2020), <https://www.theguardian.com/money/2020/apr/05/with-children-off-school-and-gaming-online-parents-face-shock-bills>

⁴ FTC Staff Perspective, *FTC Video Game Loot Box Workshop* (August, 2020) pg 3, https://www.ftc.gov/system/files/documents/reports/staff-perspective-paper-loot-box-workshop/loot_box_workshop_staff_perspective.pdf

⁵ Eric J. Hayes, *Playing it Safe: Avoiding Online Gaming Risks*, US CERT (February 6, 2014) <https://us-cert.cisa.gov/security-publications/playing-it-safe-avoiding-online-gaming-risks>

disclosure of children’s personal information without notice to parents and parental consent.⁶ However, young internet users deserve a new set of requirements and prohibitions that builds on COPPA. Signers of this letter have proposed legislation to extend privacy protections to teens, amend COPPA to cover websites that should reasonably know that kids are on their platforms, and create new data minimization standards to stop websites from amassing troves of information about kids and teens.⁷

The AADC, created under s.123 of the UK Data Protection Act 2018 required the UK Information Commissioner’s Office (ICO) to draft and implement The Children’s Code. The standards will apply to “information society services” which are likely to be accessed by children, under 18, in the UK, regardless of where the company is headquartered. The Code seeks to empower children and, given that a child could be 7 or 17, the protections vary by age range. The Code includes 15 flexible standards that provide protections for children to learn and grow online. Standards range from privacy by default and data minimization to limits on “nudge techniques” and transparency standards.⁸ Organizations that operate in the UK are expected to comply with The Age Appropriate Design Code beginning on September 2, 2021, and companies have already begun to announce privacy policy changes that appear to be driven by efforts to comply with AADC.⁹

It is imperative that Congress acts with urgency to enact a strong privacy law for children and teens in the 21st century. As we work towards that goal, we urge you to extend to American children and teens any privacy enhancements that you implement to comply with the AADC. We also request responses to the following questions by August 26, 2021.

1. Do you intend to make changes to your product or service’s design or data collection and use to comply with the UK Age Appropriate Design Code?
2. Will you implement these changes for users in the United States? If not, why not? If yes, will these changes be reflected on a public-facing website or in your terms of service?

Thank you for your attention to these important matters.

Sincerely,

Lori Trahan
Member of Congress

Kathy Castor
Member of Congress

Edward J. Markey
United States Senator

⁶ COPPA FAQs, A, <https://www.ftc.gov/tips-advice/business-center/guidance/complying-coppa-frequently-askedquestions>. These prohibitions cover any company that has “actual knowledge that it is collecting personal information from a child.” 15 U.S.C. § 6502(a)(1)

⁷ Children and Teens’ Online Privacy Protection Act of 2021, S. 1628, 117th Cong. (2021) (Senator Markey); PRIVCY Act, H.R. 5703, 116th Cong. (2020) (Representative Castor).

⁸ U.K. Information Commissioner’s Office, *Age Appropriate Design: A Code of Practice for Online Services* (Sept. 2, 2020), <https://ico.org.uk/media/for-organisations/guide-to-data-protection/key-data-protection-themes/age-appropriate-design-a-code-of-practice-for-online-services-2-1.pdf>.

⁹ Facebook, *Giving Young People a Safer, More Private Experience on Instagram* (July 2021), <https://about.fb.com/news/2021/07/instagram-safe-and-private-for-young-people/>.