

YouTube: Yet Another Tech Giant Under Fire for Privacy Issues

By Spencer Hazan, J.D. Candidate 2020 | April 24, 2018

More than 20 consumer advocacy groups, including Consumers Union, Consumer Watchdog, and Public Citizen, [filed a complaint](#) with the Federal Trade Commission against Google, the parent company of YouTube. The complaint claims Google has made “substantial profits from the [illegal] collection and use of personal data from children on YouTube.” The complaint was filed just a few days before [Mark Zuckerberg testified before Congress](#) to address the future of privacy in the wake of Facebook’s Cambridge Analytica scandal.

While YouTube’s [Terms of Service](#) state that its video-sharing service is not to be used by children under 13 years of age, a recent study found that 80% of children in the United States ages 6-12 use YouTube daily. And YouTube is clearly aware its services are used by children. Content providers directly communicate to YouTube that their content is directed at children. In addition, executives at YouTube have remarked “kidfluencer channels [have been] extremely successful because children like to watch on their own.” YouTube has also marketed its services directly to children, launching the YouTube Kids app in 2015; the app even allows children to create their own profiles.

Because YouTube’s services do indeed reach children under 13 years of age, it must comply with the [Children’s Online Privacy Protection Act](#) (COPPA). COPPA has several requirements, one of which is that website operators obtain verifiable parental consent before collecting and using the personal information of children. Assuming YouTube does not disclose children’s personal data to the public, it may give proper notice to parents by simply sending them an email and getting a click response. However, YouTube has made no such reasonable effort to give notice to parents of its collection practices.

The complaint asks the Federal Trade Commission to enjoin Google, and to assess civil penalties totaling tens of billions of dollars. The complaint maintains that such a massive fine is necessary in order to adequately deter Google, the second wealthiest company in the world. While it is too early to speculate how the Federal Trade Commission will rule on the matter, there is an immense public interest in halting Google’s conduct: just over the last year, [Ofcom reported](#) a double digit increase in the number of children that watch YouTube, the world’s most popular platform among children.

