

SB 571 Testimony  
Consumer Protection – Online Products and Services – Data of Children  
Maryland Kids Code  
February 14, 2024  
Senate Finance Committee

Submitted by Rita M. Montoya  
District 18  
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Dear Chair Beidle, Vice-Chair Klausmeier and Respected Members of the Senate Finance Committee:

**I urge you to issue a favorable report on SB 571 Consumer Protection – Online Products and Services – Data of Children (Maryland Kids Code).**

I am a mother of two children, ages 8 and 9, residing in Montgomery County, Maryland. In the past year, my children have demonstrably felt the lure of the internet and social media. Despite a no social media and limited internet access policy in our own home, my children are increasingly exposed to the use of both by others in various settings. Like many, they are drawn to the fun of it all. Today, I am testifying solely in my capacity as a mother of young children concerned about the misuse of their personal information in an increasingly technological world but I would be remiss to mention that I am also a PTA President of a public elementary school; a candidate for a school board of education; and a former Juvenile Public Defender. I say remiss because my concern is not just for my own children but for all children. I am not alone.

Recently, I spoke to a group of mothers about this bill. Some were surprised to hear it was not already happening. One questioned why it was limited to children—adults need this protection too, she said. Another mother, who recently immigrated from a European country, assumed everyone was protected in this way already because they were in her home country. In fact, a 2023 Pew Research Center report indicated that most Americans are very or somewhat concerned with “social media sites knowing personal information about children (89%), advertisers using data about what children do online to target ads to them (85%) and online games tracking what children are doing on them (84%).” Importantly, the report found no statistically significant difference between those *with* children and those *without*—the concern resonates across American adults.<sup>1</sup> While it is incumbent upon parents to understand and monitor our children’s internet and social media use, as a parent, I know that we cannot be everywhere and know everything. Some parents I spoke to did not even know this data extraction occurred. Even with parental controls and no-use family policies, under the current law, without requiring the mitigation of reasonably foreseeable harm to kids and high privacy settings by default, children’s data will still be misused and children will be harmed.

The nature of advertising to children has changed. Long gone are the days of television commercials and cereal boxes. Today, children as young as two years old play “apps” on cell phones and tablets and during the height of the COVID-19 pandemic, eighty-two percent of

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<sup>1</sup> See *How Americans View Data Privacy: The role of technology companies, AI and regulation – plus personal experiences with data breaches, passwords, cybersecurity and privacy policies* by Colleen McClain, Michelle Faverio, Monica Anderson and Eugenie Park (Pew Research Center: October 18, 2023).

youth ages 14-22 indicated using social media constantly or every day.<sup>2</sup> Children's use of social media and internet is not going away any time soon as forty-three percent of youth 14-22 said using social media usually makes them feel better when they feel depressed, stressed, or anxious.<sup>3</sup> Still, studies indicate that children and teens do not comprehend the full complexity of how their digital data is collected, analyzed, and used.<sup>4</sup> Currently, only one state in the United States protects children by regulating how companies can collect and use children's data.

It is time for Maryland to step up for our kids. Technology is developing at a rapid pace and its limits are, at best, unknown. If we want to protect our children in the future, we must take action now. The State of Maryland has an opportunity to take a stand and ensure that, 10-15 years from now, when a technology we never envisioned emerges, our children are not harmed in the process.

When I was a kid, we used to go to a playground with a very tall, red slide. The slide was made of metal. During the summer, when temperatures could reach as high as 105°, the metal slide would burn our legs on the way down. But it was the only slide we had and we wanted to have fun. At some point, our local government realized it was not safe and replaced it with a safer, less hot material because children deserve to be safe.

Madam Chair and Respected Members of the Senate Finance Committee,  
the internet and social media are the new playgrounds.  
***If we do not keep children safe, who will?***

For the reasons above, I urge you to issue a **favorable report on SB 571 Consumer Protection – Online Products and Services – Data of Children (Maryland Kids Code)**.

Respectfully Submitted,



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<sup>2</sup> See *Coping with COVID-19: How Young People Use Digital Media to Manage Their Mental Health* ISSN: 2767-0163 (Common Sense Media, Hopelab and California Health Care Foundation: March 15, 2021).

<sup>3</sup> See *Coping with COVID-19* (2021).

<sup>4</sup> See Livingstone, S. Stoilova, M. and Nandagiri, R. (2019) Children's data and privacy online: Growing up in a digital age. An evidence review. London: London School of Economics and Political Science (23-26).