

Transcript

A logo for 'Group Chat' featuring the word 'Group' in white on a black rectangular background, with the word 'Chat' in black on a white speech bubble background below it. A hand is shown holding the top of the black rectangle.A white speech bubble containing the word 'Chat' in black text. A hand is shown holding the bottom of the bubble.

Age-gating: Canadian kids and social media

[00:00:00] **Sabreena Delhon:** Hi, everyone. Sabreena Delhon here. Today on Group Chat, we're digging into age-gating: legislation that limits access to online spaces based on age.

[00:00:20] Before we jump into our episode, I wanted to check in and make sure you know about our Group Chat Listening Party Guide. One of the most common questions we get at the Samara Centre for Democracy is, "How can I make a difference?" Our answer: come together. This show is about making sense of an unprecedented moment in Canada's democracy, with a few friends.

[00:00:46] So we're inviting you to get some people together. Have everyone listen to an episode of the show, and then use our prompts to get the conversation going. Think book club, but with a podcast. Find details at samaracentre.ca, and if you've already hosted a listening party, tell us about it. We wanna hear from you.

[00:01:13] Now, back to age-gating. Last year, Australia introduced a nationwide ban on social media for kids under 16. This law requires platforms like TikTok, Instagram, and Facebook to verify the ages of users or face fines worth tens of millions of dollars. Age-gating is also something countries like the United States, France, and Brazil are all exploring.

[00:01:41] Here in Canada, both the federal government and the province of Manitoba are seriously considering it, too. A lot of what's driving this is parental anxiety, even desperation, about keeping kids safe online. But what would this all look like in practice? Could this be a privacy nightmare where too much data is collected and big tech is let off the hook?

[00:02:06] And can we do better? Is age-gating enough? Today on Group Chat, we're keeping it close to home with two of my fellow team members at the Samara Centre. With us, we have Beatrice Wayne, our Director of Research and Policy, and Alex MacIsaac, our Research Manager. They're both experts in how technology is shaping Canada's democracy, and the three of us are writing a book based on the Samara Centre's Verified Project, which helps Canadians understand how politics is playing out online. Here's our conversation.

[00:02:39] **Sabreena Delhon:** Hi, Beatrice. Hi, Alex.

[00:02:43] **Beatrice Wayne:** Hi. Happy to be here.

[00:02:45] **Alex MacIsaac:** Hey Sabreena.

[00:02:47] **Sabreena Delhon:** Okay. We're seeing a growing international movement to keep kids safe online. This is coming from a very common understanding that social media is harmful for children. How did we get here?

[00:02:59] **Beatrice Wayne:** So, I'd first off like to start by saying that the harms are real, and they are exacerbated by our struggle to regulate digital platforms the same way we regulate other consumer products. And by we, I mean Canada, but also globally. This has been a real challenge. We have seen growing harms as research that's been actually really challenging because of a lack of access to data, because of the aforementioned lack of regulation. Companies are not required to release public interest data for researchers, so it's been sort of hard to understand the effect of exposure to these platforms for both adults and youth.

[00:03:37] But now we've accumulated a fairly strong body of social media listening research across different fields that has shown that there are real harms young people are experiencing. Those range from exposure to disinformation, the

amplification of extremist and racist content, cyberbullying, and exposure to sexual online violence, deepfakes, unwanted sexual talk, a host of different harms that we know from research, but also from our own experiences, young people being online, caregivers experiencing their young people being online.

[00:04:12] We know these exist, and they're real, and it's important to underline, amplify that. We really want to nuance it when the first response to these harms is to say, ban people from digital platforms because I think it is a more complicated picture than only these online harms when we think about young people on digital platforms.

[00:04:34] **Alex MacIsaac:** Yeah. I just wanted to also add, Sabreena, that what we're talking about is harms against children and youth, but the harms that digital platforms cause and facilitate that are proven and shown through research are not just affecting kids. They're affecting adults. They're affecting our communities, our collective society, and like the research that we do, significantly affecting our democracy for the worse.

[00:05:02] And so I feel like within this conversation, we need to recognize that these are system-level harms that are affecting really all sorts of facets of our lives and these digital platforms have gone unaccountable for so long. A lot of these problems that we're talking about today, we knew were problems 10 years ago or longer than that. And here in Canada, we've had federal governments that have been trying to do some kind of online harms legislation for years and across different governments, but we still don't have anything on the books.

[00:05:38] **Alex MacIsaac:** Other countries have found more success. There have been successes and failures, but we do know that legislative action can work to start holding these companies accountable, and it has begun to work in certain places, like in the European Union with their Digital Services Act to hold them accountable.

[00:05:57] **Sabreena Delhon:** So help me understand what is covered by digital platforms. What does this include? Is this just social media spaces? What is it?

[00:06:06] **Alex MacIsaac:** This is where it gets a little tricky, Sabreena, because there isn't consensus on what even counts as a social media platform. Because really, what is social media?

[00:06:15] It's a place to communicate and meet and interact online, and a lot of different places can then be considered social media. The Australian model has a handful of really major dominant platforms that are considered under their legislation. I can list them off here: Facebook, Instagram, Kick, which is an Australian streaming platform, Reddit, Snapchat, Threads, TikTok, Twitch, X, formerly Twitter, and YouTube.

[00:06:48] But there are also a number of social media platforms, obviously, that are really major that were not considered to be social media platforms, like messaging application Discord, for example, or Facebook Messenger, or gaming spaces like Roblox or others like that. So the definitions I find are inaccurate, and there isn't really a consensus here, and this is why in our research and in our work, we cling to wanting to not regulate social media, but to regulate digital platforms, which is somehow broader and narrower at the same time.

[00:07:25] We think that all digital platforms need to be held to the same account. They all handle our data. They all can facilitate similar harms, and the largest digital platforms need to be held to the most account. And if we're thinking of doing some kind of social media or digital platform regulation, I think we need to target all kinds of services.

[00:07:47] I feel like that's where things are getting confused is we're having to make these really difficult, weird conversations of what even counts as social media, and it's unfair and it's incomprehensive.

[00:07:57] **Beatrice Wayne:** I also think that's why it's so important to be clear about what the research says. So I think often when we envision a social media ban for under 16, we think, "Well, young people shouldn't be on TikTok this much.

It's not good for them. They're getting access to disinformation." But then when we look at the research, we see that places where young people are most vulnerable to criminal activity, particularly sexual abuse, is on private messaging apps. So then understanding that, understanding what the research says, we understand we really need to bring private messaging apps under this kind of digital regulation and hold them to account. So that's why we're so focused on understanding what are the real harms? Where are they happening and how can we mitigate them?

[00:08:39] **Sabreena Delhon:** And people might be surprised to learn what kind of apps that includes, right? Duolingo or Roblox, as you said, Alex. Names for things that seem innocuous but can be very harmful, particularly for young people.

[00:08:53] **Beatrice Wayne:** Yes, WhatsApp. I think that the assumption that WhatsApp is not a place where you have to worry about a young person being predated on by an older person, you wouldn't assume that, but that is the case.

[00:09:08] **Sabreena Delhon:** As Beatrice points out, a lot of dangers are lurking in the places we least expect. So you might be wondering, how exactly does a platform verify someone's age? Well, in the Australian legislation, there are three main ways that platforms are attempting it. The first is age estimation. That's when companies take a biometric face scan using AI.

[00:09:33] So you would use your webcam or the camera on your phone to take a 3D scan of your face. An AI system gives an estimate of how old it thinks you are. Age inference is another method. Here, a platform might guess your age based on your online behavior. Sounds convenient, right? No proof needed. But your online behavior is even more monitored and surveilled.

[00:10:01] And lastly, in instances where age verification is mandatory, a platform has the option of using a more invasive approach, like asking users for photos of their government ID. As Alex explains, these methods raise major questions about accuracy, ethics, security, and safety, not just for young people, but for everyone.

[00:10:30] **Alex MacIsaac:** Age verification in this kind of Australian model is something that would affect everyone who uses these kinds of digital platforms, not just people who are under 18 years old or under 16 years old. We will all potentially have to verify and be subject to verifying our age and our identity and going through these processes no matter our age, whether we're 16 years old or 60 years old.

[00:10:55] **Sabreena Delhon:** Walk me through how someone who is 17 in theory would be able to access said platform.

[00:11:02] **Alex MacIsaac:** So the first is age estimation, where companies are taking biometric face scans using artificial intelligence to try and estimate someone's age. A user will use their webcam or their phone camera to take a biometric face scan, a kind of 3D image of their face, and then an AI system will give an estimation of what age they think you are.

[00:11:31] Obviously, this is not able to ever be 100% accurate, and also has a host of ethical concerns, both in terms of how that data could potentially be used or stored or leaked, but also in how this affects different groups of people differently, because historically we've known that facial recognition systems don't work the same or aren't trained on the same data for all types of people who look different ways, especially people with darker skin tones, people from marginalized groups, or people who are maybe gender non-conforming or queer presenting have a lot of difficulty with these systems in some cases, and so they have added friction to be evaluated by such systems.

[00:12:22] Now, obviously, a 15-year-old and a 17-year-old don't necessarily look that different. So these systems will obviously never be able to be 100% accurate. But especially for this use case, if people are really questioning their efficacy, there's actually some funny stories of kids on Roblox being able to get around these systems by drawing mustaches on their faces with Sharpie marker.

[00:12:47] And that's not to say these systems can't get more sophisticated, but nonetheless, they're not particularly accurate, but they're collecting really sensitive biometric facial scan data of adults and children, which I feel like we should be worried about. The other methods are through trying to profile users based on their activity and be able to estimate or assess if a user is behaving like they're underage, whatever that means in different platforms' context.

[00:13:16] **Alex:** And the last mainstream way of age verification is through asking users to upload government photo ID, and this also seems to be the default option whenever the other options fail. And potentially anybody could be asked by any of these services to verify their age and their identity through uploading a photo of their passport or their driver's license or some kind of photo ID document.

[00:13:45] **Alex MacIsaac:** And again, similarly, I'd say there's fears around how this data is gonna be handled. This is some of our most sensitive data. Think of everything that's on your government ID, your full name, your date of birth, your home address, and we're giving all this to private, mostly foreign corporations to use and handle unaccountably.

[00:14:09] **Sabreena Delhon:** And this data, is it collected by the social media platform itself?

[00:14:14] **Alex MacIsaac:** No. So this data isn't actually collected, in most cases from what we've observed, by say Facebook or Snapchat or TikTok themselves. These major digital platforms are having identity verification services that they're partnering with to do this process.

[00:14:34] With the Australian legislation, for example, they're contracting this age verification process out to third-party companies, these identity verification providers. So you know, you might think, "Hey, I'm trying to validate myself on Instagram. Instagram's accessing my data." Well, it's not just them. It's also their identity verification provider.

[00:14:55] And then that provider then also has a laundry list of what they call sub-processors, these other companies that are also interacting with your data in different ways at different points during this verification process. It's worrying enough that say Instagram or Snapchat or TikTok or Facebook are going to access some of your most sensitive information. But then to realize, oh, it's not just the one company, it's a whole legion of companies that are based, you know, all over the world.

[00:15:27] **Beatrice Wayne:** Which means that there is a further lack of accountability of young people's data here because it is being shared in all of these spaces. And then if there is a data breach, there is no particular person who is being held accountable.

[00:15:43] We have a very good case study of Discord, which is a very popular platform for young people to use. They were collecting data through age verification, and there was a data breach of, I think, over 30,000 pieces of identity information that became accessed. They said it wasn't their fault because this was a problem with one of the third-party companies that had let the data be breached.

[00:16:07] But because of that, then the people whose data was suddenly made available had no one to hold accountable for that, and we have to ask a question: what is going to happen when we have large-scale collection of Canadians' data and it is very hard to hold companies who have access to that data accountable if there's a problem?

[00:16:27] **Sabreena Delhon:** Especially across borders.

[00:16:29] **Alex MacIsaac:** And I'll just quickly correct you, Beatrice. It was 70,000, over 70,000 government IDs. Not just any sort of data, 70,000 government IDs that this third-party permitted to be leaked, which makes me so upset that Discord is able to throw their hands up and say, "Well, it wasn't our fault. It wasn't us. It was our third party." And these are the people that you're contracting out to do this process for you. So again, like you said, where does the accountability

lie? And also, what happens for these 70,000 people, or potentially more in the future, who have their most sensitive personal information leaked online, in some cases, children's personal information leaked online?

[00:17:15] And that's some of the privacy fears here is that this is creating new harms for children and youth surrounding their most sensitive data. I mean, what is on your government ID? It has your full legal name, your date of birth, your current address, your place of birth, tons of really personal information that we're now potentially, at least in, like this Australian model, some people are now expected to just give to these really unaccountable digital platforms that, in the Canadian context, are also predominantly foreign companies.

[00:17:52] **Beatrice Wayne:** I would also add, when talking about the Australia model, when people point to that as an example of successful legislation, they're pointing to the fact that Australia was able to pass this ban, but there is no current evidence that the ban has been successful in its desired outcomes. So Australia's first eSafety Commission report on the ban has found that of those young people under 16 who had a social media platform prior to the ban, 70% still have an account on at least one of these platforms after the ban, and there also has not yet been any discernible evidence of a reduction in cyberbullying or of image-based abuse complaints. It's early days, yes, but at this moment, we don't have a reason to point to this legislation and say it's highly successful and we need to model it.

[00:18:42] **Alex MacIsaac:** The question that it also arises for me, Beatrice, with the Australian model is even if we could get every kid reliably off of these major platforms, the ones that Australia's outlined, the Instagrams and Facebooks and Discords, even if that could happen, life finds a way.

[00:19:01] They're just going to go somewhere else. We can foresee that potentially kids are going to find less regulated, maybe seedier, less transparent and less visible, more dangerous platforms and places online to congregate, to share their data, and to participate, and that's also potentially concerning.

[00:19:23] **Sabreena Delhon:** And the momentum behind all of this is parental anxiety. Parents are desperate to have some form of regulation, some boundaries, some protection for their kids online. That seems to be not in alignment with a lot of the concerns you're raising about what this could look like in practice. The kind of manner or tone around this also seems to be out of line with how young people actually are online, and how there are some positive ways that they're in online spaces. Can you unpack that a little bit?

[00:19:58] **Beatrice Wayne:** I'd be happy to. I think that one of the important things to do is to acknowledge this anxiety. I'm a parent with young children who are not yet actively online, but I'm looking towards the future with some trepidation. But I think when we look at the research, we have to look at the full picture of research of how young people actually use digital platforms, what they do, what are the risks, and what are the benefits, and I think both have been established.

[00:20:25] Jonathan Haidt's book *The Anxious Generation* has garnered a lot of attention and has really spoken to the anxiety of a lot of parents. I think it's interesting the book is called *The Anxious Generation*. In many ways, the anxious generation is our generation, the parents, because we are incredibly anxious about how young people are online.

[00:20:44] **Sabreena Delhon:** Indeed.

[00:20:45] **Beatrice Wayne:** I think when we center the voices of young people, and look at their experiences, they are very clear-eyed about both the harms, and they're very concerned about the harms, very anxious themselves about the harms. But they also speak to the way in which they find community, engage politically, gain knowledge online.

[00:21:08] We have to be realistic about how central digital platforms are to all of our lives, and that access to digital platforms is something that is important for us and for young people. It's particularly important for marginalized

communities. We know LGBTQ+ youth, that online space is where they can connect with others, is really important to their mental health.

[00:21:30] And I think if you look at the body of research about young people's engagement online, it shows a very complicated picture. It can support better mental health outcomes in certain ways, but it can also be very dangerous because these big tech platforms have not been held accountable. I think if we go back to centering the voices of young people, what they say is they want better digital platforms.

[00:21:56] They don't want to be kept off them. They don't want to be surveilled. They want to have safer, healthier spaces to engage online. And I think if we're being ambitious, bold, and responsible, it's our obligation to legislate in a way that creates these spaces for young people.

[00:22:14] **Sabreena Delhon:** We are really lucky in this job that we get to hear from young people directly about what they want from their democracy. And what they articulate is frustration that the grown-ups in their lives are wringing their hands and making things much more complicated and bureaucratic and weirder than it needs to be. They just tell us over and over again, they want a social media platform or online space that meets their standard, that's safe and doesn't require any weird privacy-oriented material from them. Like, they just say the same thing over and over again as clearly as they can, and grown-ups just don't know what to do with that. So what would you both have to say about that?

[00:23:02] **Beatrice Wayne:** I would draw our attention to...we had a wonderful citizens assembly in 2023. This was a youth assembly on digital rights and safety, and they had really great recommendations for duty of care legislation as legislation that actually holds platforms to account.

[00:23:17] They didn't recommend age-gating. They recommended something much more substantive. Recently, I had the pleasure of attending the Students' Commission of Canada's Canada We Want conference, and this brought young people together from 12 to 18. So some of those young people under an age ban would have been banned from platforms, some wouldn't.

[00:23:35] But they came together to talk about issues affecting youth, and they presented a research report they made after a really intense week of learning and discussion on the topic. And they had a report called *Democratea: Digital Safety and Democracy*, and their recommendations were a youth-led portal that delivers easily accessible civic information, collaborative, deliberative online forums so young people could discuss policy issues in Canada, more online local journalism available, and they wanted to extend the voting age to 16.

[00:24:09] What they wanted was better ways to engage online and more inclusion in our civic fabric and not to be excluded. And I think we should really...it's our obligation to take those recommendations seriously.

[00:24:20] **Sabreena Delhon:** And just to clarify, it's *Democratea* as in spilling the tea. Yes. And it's really amazing that when we're hearing from young people, they have such an expansive and productive mindset, whereas so many of the adults, we're just continuing to just be constrained with the democracy that these platforms are telling us we can have, rather than being driven by the democracy that we want.

[00:24:50] **Beatrice Wayne:** I think that's a great way to put it.

[00:24:52] **Sabreena Delhon:** But there is a little bit of moral panic in the discourse around banning kids from platforms too, right? And it echoes instances in the past where we've navigated similar issues around, let's say, parental advisory with the parental advisory stickers on albums, like how explicit lyrics have been handled, like these are more old school examples.

[00:25:14] But what would you say to someone who says, "You're telling us we should listen to kids? I mean, you're being really naive. What do kids know? We're the grown-ups, and we have to put the hammer down on this." How would you respond to that?

[00:25:25] **Beatrice Wayne:** I think first of all, I would say that I think the parental appetite for age-gating has been a little exaggerated and misconstrued.

[00:25:35] I think, and this is something Professor Michael Geist has said, that public support for protecting kids from harm is not the same as public support for every Canadian must submit ID to a third-party provider in order to use the internet. And I think we should not conflate those two things. I think when we say listen to kids, it's not, say, they don't want to be kept off social media platforms, so we have to accede to their wishes.

[00:26:02] We're saying listen to kids because they say regulate digital media platforms in a meaningful, substantial way that puts a duty of care on them, and I think they're asking us to be more bold, more ambitious, and I think that's where I say listening to kids is important. There are really clear and substantive ways that we can require these digital platforms to clean up their act and create safer spaces for kids, and banning young people from being online is not one of those ways.

[00:26:36] **Alex MacIsaac:** I think what's important here, Beatrice, too, is like what you say is like these digital platforms, I think this is where this moral panic discussion where people are kind of getting lost, is there's so much conversation publicly, in the news, within research of findings that social media is so harmful for youth, and social media is so harmful for the world because of XYZ ways. Which I totally agree that there's tons of harms, but I don't think it's social media that's causing the problem.

[00:27:10] It's these handful of digital platforms. Social media is just a place where people are able to communicate and discuss and meet in a digital environment. People meeting and talking isn't a harmful or inherently caustic activity, but the design of these platforms facilitates that. And so when we're always talking about the harms of social media, the technology or the concept as if social media is just accepted to be inherently harmful just by existing, I think is a totally wrong framing.

[00:27:46] And if we can get outside of that framing, I think we can make a lot more progress on these kinds of discussions. We like using the term digital platforms instead, and that's who we need to regulate, particularly very large digital platforms. And I think that pulls into scope a lot of these other non-social media digital environments that both kids and adults are, are being harmed through.

[00:28:13] The big one, of course, is AI chatbots, like ChatGPT. We have tons of public conversation in Canada about the harms of these kinds of services. And so what we say is whether it's Instagram or ChatGPT, Spotify, Netflix, Roblox, Amazon, no matter what your digital platform or digital service is, it should be held to the same account.

[00:28:36] **Sabreena Delhon:** I also want to just draw attention to the use of the term phone, that phones are bad, social media is bad, and is that part of what you're explaining?

[00:28:47] **Beatrice Wayne:** Yes. Interestingly, the sort of "phones are bad, screens are bad, social media is bad" it's really important to talk specifically and understand how these tools can be used in ways that are supportive for young people's education, for their social identities, for their civic engagement and ways that they are harmful.

[00:29:06] And they, in and of themselves, are not tools that are either good or bad. It's the way they are designed and the way that we ask young people to use them. I think what's really instructive is looking at the Academy for American Pediatrics. Interestingly, they've recently updated their guidelines around screens, which used to talk about screen time

and timing and how much time someone could be on a screen, and now really asks parents to consider how young people are using screens.

[00:29:35] Are they using it to socialize, to buttress friendships, to grow their social network, to connect with people like them across time and space? Are you looking at screens with them? And is this promoting a stronger relationship and discussion, or is it promoting antisocial behaviors? Is it helping isolate and drive young people towards particular extremist behaviour?

[00:29:57] Both those things can happen on a screen, so it's not the screens themselves that are producing these outcomes. It's the way that young people interact with them. And we need to be curious and question and be nuanced in the way we talk about these technologies.

[00:30:11] **Sabreena Delhon:** So that really troubles the analogies we've been hearing around cigarettes and alcohol, and that the way we ban young people from those items, that we should approach the way we regulate digital platforms in the same manner. Tell me what you think when you hear people complaining about, or comparing rather, the way kids are online to banning cigarettes and alcohol.

[00:30:36] **Beatrice Wayne:** What I think is instructive about that analogy is the knowledge that we can regulate. I think that for a long time the feeling was you can't do anything about big tobacco. You can't do anything about regulating alcohol in a meaningful way. These were things that we were told, and it's not true. Those are possible, and I think knowing that, I think that's actually a helpful argument because often the age ban discussion comes from a belief that you can't actually meaningfully regulate these large digital platforms in any other way.

[00:31:09] We have to keep young people off them because we can't actually create safer, better online spaces for them. We can. We've done that with other large and influential consumer products in the past, and we can do that with digital platforms. I think where it falls down is the understanding that it's only potentially harmful for young people. That digital platforms are only something that could harm them and don't have these other important aspects.

[00:31:39] If everyone was going to start smoking after they turn 17, then the point of keeping them off would be not as meaningful. Everyone is going to become...all these young people will be using digital platforms in one way or another when they turn 17. I think in terms of the analogy, what I tend to think of is imagine that there is this lovely looking pond in a community that everybody is swimming in, but we find out that it's deeply polluted.

[00:32:07] Is the best way to approach this pond to put up a gate around it that says no young people will be able to swim in it because we know it's harmful in particular ways for young people, and they're vulnerable? That's not a very good solution. We have to clean up the pond so everyone can swim in it, and we can, and I think that's the really hopeful thing.

[00:32:26] **Sabreena Delhon:** Where's big tech in all of this? How are they feeling about how they have been regulated to an extent? I know different countries have had some different responses. What are your thoughts on where big tech would be on this item?

[00:32:39] **Alex MacIsaac:** A lot of companies are pretty chill about it, which signals to me it's not necessarily the best type of legislation. If companies like Meta and OpenAI are fine with it, that raises an eyebrow for me. And most of these companies are, are complying and are complying with this legislation in Australia or elsewhere and are instituting these age-gating, and age verification regimes. Now, you do have some cases like Meta, Facebook and Instagram's parent company, that has actually been lobbying for a more extreme age verification law, and they've been lobbying both in the United States and in Canada for this.

[00:33:20] They want to, instead of having this setup where each company is responsible for figuring out their own age verification method, this is where they've contracted this out to some third-party company, instead of doing that, they keep saying, I'm putting air quotes on this, "the app store level." Now, that's a kind of nice way of saying at the operating system level, which is just to be able to access a kind of internet-connected device, whether that's a phone, potentially a laptop or desktop computer, you would need in this kind of, in Meta's kind of ideal model that they're lobbying for to, to age verify and to verify your identity, potentially do that regularly.

[00:34:04] And again, we've talked about the unaccountability, the data concerns that this could be something that's used to monitor people, to surveil people. And something we haven't talked about so far, this, this kind of process, whether these companies are actually ever using this data to surveil people or not will have chilling effects to how people are comfortable to act and discuss and share information in digital environments.

[00:34:35] And especially if Meta gets what they want, and this is instituted at the operating system level, then any kind of activity that people do on their phones, for example, would be subject to that kind of chilling effect of perceived or potentially actual surveillance.

[00:34:55] **Beatrice Wayne:** I would also add in this moment of concerns about Canadian sovereignty, when we're very focused on protecting Canadian democracy and sovereignty, all of these companies have access to our data.

[00:35:06] And under the CLOUD Act in the United States, the US government can commandeer that data. So that's Canadians' data that will be accessible by the US government. And I think that for many people, that could be a sovereignty concern.

[00:35:21] **Sabreena Delhon:** What would be a better response, Beatrice? Is there a Canadian option here? What is a way for us to have a digital platform that's regulated in the public interest and aligns with Canadian democratic values and doesn't compromise our sovereignty? Is there an answer to that question?

[00:35:42] **Beatrice Wayne:** I think this is a really exciting moment because we should be asking that question, and we should be using these concerns around our sovereignty to think about what a digital public infrastructure for Canada should look like.

[00:35:53] What do we want it to look like? How can we build this infrastructure in a way that supports Canadian democracy, and Canadian sovereignty, and Canadian youth so they feel like they have a voice in our future? We have the opportunity to ask that question and then build that infrastructure based on the response. So I think that we should be asking that very question in any legislation that comes up. Important, much-needed duty of care legislation should be accompanied by an investment in Canadian digital public infrastructure.

[00:36:24] **Alex MacIsaac:** To add to that, in expanding our data privacy legislation as well, because so much of our data is, like Beatrice just described with, in regards to the United States and the CLOUD Act, is able to be compromised by foreign governments at will.

[00:36:44] That's a national security issue, and that's a national security issue regardless of what Canada and the United States' current state of their relationship is. And so I think our federal government needs to really seriously interrogate some of these questions and needs to update our privacy legislation for the twenty-first century, which it hasn't yet.

[00:37:11] **Beatrice Wayne:** I will also say a key way that we know we can keep young people safer online is to equip them with the information of how these platforms operate to help them understand information literacy and what their risks are when they go online. Right now, we do not have a comprehensive national digital media literacy strategy.

[00:37:31] It's piecemeal across provinces. Some young people have access to good digital media education, some don't, and if we want to keep all young Canadians safe on these platforms, they need a really robust education. It's not the only tool, but it's a really important one, and that's something that it's important for our governments across levels to invest in.

[00:37:52] **Sabreena Delhon:** And we know when young people are equipped with those digital literacy skills, they have a positive influence on the grown-ups in their lives as well.

[00:38:01] **Beatrice Wayne:** That's right.

[00:38:01] **Sabreena Delhon:** I also can't help but really appreciate after this conversation that when the conversation is banning kids from social media platforms, it just sounds so simple and crude. It really masks so much of the complexity that we've unpacked today.

[00:38:22] **Beatrice Wayne:** It sounds straightforward, it sounds easy, and I think we're so desperate, I think as Alex said earlier, for a solution that we're really grabbing onto that. But I think what we've been trying to talk through is that we actually have a much better solution that we just need to act on.

[00:38:37] And I think approaching a duty of care legislation, but future regulation that relates to young people online, we should be adopting a rights respecting framework rather than a surveillance framework. And I think centering the, both the rights and acknowledging the vulnerabilities of young people is a productive way to move forward

[00:39:03] **Sabreena Delhon:** Like Beatrice says, respecting young people's rights and vulnerabilities has to be central to any solution. That's why duty of care legislation can make a difference. It's a type of legislation that holds digital platforms responsible and requires they take meaningful action to prevent and reduce harms to individual users and particular populations like kids.

[00:39:29] Platforms would be required to address features that were found to cause harm, like algorithmically boosted content that promotes outrage or intentionally addictive design features like infinite scroll. For this type of legislation to be effective, Canada would need to establish a digital platform regulator to protect the public interest.

[00:39:54] If a platform is intentionally causing harm or is just willfully non-compliant, the regulator would have the power to restrict that platform's operation in Canada and impose significant fines. As Beatrice points out, if parents know there are more nuanced approaches to keeping kids safe online that demand more accountability from platforms, that would ease some of the anxiety they're feeling.

[00:40:20] **Beatrice Wayne:** Knowing that we have the ability to hold these platforms to account, I think this is, there's a great place for parental energy and anxiety to go. We can do it. We can keep our kids safe online. We just need the political will.

[00:40:31] **Alex MacIsaac:** And some folks argue that these companies are gonna be willfully non-compliant with whatever our legislation is or whatever our government would potentially put forward.

[00:40:44] We've seen this and been victims to this in Canada with the Online News Act, where Facebook said, "Hey, we're actually not gonna play the game. We're not gonna cough up the money that you're asking for. Instead, we're just gonna block all news, all journalism on our platforms," which has been seen to have significant social and information harms.

[00:41:05] And something I think we need to reckon within this conversation is if these platforms are so harmful to children that we're scared to have them interface with it at all, maybe we need to recognize, hey, maybe these companies that are going to be willfully non-compliant and not care about our democracy, not care about how these platforms are making us more antisocial, more addictive, how they're promoting harm willingly, which we know they're doing, maybe they shouldn't be allowed to operate in Canada at all if they don't want to follow the rules, because that's what companies in other sectors, that's how they're held to account, is if you don't follow the rules and regulations, then you're not allowed to operate in our country.

[00:41:51] **Beatrice Wayne:** And I think what's instructive is that we are not going this alone. There are other countries across the world who are engaging with this sort of duty of care legislation, and they are effectively now holding these companies to account. So we should take inspiration from and also coordinate with these other countries to work together to really, really regulate in a meaningful way these digital platforms.

[00:42:16] **Sabreena Delhon:** Okay, we're gonna leave it there. Thank you so much, Beatrice. Thank you, Alex.

[00:42:19] **Beatrice Wayne:** Thank you.

[00:42:20] **Alex MacIsaac:** Thanks so much.

[00:42:27] **Sabreena Delhon:** If you'd like to learn more about age-gating, we have a ton of information in our show notes, including a link to the Citizens Assembly on Digital Rights and Safety, so be sure to check that out. And to keep up with Verified, our research and digital literacy project, visit samaracentre.ca and join our mailing list.

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