

How 13 Became the Internet's Age of Adulthood

The inside story of COPPA, a law from the early days of e-commerce that is shaping a generation and creating a parental minefield

By Julie Jargon

At 13, kids are still more than a decade from having a fully developed prefrontal cortex, the part of the brain involved in decision-making and impulse control. And yet parents and educators unleash them on the internet at that age—if not before—because they're told children in the U.S. must be at least 13 to download certain apps, create email accounts and sign up for social media.

Parents might think of the age-13 requirement as a PG-13 movie rating: Kids might encounter a bit more violence and foul language but nothing that will scar them for life. But this isn't an age restriction based on content. Tech companies are just abiding by a 1998 law called the Children's Online Privacy Protection Act (COPPA), which was intended to protect the privacy of children ages 12 or under. It's meant to keep companies from collecting and disseminating children's personal information. But it has inadvertently caused 13 to become imprinted on many parents' psyches as an acceptable age of internet adulthood.

Researchers at Harvard's Berkman Klein Center for Internet and Society interviewed families around the country over five years and found that they believed that websites' age requirement was a safety warning.

"Across the board, parents and youth misinterpret the age requirements that emerged from the implementation of COPPA," the researchers wrote. "Except for the most educated and technologically savvy, they are completely unaware that these restrictions have anything to do with privacy."

So how did COPPA come about?

In the mid-1990s, when Massachusetts Democrat Edward Markey was serving in the House of Representatives, he helped craft the Telecommunications Act of 1996. As part of it, he wanted to include a privacy bill of rights, something to protect consumers' personal information. When opponents shot that down, then-Rep. Markey focused on data privacy for children.

“I was very disappointed when the privacy provision was removed,” Mr. Markey, now a U.S. senator, told me. “What I was looking for subsequently was an opportunity to at least put a privacy bill of rights on the books for children. That became my goal.”

In 1998, after surveying more than 200 child-oriented websites, the Federal Trade Commission reported that very few posted privacy policies or required parental consent before collecting or disclosing children’s personal information. The FTC recommended that Congress enact legislation requiring children’s websites to obtain parental consent before collecting, using or disclosing a child’s personal information.

For this, Congress had to define “child.”

In his initial bill, then-Rep. Markey said a child was someone under 16. But there was pushback from e-commerce companies about cutting off their access to this lucrative market. Those companies found an unlikely ally in civil liberties groups.

The fear: Requiring teens to obtain parental permission might curtail their ability to access information about birth control and abortion, or resources for getting help in abusive situations, according to Kathryn Montgomery, who ran the Center for Media Education, the group that had nudged the FTC to investigate kids’ sites in the first place. “I agreed that those were concerns,” she said.

“It was one of those rare situations where the interests of industry and the concerns of civil liberties groups aligned,” said Dr. Montgomery, professor emeritus at American University and senior strategist at the Center for Digital Democracy.

“Under 12” had been widely used as a rule of thumb since the 1970s, when regulators in the U.S. and other countries crafted laws about marketing to children, said Lee Peeler, a former associate FTC director who helped craft COPPA. This was supported by research that showed kids ages 8 to 12 could distinguish advertising from other content, he said.

The widespread bipartisan support for a children’s privacy bill outweighed the age debate, said Mr. Peeler, now executive vice president for policy and development at the BBB National Programs Inc.

COPPA passed by a wide margin in 1998 and went into effect in April 2000—four years before Facebook and seven years before the iPhone. To this day, rather than go through the laborious process of seeking parental consent, most websites, apps and social media platforms simply state that users must be at least 13.

Companies that collect or disclose data from kids can face civil penalties of more than \$42,000 per violation, but they’re liable only if they have actual knowledge that the person is younger than 13, the FTC says. If a 13-year-old—or a younger child who lies about his age—uses general-audience apps and websites, his data can legally be collected and shared.

“It was too young and I knew it was too young then,” Sen. Markey said. “It was the best I could do.”

Because 13 has become the internet's age of adulthood, experts believe there's a generation of kids growing up too fast.

"When we talk about teens in the early stages of adolescence, we're talking about a brain that's under construction," said David Anderson, a child psychologist and senior director at the Child Mind Institute. "It's not so much about how they'll behave online, but whether they are ready for what they're going to encounter. Social media opens up a very adult world."

To go on a field trip, a 13-year-old still needs a parent's signature, but once kids turn 13, they're eligible to create Facebook, Instagram and other social media accounts without any parental oversight. They can also create and manage their own Google account, although the company recently gave [parents the ability to supervise their teenagers' accounts](#)—with their teens' permission.

Facebook says that for minor accounts it provides stricter default settings and warning screens for certain content and restricts features such as dating. Facebook also doesn't allow advertisers of products and services such as supplements, gambling and cigarettes to be advertised to people under 18, a spokeswoman said.

And age limits often tend to bend. If the law says 21 to drink, parents might let their 19-year-old have a beer. If you have to be 13 to join Snapchat, some parents might feel OK about letting their 11-year-old sign on.

"It's led to millions of kids lying about their age online," said Jim Steyer, founder and chief executive of Common Sense Media, who says COPPA is "hopelessly outdated."

Mr. Steyer was involved in getting COPPA updated in 2013, to widen the scope of protected data beyond just names, addresses and phone numbers. It now extends those protections to photos, videos, precise geolocation information and activity-tracking web cookies. He pushed unsuccessfully to raise the age limit.

"Today it's so much clearer that we need to raise the age to under 16," said Sen. Markey, who along with Republican Sen. Josh Hawley of Missouri, introduced a bill in March dubbed "COPPA 2.0" to extend the law's privacy protections to 13-, 14- and 15-year-olds.

Even if the COPPA age is raised, many parents would say the genie already escaped the bottle. And other problems could arise.

"Can you imagine getting a 14-year-old to come off social media until a parent provides verifiable permission?" says Stephen Balkam, founder and CEO of the Family Online Safety Institute. Plus, verifying a minor's age would require even more data collection. "And then what happens to all of that data?"

We're left in a world where kids who are too young to drive or vote can say and do things online that could haunt them forever. What's the solution?

Parents can educate children about the consequences of posting before thinking. But first, they can limit kids' access to social media until they're socially and emotionally ready. Parents can hold out from giving their children phones as long as possible, said Mr. Steyer. And monitor them once they do.

"Delay, delay, delay," he said.