



March 30, 2023

Senate Commerce and Consumer Protection Committee
Minnesota State Senate

Dear Chair Klein and members of the committee,

I write today about the language in the Senate Commerce Finance omnibus bill establishing the Minnesota Age-Appropriate Design Code Act. We appreciate the intent of sponsors to enact policies that protect Minnesotans, especially children and teenagers but are concerned how the bill may impact Minnesota schools and, more broadly, the rights of minors in the state. We are hopeful that policymakers will continue to work to refine language, so all rights of Minnesota children are protected.

By way of background, SIIA is the principal trade association for the software and digital content industry. Our members serve customers in Minnesota and include the nation's leading publishers and innovative developers of digital products and services for K-20 education, including digital instructional materials, education software and applications, online educational programs, professional development and related technologies and services for use in education. We also have several member companies either based in or with employees based in Minnesota.

We agree that the mental health and well-being of children is a critical policy area to tackle. We were encouraged to see Minnesota's dedication to students across the state placing systems in schools to support the whole child. Minnesota is certainly a leader in addressing some of the most pressing challenges and we agree that addressing mental health challenges will not be fixed with one piece of legislation nor one initiative.

Our members are dedicated to ensuring Americans have access to reliable, factual information. Those that work in the education space are especially aware of that charge. Education technology tools used in schools and within the bounds of existing student privacy laws often include things like parent messaging tools and email platforms. These tools are critical for timely communications between parents, school administrators, and teachers, as well as with students requesting after-school help from teachers, simple reading materials, and the required formative and summative assessments. Minnesota passed important legislation protecting student data privacy just last year which, among other things, bans the use of student data for targeted advertising and bans the sale of student data.

While there are similarities in requirements between the law protecting student privacy and the proposed Minnesota Age-Appropriate Design Code Act, the slight differences in requirements may cause confusion for compliance teams requiring them to pick and choose the legal framework that isn't designed for the school

setting. SIIA's membership is dedicated to providing tools that protect the privacy and safety of all Minnesotans.

Accessing educational information, along with things like news and entertainment, is a right established by Article 13 in the United Nations Convention on the Rights of the Child. As the Convention states, a child "shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of the child's choice."

We are concerned that certain provisions in this legislation, as currently written, may unnecessarily prevent access to critical information and harm the well-being of Minnesota's children. Requirements to choose the well-being as defined by the bill versus other interests such as the right to access information may lead to businesses taking steps to mitigate legal risk and aggressively block online content no matter the newsworthiness, appropriateness, or educational value of the information.

In a worst-case scenario, Minnesota's children may fall behind other children in the country if they are left without access to factual information online to develop critical skills and knowledge to become fully engaged citizens after they turn 18. Skills for adulthood and the workforce require access to the internet and, while this bill attempts to foster the growth of an internet that does that, it unfortunately misses the mark.

We acknowledge and support the broad agreement by state and federal lawmakers about the need to protect children's privacy and safety. We agree that establishing legal guardrails for businesses is important work. We caution, however, that without a careful approach to balance all the rights afforded to Minnesotans some will be left behind.

Respectfully,

Sara Kloek
VP, Education and Children's Policy
Software & Information Industry Association

