

Protecting the Rights of Kid Influencers

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In recent years, children and minors have increasingly populated social media platforms, with some being granted access through their parents, and others being exposed to it indirectly through their parents' content. A 2021 survey revealed that 75 percent of parents share their children's information on social media, often reaching followers that the parents have never met.¹ These parent content creators or "vloggers" have gained significant online followings through their content based on their children, however this has increasingly created opportunities for exploitation. Consequently, there is a need for robust measures to protect the privacy and well-being of minors online.

The enactment of the Children's Online Privacy Protection Act Rule (COPPA) in 2013 aimed to prevent unfair or deceptive acts or practices related to the collection, use, and/or disclosure of personal information from and about children on the Internet."² While COPPA technically bars minors under the age of 13 from using social media, this has not resolved the issue of younger children accessing these platforms or having their information shared online through their parents. Consequently, social media legislation is currently pending in 30 states and Puerto Rico, encompassing a range of initiatives such as creating study commissions and task forces, mandating age verification, and incorporating media literacy courses in K-12 curriculum.³

Moreover, legislators are developing specific regulations that focus solely on child influencers. For example, Ohio's pending "Kidfluencer Protection Act" requires online platforms providing compensation to creators to provide detailed itemized statements to account holders, including details of the videos generating compensation, the amounts, and associated account names. Content creators or "vloggers" who feature minors in their content are obligated to maintain detailed records, such as the number of vlogs that featured the minor which generated compensation.⁴ These vloggers must compensate the featured minor based on the revenue generated from the minor's "likeness, name, or photograph", and hold these funds in a trust account until the minor reaches 18 years of age or is emancipated.⁵

These legislative efforts signal a growing recognition of the unique vulnerabilities faced by minors in the social media industry. While challenges lie ahead, these initiatives represent a step forward in addressing the complex issues of children's content creation. Through technological safeguards on social media platforms, and legal efforts, a more responsible and safer online environment can be created for children.

¹ *Parents' Social Media Habits: 2021*, SECURITY.ORG, May 13, 2021, <https://www.security.org/digital-safety/parenting-social-media-report/>.

² 16 C.F.R. § 312 (2013).

³ *Social Media and Children 2024 Legislation*, NCSL, February 6, 2024, <https://www.ncsl.org/technology-and-communication/social-media-and-children-2024-legislation#:~:text=The%20legislation%20includes%20bills%20and%20resolutions%20that%3A%201,media%20literacy%20courses%20or%20curriculum%20for%20K-12%20students.>

⁴ Kidfluencer Protection Act, H.B. No. 376, 113th General Assembly of The State of Ohio (2024).

⁵ *Id.*