

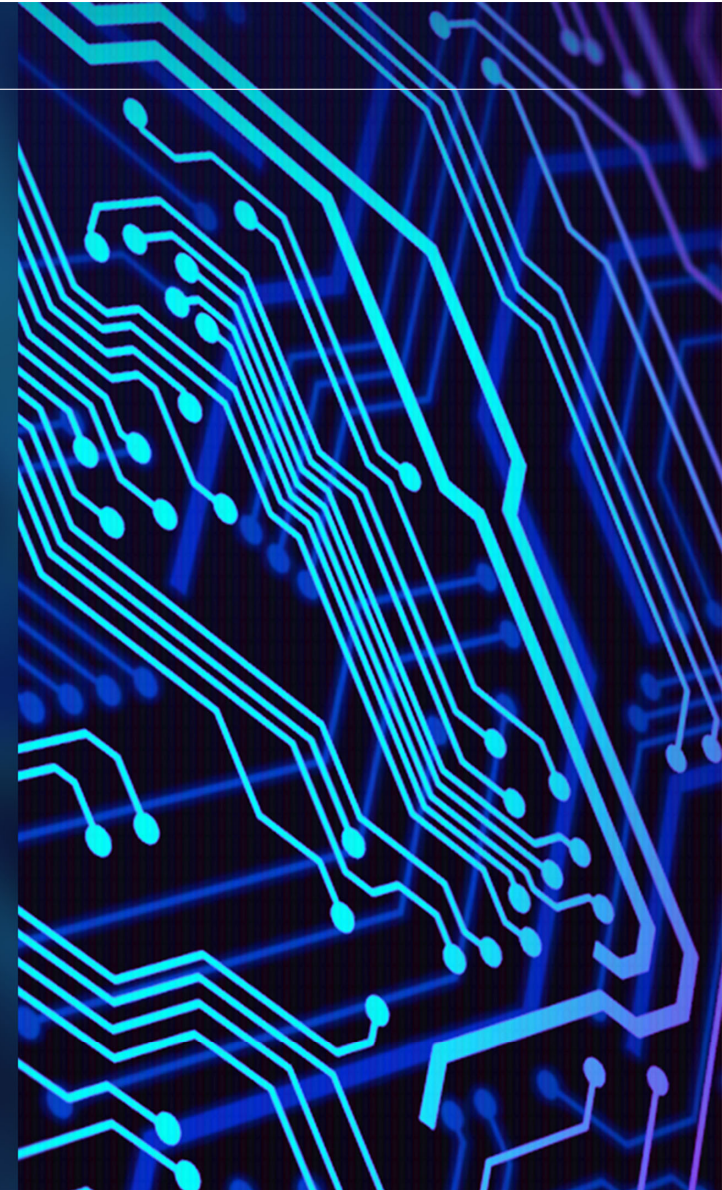
November 2025

Minding the (US-European) Privacy Gap

Children and Youth

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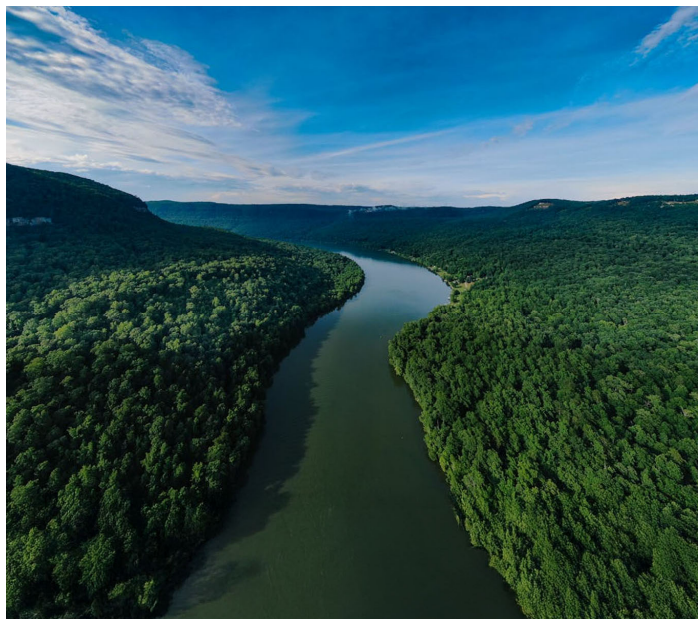
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Comparing Regulatory Approaches



EU/UK unified under GDPR



US diversified state and federal framework

EU Digital Regulation Timeline 2025-2027

UK DMCCA

New digital markets competition regime

EU NIS 2

National register requirements for cloud services, managed services, online marketplaces and others

EU DORA

All obligations and requirements

UK OSA

Child safety duties; children's risk assessments; register of categorised services

EU AI Act

GPAI Code of Practice

EU Data Act

Most obligations for connected products and data processing services

UK OSA

Transparency reporting for categorised services

EU AI Act

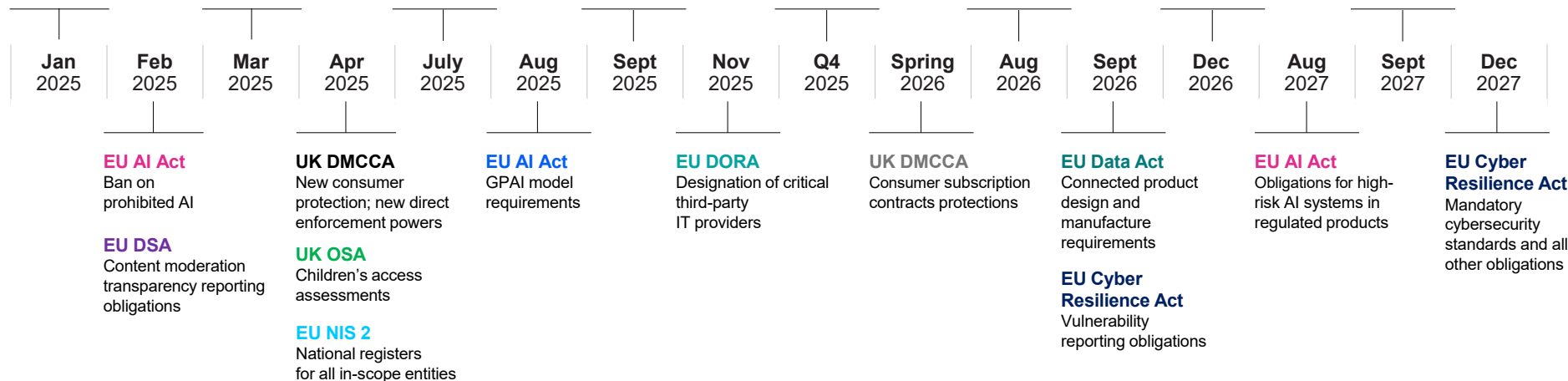
High-risk and other AI system obligations

EU Product Liability

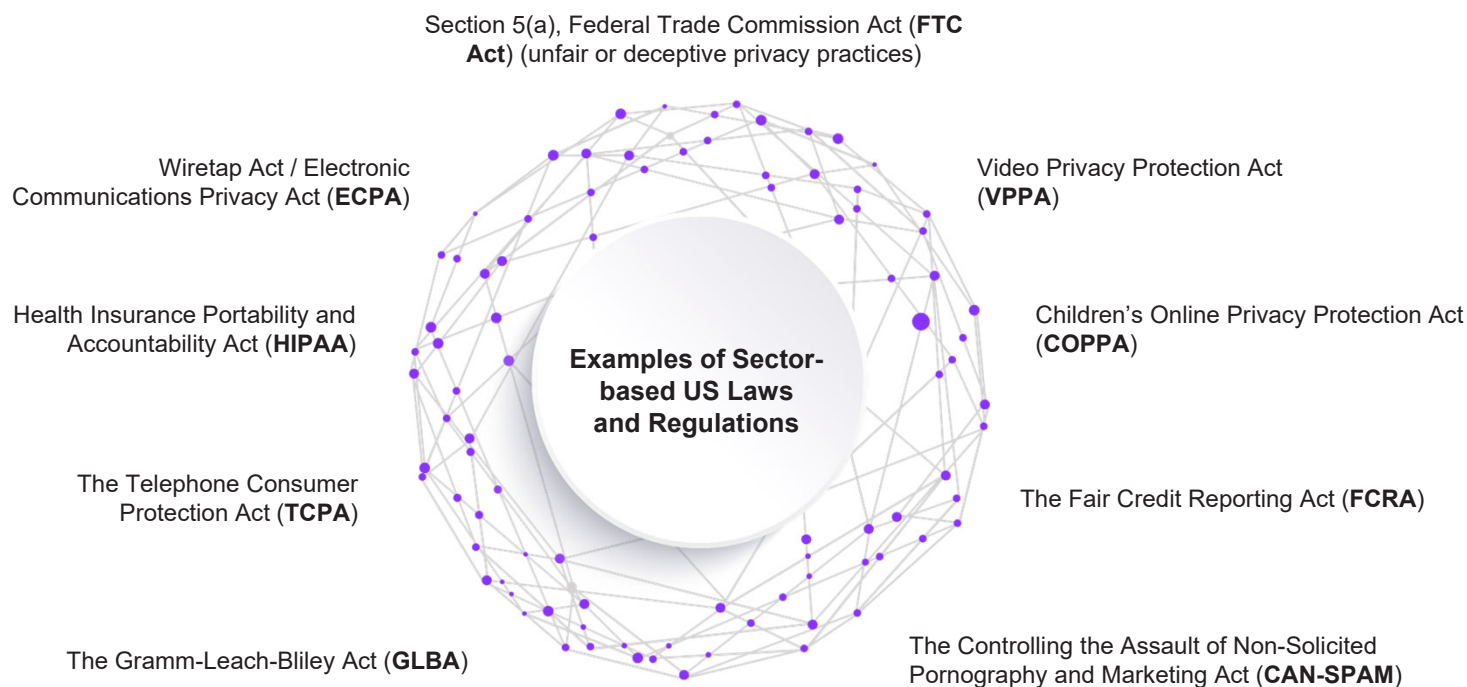
Revised liability rules for AI and tech

EU Data Act

Long term data sharing contract requirements

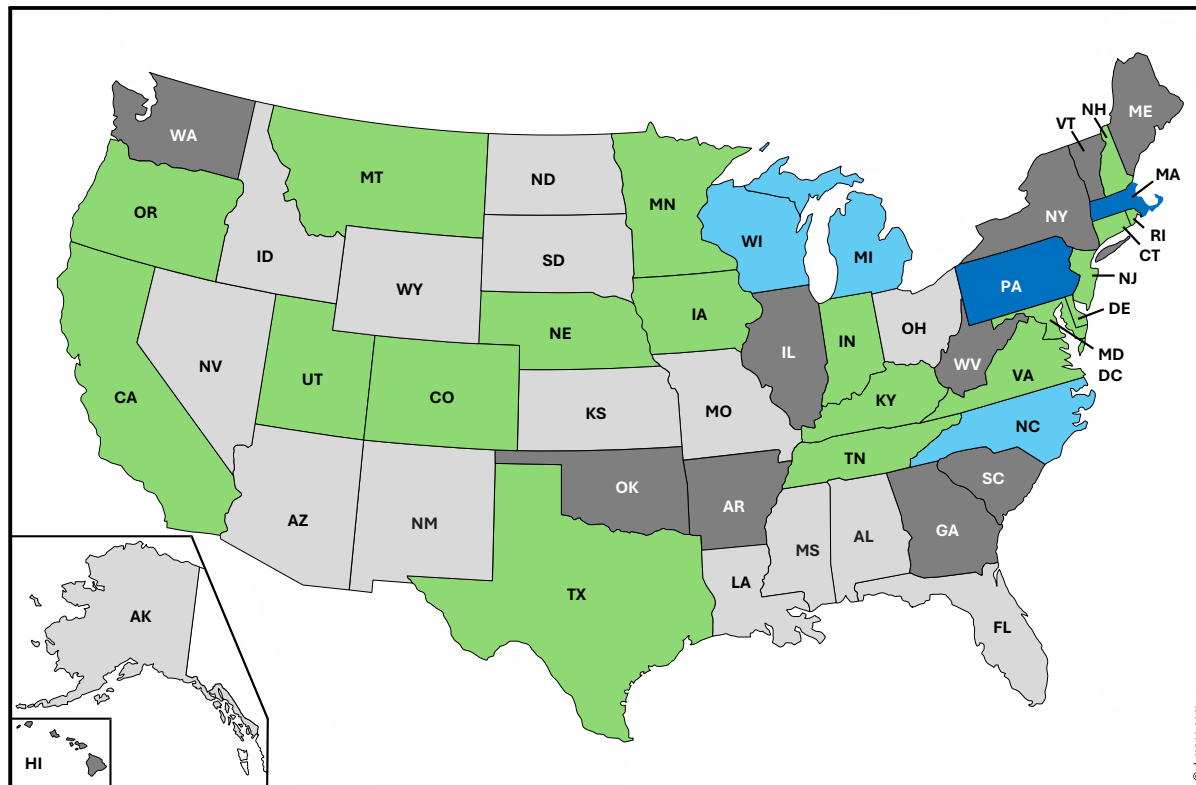


U.S. Federal Sectoral Privacy Laws



US State Privacy Laws Heatmap

- In committee
- In cross chamber
- In cross committee
- Signed
- Inactive bills
- No comprehensive bills introduced



↻ Last updated 10 October 2025

Source: [IAPP](#)

Federalism at work

State AGs

- ◆ COPPA
- ◆ State UDAP
- ◆ New Laws like TX SCOPE Act

FTC

- ◆ COPPA
- ◆ Section 5
- ◆ Any other consumer statutes with fining authority

State Legislatures

- ◆ AADC laws
- ◆ State comprehensive privacy laws
- ◆ Youth-specific privacy laws
- ◆ Social media laws
- ◆ Addictive feeds laws

SCOPE & APPLICABILITY

Children's Sites
website directed to
children under 13



Collect From Children
Must collect information
from children. Applies to
all info collected from
children even if not
about them.

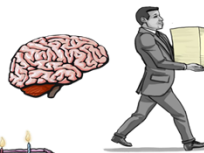
—or—
Actual Knowledge
operator has actual
knowledge it is
processing PI from
children



Commercial
Applies only to
commercial websites
(not non-profits or
government).



Online
Must collect
information online.



PERSONAL INFORMATION (PI)

PI is information that identifies or could
reasonably be linked to a child under 13.



Phone
Number

First and
Last Name



Online Contact
Information



Home or
Physical
Address

Geolocation



Screen or
Username



Social Security
Number



Photo, Video, or Audio
File with Child's Image
or Voice

Info Collected Online
Combined with
Identifier



VERIFIABLE PARENTAL CONSENT

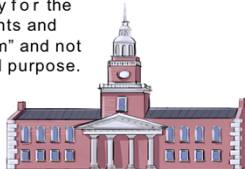
An operator must obtain
verifiable parental consent
before collecting PI online
from children.



Permits reasonable methods
to obtain parental consent.



Schools may grant consent on
behalf of parents when the
operator provides a service
that exists "solely for the
benefit of students and
the school system" and not
for a commercial purpose.



Children's Online Privacy Protection Act



PARENTAL RIGHTS

Right to
Access



Right to
Delete



Right to Prevent
Further Use or
Collection



OPERATOR RESPONSIBILITIES

Maintain a
Privacy Policy



Provide Notice
to Parents



Security
Measures



Use
Limitation



Prohibition on
Conditional Treatment

LIABILITY FOR THIRD PARTIES

Strict liability on first-party websites
and services for the actions of
third parties that collect children's
personal information through
those first parties.



ENFORCEMENT

Enforced by the FTC
and State AGs.

Fines up to US \$40,000
per violation.



No private right
of action.



Preempts state law.



www.teachprivacy.com
Privacy Training by Prof. Daniel J. Solove

State Legislatures / Court Challenges

AADC laws

State
comprehensive
privacy laws

Youth-specific
privacy laws

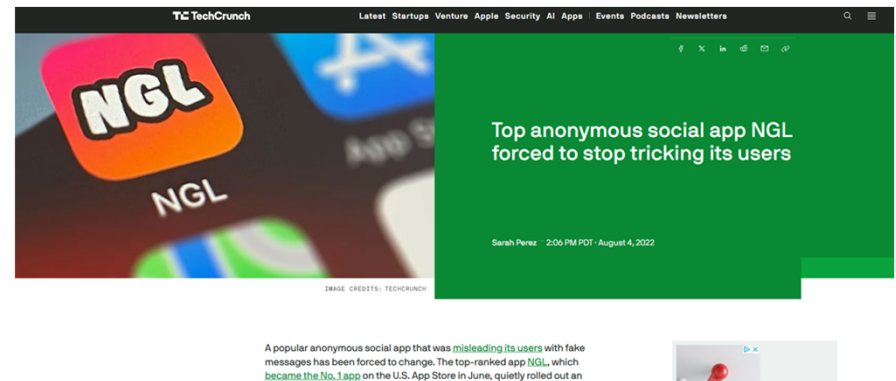
Social media laws

Addictive feeds laws

Recent FTC Enforcement Actions

NGL – anonymous messaging app

- ◆ 2024 settlement
- ◆ Alleged violations of COPPA, Section 5, and ROSCA
- ◆ Brought with LA DA's office
- ◆ \$5 million monetary penalty
- ◆ Order included ban on use of the app by U18s

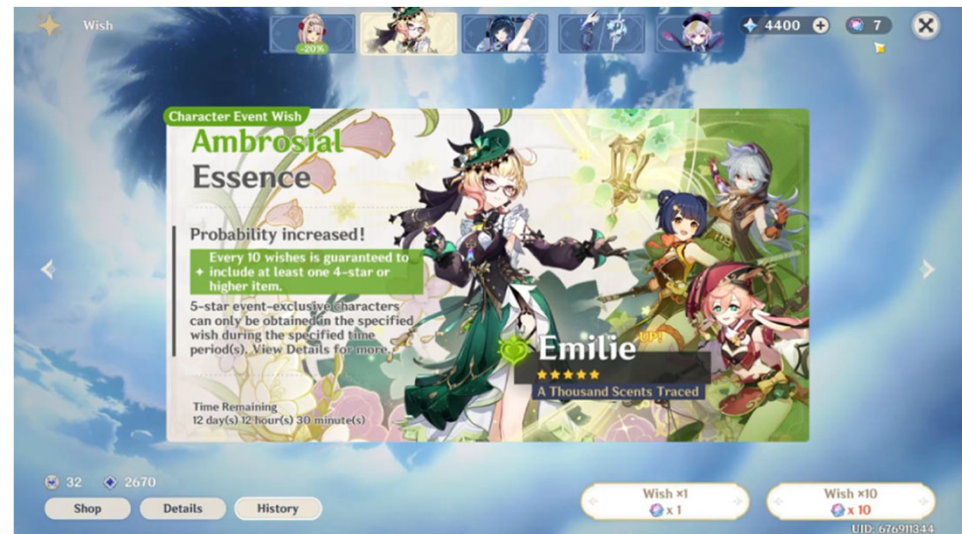
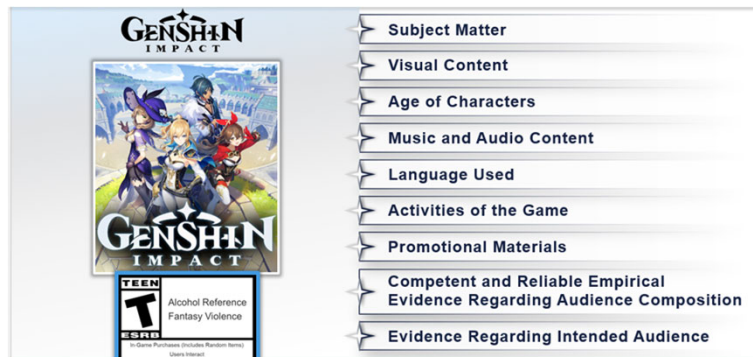


FTC Order Will Ban NGL Labs and its Founders from Offering Anonymous Messaging Apps to Kids Under 18 and Halt Deceptive Claims Around AI Content Moderation

Agency says app was unfairly marketed to kids and teens, sent fake messages to drive up usage, tricked users into signing up for its paid service, and didn't obtain consent for recurring charges

July 9, 2024 | [f](#) [X](#) [in](#)

FTC v. Cognosphere (Genshin Impact)



Current FTC Still Focused on Minors

- ◆ Children's data (including data belonging to teens) remains universal, top priority
- ◆ May see less use of novel unfairness in alleging harms to children, but that is far from certain.
- ◆ E.g., Commissioner Holyoak said "The Commission must use every tool that Congress has given it to help protect children and teens from online harms, and to better understand emerging technologies that can negatively affect kids' online privacy and safety."

State AG Litigation

Teen Mental Health Litigation

- ◆ >40 state AGs sued Meta for violations of COPPA and state consumer protection laws
- ◆ Allege that FB and IG are directed to children and had actual knowledge of users under 13
- ◆ Seeking injunctive relief and damages
- ◆ 13 state AGs sued TikTok for violations of state consumer protection laws (no COPPA)

Discord (NJ AG)

- ◆ April 2025 complaint against Discord alleging violations of the NJ Consumer Fraud Act
- ◆ NJ claims that Discord misled users, particularly children and their parents, about the safety of its communication application
- ◆ Seeking injunctive relief and civil penalties

Roblox (FL AG criminal)

- ◆ October 2025 issued criminal subpoena to investigate whether Roblox is aiding predators in accessing and harming children
- ◆ Subpoena cites age verification and content moderation concerns
- ◆ Roblox announced plans to roll out facial age estimation technology by EOY to help verify the ages of players

EU / UK Framework



Age appropriate design: a code of practice for online services



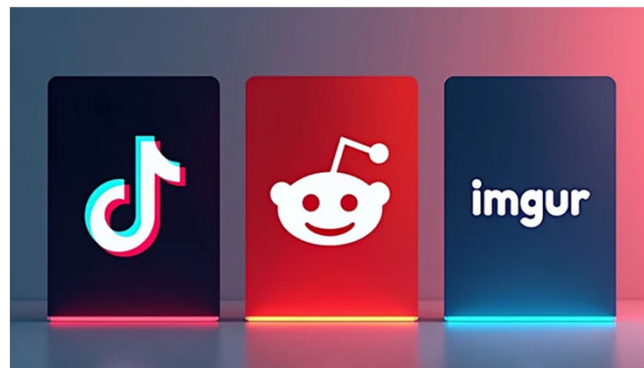
**Protection of Children
Code of Practice for
user-to-user services**



UK / EU Enforcement



Authority for
Consumers & Markets



Ofcom

Key Takeaways and Strategies

- ◆ Consider a unified global approach
- ◆ Lean into age
 - > Age gate and block those ages that are not essential to the business
 - > Offer age-specific experiences (e.g. a COPPA-compliant U13 version and a 13+ version)
- ◆ Default to most protective settings for all U18s
- ◆ Develop parental controls which allow parents to access/delete their child's data and control feature access
- ◆ Services offering the following needs to be particularly careful:
 - > Social features (e.g. text/chat)
 - > Algorithmic feeds
 - > Financial transactions
 - > Targeted advertising
 - > Collection of precise geolocation



Questions?

Thank You

An Integrated Cross-Border Team

Key Global Contacts



Our significant experience managing cross-border and multi-jurisdictional projects allows us to provide you with integrated and cost-effective legal advice across jurisdictions. Latham's privacy & cyber lawyers work seamlessly across the firm's global network of offices to provide coordinated global advice and solutions through a single point of contact.



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