

April 2, 2012

National Telecommunications and Information Administration
1401 Constitution Avenue NW
Room 4725
Washington, DC 20230

To Whom It May Concern,

We, like the National Telecommunications and Information Administration, are very concerned about maintaining online privacy for digital technology users of all ages. Our community of researchers, educators, service providers, innovators, and other thought leaders has put years of effort into learning more about how students interact with various technologies and platforms to become more critical thinkers, more engaged citizens, and better learners.

We know that the same technologies and social processes that have powered the transformations in social, political, and economic life can provide the next generation with learning experiences that open doors to academic achievement, economic opportunity, and civic engagement.

With the help of powerful technology and engaged adults, we now have the capability to reimagine where, when, and how learning takes place; to empower and motivate youth to pursue knowledge and develop expertise at a pace, to a degree, and on a path that takes advantage of their unique interests and potential; and to build on innovations across a growing spectrum of learning institutions able to support a range of learning experiences for youth that were unimaginable even 15 years ago.

A range of researchers, practitioners, policy and technology makers have developed a model of learning that is keyed to the opportunities that today's digital and networked media offer for expanding and supporting access to learning. We call this new approach to learning "connected learning" — anchored in research, robust theories of learning, and the best of traditional standards, but also designed to mine the learning potential of the new social- and digital media domain. Connected learning is interest-powered, peer-supported, and academically-oriented, harnessing and integrating the different kinds of learning that students pursue.

Effectively realizing and supporting connected learning requires open and extensible network infrastructures that enable children and youth to share knowledge, connect with communities of knowledge and expertise, circulate their work to relevant audiences and institutions, and develop a presence in public life. In order for young people to become effective learners and productive citizens in today's networked age, we believe it is critical that they are able to exercise agency as well as be supported in making wise choices as to their online participation and how they manage social relationships online. Online information and social communities provide an unprecedented opportunity to broaden access to interest-driven and expertise-oriented learning, but this can only happen if young people are able to access these opportunities.

And while we support efforts that protect users of all ages from theft, fraud, or exploitation, we also feel strongly that privacy initiatives not come at the cost of learning. We know from a robust body of existing research that efforts to eliminate choice and exploration in youth activity have the unfortunate side-effect of limiting opportunity and learning or forcing young people to engage in activities “under the radar” of adult oversight. We also know that policies that limit access to knowledge and relationships disproportionately impact children and youth who are dependent on public access infrastructures through schools, libraries, and other community institutions. If young people are not supported in accessing learning-relevant content and relationships online, they are limited in their ability to pursue knowledge and interests. Privacy efforts should be pursued in a manner that encourages use of the best technologies available to engage young people and advance learning outcomes. It should also take care to allow for researchers to study and assess youth learning – in a safe and ethical manner – to better understand how we can improve and invest in the future of education for young people.

The immense potential in initiatives that harness the power of social networking, streaming video, and other online resources depends on youth having access to these resources. While we support taking well-meaning steps toward protecting their privacy, it should not come at the expense of limiting this access. In light of these goals, the following are our suggestions for steps to take and topics to pursue.

Topics to Pursue in the Multistakeholder Process

We are pleased that NTIA recognizes the importance of transparency in this effort and supports pursuing discussions on making this process, and the resulting codes of conduct, as transparent and easy-to-understand as possible.

NTIA specifically lists “online services directed toward teenagers” and “online services directed toward children” as areas they are interested in further pursuing. We believe these are important topics, and would specifically recommend that the process dig deeper into the following topics:

COPPA, Under-13s, and Social Media. [Research shows](#) that despite many websites responding to the Children’s Online Privacy Protection Act (“COPPA”) by banning children under age 13, millions of under-13 children are on Facebook and other social networking sites — often with parental consent and support. Many parents see the 13+ age restriction as a kind of ratings guideline they can overrule, and not as official policy. However, by choosing to access these sites and resources in spite of the age ban—often for positive educational or social reasons—parents and children are forced to forgo COPPA’s privacy protections. We would be interested in having open conversations with stakeholders about reasonable solutions to resolving this dilemma and minimizing COPPA’s unintended consequences.

School Regulation of Online Content. Many school districts around the country put restrictions on their networks that prevent users from visiting web sites such as Wikipedia, YouTube, and Facebook while on school property. Although this is done with good intentions (keeping students focused during the day and protecting them from inappropriate content), it is also isolating students and teachers from vast amounts of engaging educational content and preventing them from engaging in a broader range of connected learning. To the extent these restrictions are interlaced with privacy concerns, we think a conversation about strategic solutions to content restrictions would be productive for stakeholders to have.

Digital Literacy. Regardless of policies or restrictions, learners of all ages need digital literacy so they can interact more successfully, productively, and safely with digital technologies and platforms. A conversation about how to better integrate digital literacy, including digital privacy literacy, into new and existing policies and initiatives could help identify ways to improve students', parents', and all digital citizens' experiences.

Public-Private Educational Initiatives and Assessments. Numerous funders, including The John D. and Catherine T. MacArthur Foundation, are investing in new approaches to learning that involve public-private partnerships. For example, YOUmedia is an innovative learning space for teens in Chicago. Designed to respond to the interests of young people, YOUmedia provides traditional and 21st century digital tools along with the adult mentoring they need to produce media, design and collaborate on projects, and share them with the world. The YOUmedia adult mentors are online, too, encouraging youth to post work, modeling participatory behavior by posting their own work, providing instant feedback on youth projects, and sharing in the community-wide conversation. Thus, multiple layers of personal information and cultural production are shared across the networks between public and private institutions to encourage learning.

To the extent privacy rules and regulations differentiate in their compliance regimes between public from private entities, they can present a substantial barrier to creating and maintaining these partnerships, especially for projects like YOUmedia, which actively strive to connect the ways youth learn across sites, platforms, and networks. This is further complicated when researchers wish to study or even track youth participation to assess learning outcomes and provide feedback and evaluation for innovation and improvement. A conversation exploring ways to better harmonize these rules and facilitate innovation and research to improve educational outcomes using public-private digital platforms would be beneficial.

Process

We believe that in order to get buy-in from the broad group of stakeholders in this field, the NTIA must first work closely with a smaller number of stakeholders who can reach out to their peers and legitimize this process. Garnering vast acceptance of this mission will be difficult if the NTIA attempts to engage all stakeholders from the start. The same is true of the effort to hold corporations to a voluntary, but legally binding code of conduct.

That said, we believe that stakeholders can be engaged in this process, and are hopeful that we could participate and bring others into the conversation, provided that discussions include the following.

Full Participation of Parents, Educators, and Youth Advocates. Without buy-in from parents, educators, and the students themselves, we believe this process (and the resulting outcomes) will not be relevant to youth and their families. Learning more about how children and the trusted adults around them interact with digital media technologies and platforms will help ensure that this process addresses the needs and interests of a large population critically affected by privacy rules and policies.

Productive Discourse Among Privacy Advocates and Digital Makers. Similarly, makers of digital technology and platforms, such as Mozilla and Wikimedia, must be involved in this process from the start. For codes of conduct to be adopted and accepted, the interests and of all points of view should be understood fully and considered.

Research Agenda

While digital privacy research is nothing new, there is still much we have yet to understand, especially in terms of the use of new mobile technologies and the abundance and extent of social participation. In order to fully understand this field and to be able to respond with the most appropriate policy, a robust research agenda should be part of this process, and researchers should be engaged throughout, by participating in stakeholder convenings and by contributing to this research agenda.

We believe that additional research should address, at a minimum, the following key questions:

1. The ways in which privacy rules and policies impact youth access to digital learning opportunities.
2. The ways in which youth encounter, understand, and interact with privacy rules, policies, choices, and consequences, especially with mobile technologies and platforms.
3. The ways in which parents, educators, and youth are most willing to engage on topics of privacy and the goals of consumer protection, education, and safety.

We would also like to make the NTIA aware of some relevant current research. Below we have identified a selection of research for initial reference.

danah boyd, Eszter Hargittai, Jason Schultz, and John Palfrey. (2011). **"Why Parents Help Their Children Lie to Facebook: Unintended Consequences of the 'Children's Online Privacy Protection Act'."** *First Monday* 16(11), November. [[html](#)]

danah boyd and Alice Marwick. (2011). **"Social Privacy in Networked Publics: Teens' Attitudes, Practices, and Strategies."** Paper presented at the *Oxford Internet Institute Decade in Internet Time Symposium*, September 22. [[ssrn](#)]

danah boyd and Eszter Hargittai (2010). **"Facebook Privacy Settings: Who Cares?"** *First Monday* 15 (8). [[pdf](#)]

What Is Connected Learning? (2012) [[online](#)]

We look forward to working further with the NTIA and with our peers and colleagues in this field to improve the online experiences and safety of all Internet users, while maintaining a web with engaging connected learning opportunities for all learners. If you have any questions, please contact Jason Schultz at (510) 642-1957 or jschultz@law.berkeley.edu.

Sincerely,

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