



February 10, 2025

The Honorable Helene Duhamel, Chair
South Dakota Senate Judiciary Committee
State Capitol, 500 East Capitol Ave.
Pierre, SD 57501

Re: Oppose SB 180 - “App Store Accountability Act”

Dear Chair Duhamel and Members of the Committee:

On behalf of Chamber of Progress – a tech industry association supporting public policies to build a more inclusive society in which all people benefit from technological advancements – I urge you to **oppose SB 180**, which would compromise online privacy and disproportionately harm at-risk youth.

One of Chamber of Progress’ top priorities is protecting online privacy. We support rules to prevent particularly sensitive data from being used in harmful ways, and we are staunch supporters of efforts to create comprehensive privacy protections. We also strongly support making the internet safe for young people.

SB 180 would undermine the privacy and online experiences for all users

As drafted, SB 180 would require app store providers to verify the identity and age of ALL users - a tremendous encroachment of individual privacy. In fact, estimating the age of a user will require collecting *more* data, acting contrary to data minimization efforts. Moreover, many adult users reasonably would prefer not to share their identifying information with online services - creating an unpleasant dilemma for adult users: turn over sensitive personal data to make use of the high-end smart phone they purchased or forgo the full enjoyment of that device.

Compelling companies to gather personal information from so many users threatens cybersecurity. Specifically, services that cater to LGBTQ+ communities would be at particular risk for targeting since their data could be used for cyberbullying or blackmail. Privacy violations online often lead to offline violence. In 2024, LGBTQ+ people experienced increases in physical threats,¹ and in 2022, 54% of respondents reported

¹ See <https://www.adl.org/sites/default/files/documents/2024-06/online-hate-and-harassment-the-american-experience-v2024.pdf>

experiencing severe harassment, including stalking, physical threats, and doxing.² And more broadly, malevolent actors will see any covered company as a ripe target for ransomware attacks. This is not a theoretical threat: recently, a company that offered verification services to online platforms was found to have left personal data unprotected, threatening the privacy of untold numbers of users.³

App providers are better suited than app store developers to implement customized safety measures

SB 180 places the burden on online safety on app store providers. However, app developers are better positioned to implement tailored safety measures as they have a deeper understanding of their apps' features, audiences, and risks. The Legislature should not relieve developers' of their responsibility to do so.

Consent laws may harm more than they may protect

SB 180 also requires app store providers to obtain parental consent for each app download or purchase by minors. While it is important to encourage parental involvement to ensure minors' safety online, parents are not always best suited to control how their child uses a platform. Consent laws, for example, can be weaponized by divorced parents who share custody of a child. If the parents are at odds with each other, they can use consent laws to override each other's decisions, especially when they disagree on what's in the best interest of their child.

Consent requirements can inadvertently become tools of control in abusive environments. According to the CDC, 55% of teens experience psychological or physical violence from parents or household grownups, with the rates even higher among specific groups: 58% of teens under age 16, 63% of girls, and 74% of LGBTQ+ teens.⁴ For many teens, the internet serves as a lifeline. Those who frequently engage online report being 41% less likely to attempt suicide and 62% less likely to require hospitalization for self-harm, thanks to the support, connection, and sense of community they find in digital spaces.⁵ Requiring parental consent to access online resources for struggling youth cuts off these critical resources.

While we share the goal of protecting children online, we are concerned that this bill could undermine online privacy and disproportionately negatively impact at-risk youth, including marginalized groups, by inadvertently restricting access to vital online

² See <https://www.adl.org/sites/default/files/pdfs/2022-09/Online-Hate-and-Harassment-Survey-2022.pdf>

³ See <https://www.404media.co/id-verification-service-for-tiktok-uber-x-exposed-driver-licenses-au10tix/>

⁴ See <https://www.cdc.gov/abes/data/index.html>

⁵ See <https://www.cdc.gov/abes/data/index.html>

resources and harming the very individuals it seeks to protect. For these reasons, we ask you to **oppose SB 180**.

Sincerely,

A handwritten signature in black ink, appearing to read "K. Marshall", enclosed within a large, loopy oval shape.

Kouri Marshall

Director of State & Local Public Policy, Central/Southern Region

www.progresschamber.org