

118TH CONGRESS
1ST SESSION

S. _____

To permit parents to bring a civil action against social media companies that fail to provide parental access and data control rights with respect to the social media accounts of minor children, and for other purposes.

IN THE SENATE OF THE UNITED STATES

Mr. HAWLEY introduced the following bill; which was read twice and referred to the Committee on _____

A BILL

To permit parents to bring a civil action against social media companies that fail to provide parental access and data control rights with respect to the social media accounts of minor children, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Parental Data Rights
5 Act”.

6 **SEC. 2. PARENTAL SOCIAL MEDIA ACCOUNT ACCESS.**

7 (a) DEFINITIONS.—In this section:

1 (1) CONTACT INFORMATION.—The term “con-
2 tact information”, with respect to an individual,
3 means—

4 (A) the full legal name of the individual;

5 and

6 (B) the email address of the individual.

7 (2) COVERED INTERACTIVE COMPUTER SERV-
8 ICE.—The term “covered interactive computer serv-
9 ice” means an interactive computer service—

10 (A) that is provided through a website, on-
11 line application, or mobile application (including
12 a single interactive computer service that is pro-
13 vided through more than 1 such website or ap-
14 plication);

15 (B) through which information provided by
16 another information content provider is distrib-
17 uted; and

18 (C) that enables an individual user to cre-
19 ate an account for the purpose of viewing, gen-
20 erating, or modifying content that can be
21 viewed, shared, or otherwise interacted with by
22 other third-party users of the interactive com-
23 puter service.

24 (3) INFORMATION CONTENT PROVIDER; INTER-
25 ACTIVE COMPUTER SERVICE.—The terms “informa-

1 tion content provider” and “interactive computer
2 service” have the meanings given those terms in sec-
3 tion 230(f) of the Communications Act of 1934 (47
4 U.S.C. 230(f)).

5 (4) MINOR CHILD.—The term “minor child”
6 means an individual who is younger than 18 years
7 of age.

8 (5) SOCIAL MEDIA COMPANY.—The term “social
9 media company”—

10 (A) means an entity that provides, in or
11 affecting interstate or foreign commerce, a cov-
12 ered interactive computer service; and

13 (B) does not include an organization de-
14 scribed in section 501(c) of the Internal Rev-
15 enue Code of 1986 and exempt from taxation
16 under section 501(a) of such Code.

17 (b) PARENTAL NOTIFICATION.—A social media com-
18 pany that permits a minor child to create an account with
19 the social media company shall—

20 (1) at the time the minor child creates the ac-
21 count, require the collection of the contact informa-
22 tion of a parent or guardian of that minor child; and

23 (2) notify the parent or guardian, the contact
24 information of whom is collected under paragraph

1 (1), regarding the creation of the account described
2 in that paragraph.

3 (c) LIABILITY.—A social media company shall be lia-
4 ble in accordance with this section to—

5 (1) any individual who requests, and is denied
6 access to, all data regarding the use, by a minor
7 child in the custody of the individual, of the covered
8 interactive computer service provided by the social
9 media company; and

10 (2) any individual who requests and is denied
11 the ability to delete—

12 (A) an account maintained with the social
13 media company by a minor child in the custody
14 of the individual; and

15 (B) all data associated with the account
16 described in subparagraph (A).

17 (d) PRIVATE RIGHT OF ACTION.—

18 (1) IN GENERAL.—An individual who makes a
19 request under subsection (c) (and who is entitled to
20 have the applicable social media company take ac-
21 tion under that subsection in response to that re-
22 quest), may, if that request is denied by the social
23 media company, bring a civil action against the so-
24 cial media company in an appropriate district court

1 of the United States, or in a State court of com-
2 petent jurisdiction, for—

3 (A) injunctive relief;

4 (B) punitive damages, with treble damages
5 available if, because of the negligence or inac-
6 tion of that social media company, the indi-
7 vidual did not receive from that social media
8 company a notification to which the individual
9 was entitled under subsection (b)(2); and

10 (C) attorney’s fees and costs.

11 (2) AFFIRMATIVE DEFENSE.—It shall be an af-
12 firmative defense to an action brought against a so-
13 cial media company under paragraph (1) that the
14 social media company, at all relevant times—

15 (A) took reasonable, affirmative steps to
16 ascertain the age of each user of the covered
17 interactive computer service provided by the so-
18 cial media company; and

19 (B) did not know, and had no reason to
20 know, that the user that is the subject of the
21 action was a minor child when the user used
22 the covered interactive computer service pro-
23 vided by the social media company.

24 (e) EFFECTIVE DATE; APPLICABILITY.—This Act—

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1 (1) shall take effect on the date that is 180
2 days after the date of enactment of this Act; and

3 (2) shall not apply to any use of a covered
4 interactive computer service that occurred before the
5 effective date described in paragraph (1).