

Contact: David Monahan, Fairplay, david@fairplayforkids.org

Contact: Jeff Chester, CDD, jeff@democraticmedia.org

BREAKING: Advocates Decry Meta's Attempt to Shut Down the FTC

In response to an order that would prohibit Meta from monetizing minors' data, the social media company has filed a suit claiming the agency's structure is unconstitutional.

WASHINGTON, DC – THURSDAY, NOVEMBER 30, 2023 – Advocates for children and privacy condemned a [lawsuit](#) filed last evening by Meta against the Federal Trade Commission that seeks to shut the agency down by asserting the Commission's structure is unconstitutional. Meta's suit comes in response to a proposed FTC order prohibiting Meta from monetizing children's data for violating the Children's Online Privacy Protection Act (COPPA) while already operating under a Consent Decree for multiple serious privacy violations. Earlier this week, Judge Timothy Kelly of the U.S. District Court for the District of Columbia denied a motion filed by Meta that claimed the FTC had no authority to modify its previous settlement. Now Meta is escalating its attacks on the Commission's authority.

Meta has posed a threat to the privacy and welfare of young people in the U.S. for many years, as it targeted them to further its data-driven commercial surveillance advertising system. Scandal after scandal has exposed the company's blatant disregard for children and youth, with nearly daily headlines about its irresponsible actions coming from former employees turned whistleblowers and major multi-state and bi-partisan investigations of states attorneys-general. Despite multiple attempts by regulators to contain Meta's ongoing undermining of its user privacy, including through multiple FTC consent decrees, it is evident that a substantive remedy is required to safeguard US youth.

Fairplay, the Center for Digital Democracy, and the Electronic Privacy Information Center (EPIC) have issued these comments on today's announcement of a Meta lawsuit against the Federal Trade Commission:

Josh Golin, Executive Director, Fairplay:

"While many have noted social media's role in fueling the mental health crisis, the Federal Trade Commission has taken actual meaningful action to protect young people online by its order prohibiting serial privacy offender Meta from monetizing minor's data. So it's not surprising that Meta is launching this brazen attack on the Commission, especially given the company may have \$200 billion in COPPA liability according to recently unsealed documents. Anyone who cares about the wellbeing of children— and the safety of American consumers – should rally to the defense of the Commission and be deeply concerned about the lengths Meta will go to preserve its ability to profit at the expense of young people."

Katharina Kopp, Director of Policy, Center for Digital Democracy:

"For decades Meta has put the maximization of profits from so-called behavioral advertising above the best interests of children and teens. Meta's failure to comply repeatedly with its 2012 and 2020 settlements with the FTC, including its non-compliance with the federal children's privacy law (COPPA), and the unique developmental vulnerability of minors, justifies the FTC to

propose the modifications of Meta's consent decree and to require it to stop profiting from the data it gathers on children and teens. It should not surprise anybody then that Meta is now going after the FTC with its lawsuit. But this attack on the FTC is essentially an attack on common sense regulation to curtail out-of-control commercial power and an attack on our children, teenagers, and every one of us."

John Davisson, Director of Litigation, Electronic Privacy Information Center (EPIC):

"It seems there's no legal theory, however far-fetched, that Meta won't deploy to avoid a full accounting of its harmful data practices. The reason is clear. A hearing before the FTC will confirm that Meta continues to mishandle personal data and put the privacy and safety of minors at risk, despite multiple orders not to do so. The changes FTC is proposing to Meta's exploitative business model can't come soon enough. We hope the court will reject Meta's latest attempt to run out the clock, as another federal court did just this week."

###