California Internet “erase” button for teens faces not-so-minor hurdles

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On September 23, California Governor Jerry Brown signed a law requiring all web sites to have an “eraser” button for users under 18 to delete their posts (SB 658). I couldn’t agree more that teens (and adults) posting damaging information about themselves and others is a chronic problem. But this legislation reveals as much about politicians’ tendencies as teens can reveal about themselves online. Like a misguided status update, the California legislature didn’t think this one through.

And why would it? This law covers two areas that politicians can count on for positive press and immunity from criticism – children and safety. Why else would they rush to pass legislation that underestimates the technology they are attempting to regulate?

To begin, once a post is out there, it’s being passed around a network, quoted and re-quoted. Screen captures can be taken and stored on any PC. And anyone with an understanding of Facebook will tell you that a mere morsel of data is amazingly sticky in Mark’s hands. Or more specifically, his servers. Data will continue to reside on a web site’s servers, many of which won’t even be located in California. Finally, even if California somehow blocks minors’ access to non-compliant sites, teens have always found workarounds to set up accounts on social networking sites that have had age restrictions systems. I’m sure they would continue to have workarounds to non-compliant sites if they have sympathetic, enabling parents or share computers. Enforcement appears quite untenable.

I hope lawmakers and citizens don’t view this law as a panacea to hazardous online activity by minors. Whenever a seemingly unenforceable bill is passed into law, it’s natural to ask why. If California lawmakers rushed into this law for the cynical reasons I mentioned earlier, they deserve whatever criticism they receive for both the law’s unenforceability and its imposition on site owners in other states. But if the lawmakers intended to get the nation talking and working to bring about better

online safeguards for minors than what they’re mandating and to get bloggers like me to talk about it, they’re off to a good start. They may even deserve a “like.”

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