

June 8, 2026

The Honorable Christopher Cabaldon
Chair, Senate Committee on Privacy
1021 O Street, Suite 568
Sacramento, CA 95814

Re: AB 2246 (Wicks) – CA Age-Appropriate Design Code Act – **Oppose Unless Amended**

Dear Chair Cabaldon,

On behalf of the listed organizations and our members, I am writing to express our opposition to AB 2246 (Wicks) unless amended. Our organizations and member companies prioritize the safety and privacy of kids that access their sites and platforms. We strongly believe children deserve a heightened level of security and privacy, and our member companies have been at the forefront of raising the standard for teen safety — creating new features, settings, parental tools, and protections that are age-appropriate and tailored to the differing developmental needs of young people. It is precisely because of this commitment that we urge the committee to consider the targeted amendments described below, which we believe are essential to ensuring this bill achieves its important goals without creating unintended consequences.

TechNet is the national, bipartisan network of technology CEOs and senior executives that promotes the growth of American innovation by advocating a targeted policy agenda at the federal and 50-state level. TechNet's diverse membership includes more than 100 dynamic American businesses ranging from startups to the most iconic companies on the planet and represents five million employees and countless customers in the fields of information technology, artificial intelligence, e-commerce, the sharing and gig economies, advanced energy, transportation, cybersecurity, venture capital, and finance.

As we noted in our earlier correspondence with the Assembly Committee on Privacy, we want to flag the broader legislative landscape as important context. California has enacted 23 laws related to online safety since the Age-Appropriate Design Code (AADC) passed in 2022, including SB 976 (2024), SB 243 (2025), AB 56 (2025), and AB 1043 (2025), in addition to the significant protections the California Consumer Privacy Act (CCPA) provides for users of all ages. AB 2246, rather than amending the existing AADC, would create a new law in a different section of the California code. If passed in its current form, the result would be two laws with similar — though not identical — requirements. It is essential that all of these laws are consistent and minimize overlapping requirements to the greatest extent possible.

We want to highlight several provisions that we believe warrant amendment before this bill moves forward.

Profiling Off by Default Could Harm Teen Safety and Online Experiences
(§22583.1(b)(2))

We remain concerned about the bill's prohibition on profiling and personalization as a default for minor users, and in particular the absence of the safety valve that exists under the current AADC allowing companies to demonstrate that profiling is necessary to provide the service requested or that it is in the best interests of the child.

Personalization is not simply a commercial feature — it is a critical tool that enables platforms to tailor experiences to individual users in ways that benefit teens and actively reduce their exposure to harmful or inappropriate content. Removing this capability as a default has real consequences:

- Algorithmic filtering is a form of personalization that many platforms use to prevent harmful or borderline content from reaching minor users. Restricting this could make teens more, not less, likely to encounter age-inappropriate content. This is precisely the kind of safety tool parents want platforms to deploy.
- Personalization helps teens connect with like-minded communities, including school friends, local religious organizations, and sports teams. A non-personalized experience undermines these connections and reduces the meaningful value these platforms offer young people.

We respectfully request that this provision be amended to restore an exception consistent with the existing AADC, or alternatively that it be struck from the bill.

Limitation on Use of Personal Information Would Block Essential Safety Operations (§22583.1(b)(4))

The bill's prohibition on using personal information for "any reason other than a reason for which that personal information was collected" is overly broad and would inadvertently block safety, integrity, and security use cases where data is processed for purposes that users did not explicitly anticipate at the time of collection. Fraud detection, security monitoring, and safety enforcement all depend on this type of secondary processing, and all of them protect minors.

We propose the following targeted amendment to preserve the bill's privacy protections while allowing these critical operations:

- (4) If the end user is a child, use personal information for any reason other than a reason for which that personal information was collected. This does not prohibit a business from processing personal data necessary to ensure the safety, integrity, or security of the service, allow for age appropriate experiences, or processing for measurement and auditing, and system improvement.

Restriction on Age Estimation Data Undermines Age Assurance Goals (§22583.1(b)(8))

The restriction on retaining or using age estimation data is overly broad and would undermine the very age assurance tools this bill is designed to promote. Our member companies have developed privacy-preserving technologies that estimate user ages using signals already present in ordinary platform interactions — without requiring the collection of new or sensitive data. Limiting these tools would push platforms toward more invasive age verification methods, working against both privacy and safety goals.

For example, some platforms have developed technology that estimates ages using contextual signals already available on the platform — such as messages wishing a user

a "Happy 21st Birthday" or "Happy Quinceañera." Tools like this protect privacy by using existing data rather than requiring submission of sensitive identity documents.

We suggest a narrower limitation, along the following lines:

Retain any personal information collected for the purpose of estimating age or age range for any other purpose, or retain that personal information longer than necessary to estimate age. Age assurance shall be proportionate to the risks and data practice of an online service, product, or feature.

"Duty of Care" Standard Requires Greater Clarity (§22583.1(b)(1)(A))

As we flagged in our initial letter, the bill's prohibition on using personal information in ways that cause an "average child" to suffer "significant mental suffering, distress or discrimination on the basis of a protected class" raises ongoing concerns about vagueness. The Ninth Circuit recently found the term "mental suffering and distress" to be unconstitutionally vague in a related context. Apart from the clear intent to protect children, it is not clear what specific harms or business practices this provision is designed to prevent. The reference to discrimination may also be duplicative of the Unruh Civil Rights Act.

We recommend limiting this provision to what the business "knows" to be harmful and striking subparagraph (A):

(1) Use the personal information of any child in a way that the business knows, or has reason to know, will cause an average child likely to access the online service, product, or feature either of the following harms:

(A) ... [strike]

Additional Concerns

We also wish to flag the following issues for the committee's consideration:

- **Effective Date.** We recommend pushing the effective date to July 1, 2027 at a minimum, to give businesses adequate time to come into compliance with the significant operational changes this bill would require.
- **Data Collection Limitation (§22583.1(b)(3)).** The limitation on collecting information not "necessary to provide" the service a child is "actively and knowingly engaged" with is vague and could be read to prohibit background safety systems that operate without the user's active awareness. We propose adding a reference to subparagraphs (A) to (D) of paragraph (1) of subdivision (a) of Section 1798.145 of the Civil Code to provide needed clarity.
- **Rulemaking Authority.** We recommend striking the rulemaking provision. Additional regulatory complexity introduces uncertainty that undermines businesses' ability to comply clearly and consistently with the law. We support a clear set of statutory obligations in lieu of lengthy regulatory interpretation processes.

Our organizations and member companies take our responsibility to protect children online seriously, and we have consistently demonstrated our commitment to being part of the solution. We believe that with the targeted amendments described above, AB

2246 can more effectively achieve its important goals while avoiding unintended consequences that would undermine safety tools, create operational infeasibility, and expose businesses to vague and unworkable standards.

For the reasons outlined above, we respectfully oppose AB 2246 unless amended, and we welcome the opportunity to continue working with the author and committee on solutions that advance children's safety and privacy while preserving innovation.

If you have any questions regarding our position, please contact Robert Boykin at rboykin@technet.org or 408.898.7145.

Sincerely,



Robert Boykin
Executive Director for California and the Southwest
TechNet

Ronak Daylami, Vice President for Advocacy, Privacy Cybersecurity & Emerging Technologies, California Chamber of Commerce

Aodhan Downey, State Policy Manager, West Region, Computer and Communications Industry Association