

AMENDED Exhibit 332

PLAINTIFFS' OMNIBUS OPPOSITION TO DEFENDANTS' MOTIONS FOR SUMMARY JUDGMENT

Case No.: 4:22-md-03047-YGR

MDL No. 3047

In Re: Social Media Adolescent Addiction/Personal Injury Products Liability Litigation

DOCUMENT SLIPSHEET

Bates Number: META3047MDL-031-00186901-META3047MDL-031-00186909

Custodian: CASTANEDA_DIEGO; [REDACTED]

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Create Date: 7-30-2023 12:00 AM

Last Modified Date: 8-24-2023 12:00 AM

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Smart Defaults - Write up

The following is an Express Research Summary from Instagram Community Ad-Hoc Research, conducted in person in Los Angeles. Eighteen hour-long interviews were carried out with Instagram users, aged 13-33. Research was carried out by Mitra Martin, AnswerLab.

Goals

To understand user' expectations of private and public accounts.

Methods

1-1 in-depth interviews

Sample

Users users who have experienced bullying in the past. (N=18)

TL;DR

- **Almost all participants thought that younger users and new users should be defaulted to private**
 - Almost all participants across ages believed that a young person's account (e.g., anyone below 11-13, and in some cases up to 15) should automatically be private. Several teens said that when they were younger, they had set up their first Instagram account as public only because it was the default and they weren't aware that private was an option. Looking back, they said that private would have been a better option for them.
 - Many participants also said that all accounts should default to private, for everyone regardless of age. They expressed the perspective that one should have "practice" on Instagram before going public, and a specific reason/goal for going public.
 - Teens who began with a public account, and later switched to private, were very certain that their younger siblings and cousins should start with a private account.

Every account should start out private for a certain age group [up to what age]...15 or 18. 18. So that way they won't be at a huge risk because they are still young. - P4, 13

When I set it up it was actually a public account. That's because I didn't know better, I didn't know private accounts was a thing. Once I figured out, I got advice from some of my friends who had Instagram, and figured out there was such a thing as a private account and ever since then I've always had private. - P12, 14

I think all accounts should default to private, and you can change it later in settings. - P5, 15

I guess Instagram is in a way recommending for it to be private, for everyone, it automatically goes to private. I feel like it's good, but it's because of how I was raised. - P15

Like, by default your thing is private. For privacy concerns this is a good way to go. And then you can make it as public as you want from that point... Why not just default to the safer. - P7, 33

Defining Privacy, Security, and Safety

- **Safety** → Being exposed to inappropriate content, limiting who can see your location, and (for younger users) having parental controls*
- **Privacy** → Who was able to see their content (including whether their content could be visible on Explore)**
- **Security** → Access to account and personal information***

**Parental control - most also said parental consent should also be required for a young person setting up their account. This included teens for whom this restriction would have applied.*

- *They wanted the parents to have to add their email address when their child signed up.*
- *Some said parents should be notified about DMs and new follow requests.*
- *Many also called for kids' accounts to have all inappropriate content removed.*
- *A few called for additional parental controls, such as a password to access the account, or that a child under 12 or 13 should not be able to have an account at all.*
- *One creator mentioned adding parental controls to her posts, so that she could set which ages her content was appropriate for*

***In an earlier study, users equated private mode with visibility of their posts [*

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"https://fb.workplace.com/groups/281492412496268/permalink/377688422876666/" \h]]

**** Personal identifying information - email address, phone number, and password.*

PARTICIPANTS WERE MOST SENSITIVE TO UNWANTED CONTACT AND INTERACTION

- **Unwanted contacts were seen as an issue related to safety, security, and privacy**
 - Malicious people could stalk them and compromise their **safety** including showing them things they didn't want to see or tracking their location; they could invade their **privacy** by following them without interacting (just spying/lurking); and could use devious interactions to compromise the **security** of their accounts, impersonate them, and exploit their personal information.

- **Some unwanted interactions were just annoying (and not necessarily bullying)** - There was a set of decisions participants talked about that they didn't describe in terms of either privacy, safety, or security but rather the ongoing management of weird/awkward and confusing social interactions involving the edges of their graph. Examples included:
 - Mentions were semi-promotional with a dubious value proposition from acquaintances or more distant accounts (e.g., surveys, giveaways)
 - A mother tagging her teenage daughter in an unflattering photo
 - Thoughtless comments on posts that were negative but not bullying/hate
 - Noisiness in the comments – too many brief, generically positive comments/emojis

Participants grouped their graphs into subcategories from least to most intimate, and generally wanted more limitations for the least intimate, and fewer limitations for the most intimate

- These categories included (from least to most intimate):
 - Everyone except Blocked
 - Followers that I don't follow back
 - Accounts I follow*
 - Mutual follows/ "Follow backs"
 - Spam/finsta – e.g., the group of closer friends who I allow to follow my spam/finsta account (usually also followed back)
 - Close Friends list (not everyone uses)
 - Tiny active group chats with best friends

*For private accounts, this included: friends/family as well as a set of celebrity/meme/fashion/design accounts that they did not expect to be followed by.

The biggest pain point and concern related to both public and private accounts was receiving unwanted messages* from the least intimate accounts. These included**

- Unwanted messages that were sexual in nature were particularly upsetting.
- Large group messages from unknown or barely known contacts were frustrating.

*Some participants pointed out that the number of unwanted contacts increased noticeably in certain situations, such as: after they followed a large celebrity account, or after posting full body pictures (as a beauty influencer).

**Participants identified the source of many unwanted messages as typically "weird" accounts that had one of more of the following characteristics: no profile pic, no bio, no followers, no posts, random numbers incorporated in the username, overly edited posts, were much older men (then them), or "no one I know follows them."

I feel like it's more likely when you follow Kylie Jenner or the big accounts. It happens more...[when I followed her,] I started getting more bot requests - P3, 15

Fake robot accounts DM you and say 'watch my free sex videos' and the person sends it to 50 different kinds of people... This was kind of like 'hey get a \$500 Visa gift card', I did that one time, it was the first time I ever saw it, I was really young, I thought, 'I am going to get some money!' It asked me for my address, plain old little me, I was kind of ditzy, and what it said to me after that was 'We have your address now, we will stalk you.' I was eleven, I freaked out... That's probably one of the reasons I got a private account. - P12, 14

Even if messages went into Message Requests, they were annoying. Despite this, participants were reluctant about removing the ability of non-followers to send Message Requests, because they did not want to miss important messages from people outside of their network.

The private mode value proposition and opportunities

- **Value:** Most participants on private mode were focused on cultivating ongoing high quality interactions with people they knew.
 - One teen pointed out that private mode was better because it guaranteed her followers were authentic, e.g., more engaged with her. She wanted to maximize the percentage of her followers who would like her posts, and being private helped make that happen.

"At first [having a public account] didn't bother me. But the likes. This is really bad, but if you have 750 followers, you should have 200 likes. And if I have randoms following me that aren't active accounts, people are going to be like, 'if she has 800 followers, why is she getting 200 likes?' Your likes are a way of checking if your followers are real. If I have 700 real followers, but then, I decided to get 1000 fake followers, so now I have 1700, but I am still getting 200 likes, people will say, 'these aren't real followers.' If someone has 1000 followers and they are getting 200 likes, people can tell. You're not fooling anyone. -P11, 13

I think it may have started as public and I may have privatized it at some point. To kind of limit who I have to perform for, or be seen by....to limit who I have to be conscious of when I post... - P7, 33

- **Expectations**
 - Participants chose private mode in order to reduce the ability of "random" people to see their content and reach them, or reduce the possibility of tensions and conflict.
 - Some pointed out that, with private mode, they could be certain their content would not be on Explore

- Most, especially teens, did not mind if their private insta/spam account was discovered by people. They had no problem ignoring an unwanted follow request*; they said this was very common.
- **Misconceptions**
 - Most participants erroneously assumed that their private account would not allow people who were not their followers to tag or mention them.
 - Most users were not away that anyone can add you to a group DM
- **Wants**
 - Overall, participants expressed comfort with findability AND with being suggested to people specifically related to those they were already connected with on IG, but did not want to be suggested to "random" accounts, or accounts based on their connections on other platforms.
 - Most wanted their private accounts to be easily findable by those in their extended network (e.g., including friends of friends). Some did **not** want their accounts to be findable by work colleagues, and this was for both private and public accounts.
 - Users wanted tags and mentions to be more constricted (e.g., to mutual follows or followers)
 - Participants expressed frustration with annoying group messages and wanted to limit who could add them to groups (e.g., people I follow, and people who follow me).
 - Several participants wanted more insights about who was viewing, saving, and sharing their content.
 - Some participants wanted access to their information, such as their bio and highlights, restricted to only followers.
 - A way to be semi-public at moments
 - A few found it tedious to manually deal with each follow request, and wished for simpler ways to open their account to all their friends at once. One addressed this by switching to public. One envisioned a "code" he could give to all his friends.
 - Some participants wanted expanded visibility options on posts, including the option to make some posts fully public.

*Most said they did not usually decline follow requests; they simply let them languish. And one did feel enough pressure that she decided to accept the request.

The public mode value proposition and opportunities

- **Value:** Most participants* on public mode were focused on expanding their sphere of opportunity and influence. These participants embraced the openness of their public account. Some users chose to have a public account to make it easier for others to find them.
 - One videographer loved making "internet friends" he could meet when traveling; one teenager preparing for college out of state was excited to meet new friends; another liked to make friends from other schools in LA;

a young actress wanted gigs; a beauty micro-influencer wanted followers and brand deals.

- o Many appreciated how easy it was to grow their network with little effort via a public account. Those seeking to develop influence and increase followers were particularly attuned to the possibility of their content being featured on Explore, which they wanted.

I think what I've been trying to do is build connections with other like-minded creatives, those are the people I tend to follow and engage with, and I think that's what keeps me and draws me to it, connect with like-minded people with similar interests that I can draw inspiration from...looking at their content, I feel like I have almost Internet friendships with some people - P7, 33

* However, several participants, especially teens, did not have a clear reason why their account was public other than that it was the default and that they had never examined the alternative.

- **Note on sharing:** In some cases, their account being public also created a barrier to sharing.
- **Bullying was more common for teens on public accounts** Most instances of bullying that were shared came from teens with public accounts.
 - o Being bullied created the wish to restrict interaction, but caution about self-remediation, because blocking, unfollowing or switching to private could be interpreted as an act of fear that would draw more bullying in person. Those being bullied needed an assertive way to constrain interaction from bullies that will not be interpreted as fearfulness.
- **Expectations-**
- **Wants**
 - o [Related to bullying] A way to restrict interaction with bullies that will not be interpreted as fearfulness.
 - o IG to reduce the number of bots/spam accounts that were able to connect with them
 - o Most wanted to retain the openness and freedom of their public account and to add tools that would limit interaction from the fringes of their network, and dramatically reduce spam/bot contacts.
 - One suggested a "Don't List" — anybody he added to it would not be allowed to DM, comment, tag, or mention. One wanted to be able to simply turn off commenting if she was getting too many boring comments.

[The Don't List would be for] Where you're stating an unusual opinion about a certain topic, and you don't want people sharing saying 'look at this person's opinion,' and you don't want them commenting and saying 'you're wrong about this.' ...And maybe when you post, there's a setting where you can say 'I don't want these people to see my post.' - P9, 14

Responses to the prototypes Setup Flow

- Most found the new account flow clear.
 - They understood that the account was automatically set up as private, which they liked.
 - Many noticed they had the option to change it. The Change Account Privacy CTA was noticeable and clear.
- Most found the explanations about private and public to be complete and sufficient. One said there should be examples to help younger people understand each account type.

Given that this person is nine years old, block any sort of explicit content at all. Here, it should ask for parent's email. So every time this kid posts something, the parent gets a message of what they posted. Every time they get a DM, the parent should basically be in full control. It should say 'enter your parent's phone number and email to continue.... Yeah it should definitely be private. - P9, 14

Tags and mentions

- For most participants, tag controls operated exactly as they expected. They said that if a user had limited tagging, it was appropriate that their username not show up when searched.
 - A few said that they would prefer it to show up, but not be clickable, so that they would not be concerned that the user had deactivated their account.
- Participants were split on the functioning of mention controls; they especially expressed confusion about the situation of a bully directing attention toward their unmentionable account.
 - Some liked that their account would not be linked so they would not be bothered by the mention and anything it spawned.
 - Some said they wanted to be informed if someone was trying to reference their account without being able to mention them.
 - Some said that the user attempting to mention them should not be allowed to utilize their username in the comment or Story. They were split on whether the username alone should be excised, or the entire comment/Story should be unpublishable. These also acknowledged that a user with negative intent would find a creative way to "point toward" their account if conventional ways did not function.

Recommendations

- Defaulting all teen accounts to private mode, and explore defaulting all accounts to private mode
- For private mode defaults, limit tagging, mentioning, and group DMs to connected accounts since this is more in line with users' expectations and desires (Suggested options: Off, mutual followers, followers)

- Explore ways to allow for public moments on private accounts, and, conversely, selective limitations on public accounts.
- Continue to develop Restrict as a tool for limiting interaction, and consider naming approaches that broaden the applicability beyond bullying.
- Explore ways to further filter spam messages, and to flag spam and bot accounts that may request a follow.
- Explore defaults that allow users to only see Group DMs to only Close Friends or Mutual Follows across both kinds of accounts.
- Consider flagging Explore surfaceability as part of privacy settings (e.g., not being on Explore for private, the possibility of being on Explore for public) since this is on users' minds.

Key docs:

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Additional opportunities: Carry out research with parents and their preteen kids to further develop the concept of a teen/youth account type, and concepts for a setup flow that calls for parental consent/involvement.

	A	B	C	D
		Privacy*	Security	Safety
1	Who can interact with you			
2	Who can find/reach you			
3	Who can see your content	x**		
4	Who can use/take your content			
5	Who can interact with your content			
6	Who can see your information		x***	
7	Your location			x
8	Protecting your identity			
9	Protecting your account		x	
0				
1	Who can see your activity			
1				

1	Seeing inappropriate content		X
2			