

AMENDED Exhibit 464

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

Testimony Before the US Senate Committee on the Judiciary

Written Statement of Shou Chew

Chief Executive Officer, TikTok Inc.

January 31, 2024

Chair Durbin, Ranking Member Graham, and Members of the Committee:

Thank you for the opportunity to appear before you today to talk about TikTok's commitment to the safety of our community as we seek to inspire creativity and bring joy to more than 1 billion people worldwide. In particular, I welcome the chance to address TikTok's ongoing efforts to foster a safe and age-appropriate experience for teens on the app. This is my second time appearing before Congress in the past year, and I am grateful to be able to continue the dialogue about ways in which digital platforms and lawmakers can work together to tackle important issues.

My name is Shou Chew, and I am the Chief Executive Officer of TikTok. As a father of three, the issues we will be discussing today are deeply personal to me. I firmly believe that our industry's most fundamental responsibility is to provide a safe and secure online space for our community.

TikTok's diverse community includes teenagers, centenarians, and everyone in between. Each month in the United States more than 170 million people are on TikTok, with the average member of the community being an adult over 30 years old. They come to TikTok to discover, create, and connect. None of this can happen without a sustained commitment to platform safety that is constantly evolving to address new challenges.

Last year, I made specific commitments to Congress and to the TikTok community, and we've upheld those commitments. The first commitment is: "We will keep safety—particularly for teenagers—a top priority for us." Given the focus of today's hearing, I want to expand on what that commitment means to me. It means that at TikTok, we will continue to:

1. Take a zero-tolerance approach to child sexual abuse material (CSAM) by investing in our teams and technology to help ensure we swiftly detect, remove, and report this content;
2. Make thoughtful product design choices that help make our app inhospitable to those seeking to harm teens; and
3. Partner with leading experts and other industry participants to constantly innovate and work collaboratively to solve industrywide issues.



About TikTok

TikTok is a global video-sharing entertainment platform that has empowered millions of Americans to express themselves creatively and authentically. It can only work when members of the TikTok community trust that they and their data are safe and secure.

TikTok Inc. is a US company incorporated in the United States and subject to the laws of the United States. The TikTok business is led by an executive team in the United States and Singapore and has global offices, including in Los Angeles, Silicon Valley, Nashville, New York, Washington, D.C., Dublin, London, Paris, Berlin, Dubai, Singapore, Jakarta, Seoul, and Tokyo. TikTok's headquarters are in Los Angeles and Singapore. The TikTok platform is not available in mainland China.

The ultimate parent company of TikTok Inc. is ByteDance Ltd., a privately-held, global holding company. ByteDance Ltd. is majority owned by investors around the world, and the rest of the shares are owned by the founding team and employees around the world. ByteDance Ltd.'s Board of Directors is comprised of five individuals, three of whom are American.

During my prior congressional testimony, I described the unprecedented efforts that TikTok Inc.'s US subsidiary, US Data Security Inc. (USDS), is undertaking to build a secure environment for protected TikTok US user data, protect the platform from outside influence, and implement safeguards on our content recommendation and moderation tools. Our commitment to these principles is ongoing and unwavering. Since January of 2023, new protected US TikTok user data has been stored in the Oracle Cloud in an environment controlled by USDS. Only USDS personnel are able to access protected US TikTok user data in the Oracle environment, unless authorization is given by USDS pursuant to limited exceptions, such as for legal and compliance purposes. Traffic from the Oracle Cloud now goes through Oracle controlled gateways to prevent protected US TikTok user data from being transferred to or accessed by employees of TikTok or ByteDance. The US recommendation algorithm is stored in the Oracle Cloud, trained on US user data by USDS personnel, and changes to the algorithm have to be reviewed and deployed by USDS.

TikTok continues to delete historical protected US TikTok user data from our global data centers, helping to ensure that protected US TikTok user data is stored in Oracle's Cloud and controlled by USDS. Since I testified before Congress last spring, our team has completed the first round of deletion from TikTok servers in our global data centers. In order to provide additional assurance and validation of our team's work, we have also begun independent validation efforts to confirm the comprehensiveness of the data deletions.

In the near future, we plan to announce the selection of another independent security inspector who, in addition to Oracle, will have access to our source code and systems, testing the security and integrity of TikTok's platform and its software. This is another unprecedented level of testing and security review.

We have opened a Dedicated Transparency Center (DTC) in Maryland where Oracle has access to review TikTok source code. As of this month, we have opened an additional DTC in

Colorado, and we expect to have two fully operational DTCs in the United Kingdom and Australia soon. There are independent experts reviewing TikTok code to find and eliminate security vulnerabilities.

TikTok's commitment continues to be for protected US TikTok user data to be stored in America, hosted by an American headquartered company, with access to protected US TikTok user data overseen by USDS personnel.

TikTok's Zero-Tolerance Approach to Minor Sexual Exploitation

Keeping young people safe on our platform is our priority. This starts by placing users under 13 in a separate experience designed with age-appropriate safeguards. For users who indicate they are over 13, they are placed in our 13+ experience. But if we become aware that someone in the 13+ experience is below age 13, our policy is to ban that account.

Like other platforms with user-generated content, TikTok has implemented Terms of Service and Community Guidelines designed to prioritize user safety—whether physical, psychological, social, or financial—and privacy. Our Community Guidelines establish a set of norms and a common code of conduct that help us maintain a safe and inclusive environment for our community, where genuine interactions and authentic content are encouraged. They also reflect our rigorous approach to matters of minor safety.

TikTok has eight guiding community principles that embody our commitment to platform safety. TikTok's principles are centered on balancing expression with harm prevention, embracing human dignity, and ensuring our actions are fair. They shape TikTok's day-to-day work and guide how we approach difficult enforcement decisions. TikTok's content moderation principles and practices are informed by the United Nations' Guiding Principles on Business and Human Rights and the Santa Clara Principles, and TikTok seeks to align with international legal frameworks, such as the International Bill of Human Rights and the Convention on the Rights of the Child. The very first of these community principles is to "prevent harm."

Following the enumeration of community principles, our Community Guidelines have a number of pillars, the first of which relates to Youth Safety and Well-Being. As reflected in the Community Guidelines, youth safety is a priority. ***We do not allow content that may put young people at risk of exploitation, or psychological, physical, or developmental harm.*** If we become aware of youth exploitation on our platform, we will ban the account, as well as any other accounts belonging to the person.

Our Community Guidelines also address youth safety under our Safety and Civility pillar, which makes clear that we do not allow youth exploitation and abuse, including child sexual abuse material (CSAM), nudity, grooming, sextortion, solicitation, pedophilia, and physical or psychological abuse of young people. This includes content that is real, fictional, digitally created, and shown in fine art or objects.

We report incidents of youth sexual exploitation and abuse to the National Center for Missing and Exploited Children (NCMEC). Additionally, we work with NCMEC's Take It Down service to help remove and stop the online sharing of nude, partially nude, or sexually explicit images or

videos of people under 18. And we report to relevant law enforcement authorities when we identify a specific, credible, and imminent threat to a young person's life or of serious physical injury.

TikTok's Partnerships

TikTok is continuously working to provide a safe app experience for our community, and we aim to be a leader in this area. We recognize, however, that technology is ever-evolving and that we need to be prepared to address unexpected trends and challenges as they arise. Beyond our efforts with NCMEC, TikTok works with a variety of global partners on minor safety efforts:

- We are an active member of the Tech Coalition, a global alliance of technology companies to protect children online. In addition to being on its board, we also co-lead the multi-stakeholder forum on Minor Financial Sextortion held last year, and we chair committees within the organization to advance the fight against online child sexual exploitation and abuse.
- We are part of the WePROTECT Global Alliance, the largest and most diverse multi-sector alliance dedicated to ending online child sexual exploitation.
- Internet Watch Foundation (IWF) is a vital partner for TikTok in our work to counter online child sexual abuse and exploitation. TikTok accesses IWF's URL and keyword list and, via NCMEC, its hash database of known child sexual abuse images. In addition to its frontline work, IWF provides insight on new and emerging trends and acts as a convener for key stakeholders.
- We worked with ConnectSafely—a nonprofit dedicated to educating users of connected technology about safety, privacy, and security—to develop a TikTok-specific guide for parents and teens.
- TikTok's Top 10 Tips for Families guide for the Family Online Safety Institute offers information on several tools to help teens manage how they interact with other users and who can see their videos. It includes information about privacy restrictions, content, comments, and messages.

Additionally, TikTok is part of the alliance in support of the Voluntary Principles to Counter Online Child Sexual Exploitation and Abuse. This alliance brings together governments across the world, including the United States; digital platforms and other private companies; and civil society and intergovernmental organizations. The objective is to collaborate across sectors and industries to address online threats to minors. TikTok also works with a group of non-governmental organizations as part of a CSAM intervention project designed in part to help direct users to appropriate resources.

Beyond the partnerships with leading organizations in the space, we see others finding great success in leveraging TikTok as a platform to spread critical safety messages. For example, Thorn launched an in-app campaign called NoFltr, which facilitated a conversation between youth and adults on the sharing of nude images and consent. We also worked in collaboration

with Thorn researchers and our policy team to inform our policy and features related to their findings.

We engage in these partnerships because online threats are complex and dynamic. No single company or government can solve these problems in a vacuum. We look forward to continuing our own work, as well as our collaborations, to make a meaningful difference in keeping our community safe.

TikTok's Teams and Technology

Investing in teams and technology is a core priority for me as CEO. More than 40,000 people globally work on trust and safety issues for TikTok. This includes in-house and contract moderators, as well as teams focused on safety policy, product, and operations. We also have dedicated teams focused on minor sexual exploitation, which include former law enforcement personnel who specialize in minor safety, child safety advocates and experts, and technical teams who support these efforts. TikTok invests heavily in these teams, as well as in technology to detect potential violations and suspicious accounts at scale. This year we expect to invest more than two billion dollars in trust and safety efforts, with a significant portion of that investment in our US operations.

TikTok's moderation system uses models to automatically identify videos, captions, and accounts that may contain CSAM and other violative content. Our moderation system also uses advanced technology to review comments for evidence of online grooming and other predatory behavior. And we continue to invest in developing technologies to identify new trends to help ensure we are staying ahead of the curve.

TikTok maintains a sensitive words list that we pair with models to help identify sexual/predatory texts, emojis, and phrases conveying sexual meaning or implying sexual intention. TikTok uses technology to scan for such words in video captions, optical character recognition (OCR) text, comments, and direct messages (DMs). We also employ audio event detection models, models to detect previously uploaded violative content, and keywords searches.

Each and every video uploaded to TikTok goes through automated moderation, and identified potential cases of CSAM are automatically removed or escalated for human review by a member of our moderation team. We also have models dedicated to identifying problematic accounts and behaviors. These include classifiers that identify potential grooming comments, including those requesting personal information or an offline meeting, or indicating online trading of sexually inappropriate minor content. Once such comments are identified by the classifier, they automatically will be prevented from reaching the recipient.

We aim to minimize moderators' exposure in line with industry best practices. TikTok's training materials have strict access controls and do not include visual examples of CSAM. Our specialized child safety team investigates and makes reports to NCMEC.

TikTok likewise has avenues for users to report problematic content, including CSAM. TikTok's in-app reporting function can be used to flag direct messages, comments, accounts, and videos

showing evidence of CSAM, online grooming, and other predatory behavior. These cases go to human review for further assessment and may lead to further investigations.

On top of our own technology, TikTok has integrated with NCMEC's Hash Sharing Web Services to enable the detection and removal of known CSAM at the point of upload to TikTok. The NCMEC hash list is applied against all videos uploaded to the platform and to users' avatars (profile pictures). TikTok also employs perceptual hashing techniques, such as PhotoDNA, to ensure our CSAM detection practices are robust against visual alterations (such as resizing or watermarking).

In addition, TikTok's membership in the Tech Coalition has enabled the utilization of technologies and resources such as the CSAM Keyword Hub, offered in collaboration with Thorn, to help block content or enqueue users for account review. Further, as noted above, we use IWF's keyword list to supplement our existing sensitive words list, and we deploy IWF's URL list to block URLs containing CSAM that are shared through private messages or are present in a user's bio. Finally, we are in the process of integrating with Google's Content Safety API to further support the proactive identification of never-before-seen CSAM imagery, as well as YouTube's CSAI Match to further support detection of known CSAM in videos.

When TikTok identifies CSAM or other predatory behaviors such as grooming, it is removed from the platform and reported to NCMEC. In 2021, we made 154,618 reports to NCMEC; in 2022, we made 288,125 reports. We also publish information about our content moderation decisions in our quarterly Community Guidelines Enforcement Reports. For instance, in the third quarter of 2023, 97.4 percent of our removals of content relating to youth exploitation and abuse were proactive, meaning that we took the content down before it received any reports from users or others. We are proud of the work we have done to promptly remove this content. But we also appreciate that there is no finish line when it comes to keeping our community safe, and we will never stop looking for ways to improve.

TikTok's Other Efforts to Promote a Safe Experience for Younger Users

Our commitment to minor safety goes far beyond working to protect the platform from child sexual exploitation. Safety and well-being—in particular for teens on the app—is a core priority for TikTok. To that end, we have launched several initiatives aimed at supporting teens' digital journeys and helping ensure that online experiences play a positive role in how younger users express themselves, discover ideas, and connect.

In addition to offering a range of safety and privacy controls that empower users to decide who they share content with, TikTok provides even stronger proactive protections to safeguard our teen users, and we have consistently introduced changes to support age-appropriate experiences on our platform.

For instance, accounts registered to teens under 16 are set to private by default, and their content is ineligible for recommendation to people they do not know. Additionally, teens under 16 are not able to publish their first video until they respond to a pop-up that asks them to select who may view the video. Direct messaging is not available for teens aged 13-15, and it is set by

default to “No One” for new teen users aged 16-17, requiring them to actively opt into a different sharing option.

Similarly, we limit livestream hosting to accounts registered to people 18 or older with a set number of followers. And we only allow those 18 or older to be eligible for monetization programs, such as video gifts.

TikTok imposes these limitations because we want to help teens develop positive digital habits early on. We regularly consult with leading pediatric experts, youth well-being advocates, and adolescent psychologists to develop our Youth Portal, bullying prevention guide, and other features that support youth well-being. For example, TikTok consulted with experts from the Digital Wellness Lab at Boston Children’s Hospital in selecting our 60-minute default daily screen limit for minor users.

Aside from implementing age-specific restrictions, TikTok acknowledges that some users do not provide the correct information regarding their age, which is a challenge that many digital platforms face. Accordingly, in addition to our industry-standard age gating, TikTok takes a number of approaches to identify and remove accounts belonging to individuals believed to be underage. For instance, we train our trust and safety team to be alert to signs that an account may belong to a user under the age of 13. We also use other information provided by our users, such as keywords and in-app reports from our community, to help detect and remove potential underage accounts. When our safety team believes that an account may belong to an underage person, our policy is to remove the user from our platform.

Finally, TikTok recognizes the vital role that parents and guardians play in protecting the online safety of teens. With that in mind, TikTok’s Family Pairing allows parents or guardians and teens to customize their safety settings based on individual needs. With Family Pairing, parents and guardians can link their TikTok accounts to their teens’ accounts and set particular controls for screen time, direct messaging, search, and content, amongst others. In March 2023, we updated Family Pairing to allow for parents and guardians to receive a breakdown of their teens’ screen time and to customize a schedule to mute TikTok notifications for their teens. We also started last year to prompt our community to learn more about Family Pairing, and we’ve reached more than 500 million people so far with this information.

TikTok’s work to provide a safe and fun online environment for our teen users is never-ending. We are continuously adding to and improving these safeguards, and we welcome all feedback—both today and onward—for how we can best protect teens. We stand firm in our commitment to help ensure youth safety, and I am proud of the steps that TikTok has taken to date.

Conclusion

A fundamental component of TikTok’s mission to inspire creativity and bring joy to more than 1 billion people worldwide is to continuously work toward providing a safe and secure experience on our platform. This is our commitment to our community, regardless of age. We also recognize that certain threats uniquely affect younger users, and we are resolute in working to safeguard these users’ experience.

I am grateful for the opportunity to discuss these important issues with the Committee and with the leaders of other digital platforms. We are all partners in the mission of protecting our children, and I look forward to the opportunity to continue to collaborate and to work in unison on this critical effort.

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