

AMENDED Exhibit 782

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

Produced in Native

Kick off: YMCA (YouTube Mature Content Access) *Age Verification* *workstream*

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At direction of counsel



PM: [REDACTED] | TPM: [REDACTED] | April, 2020

Snapshot of current EU initiatives

EU Audiovisual Media Services Directive (Sep-20 enforcement)	Video sharing platforms (e.g., YT, Google Play Movies & TV) required “to establish and operate age verification systems for users of video-sharing platforms with respect to content which may impair the physical, mental or moral development of minors.”
GDPR	Age verification requirement implicit; service providers must use age-verification methods proportionate to the nature and risks of the underlying processing
UK ICO Age Appropriate Design Code (Q2/Q3 2021 likely enforcement deadline)	Requires online services provide either a child-appropriate experience for all users, or apply an “age assurance” model with a sliding scale of different levels of age verification depending on nature and risks associated with processing
Irish DPC	Expected to publish guiding principles on children’s data processing, including age verification, imminently.

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to cover AVMS

to cover privacy bits

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Age Verification (AV) under AVMSD

Who

- Video Sharing Platforms (e.g. YouTube, Play Movies, Facebook)
- Audiovisual Media Services (e.g. Netflix, Amazon)

Why

- To protect minors (Under 18s) from harmful content.
- Expected to apply to 18-rated mature content and above, but risk of AV req. to protect younger children from milder content (e.g. Teen-rated (15+))

How

- Not prescribed, so flexibility as to mechanisms to take the lead in designing an age verification system that we can defend

- Current scope only includes **initial requirements** regarding Age Verification, **aimed to protect minors from watching mature content**.
- Age verification requirements will be expanded to privacy and data processing under GDPR and UK Privacy Laws.

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The Audio Visual Media Services Directive (AVMSD) requires, among other things, that video sharing platforms (e.g., YT, Google Play Movies & TV) “establish and operate **age verification systems to protect minors or under 18 users from content which may impair the physical, mental or moral development**.”

How we have to implement those age systems has not been prescribed, however we want to make sure we don't run into a situation where regulators do force our hands and push us to require Gov Ids for everyone, that's why Google Identity has been working for over 8 months on a validation and verification systems to ensure we have the right level of confidence of the user age and at the same time minimize the user friction.

██████ and I also wanted to call out that this are the initial requirements for age verification, aimed to protect minors from watching mature content. However, in the future age verification will also be expanded to privacy and data processing under GDPR and UK Privacy Law, but that's not in scope for this meeting.

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AVMSD is an EU directive, that, similar to GDPR, requires the various EU member states to enact legislation implementing the requirements of the directive. One of those requirements is that video-sharing platforms such as YouTube, establish and operate age verification systems for users of video-sharing platforms with respect to content which may impair the physical, mental or moral development of minors.” There is some room for interpretation within the

legislation, and we are still waiting to see if the member states implementing regulations provide additional guidance. In the interim, however, as the directive becomes enforceable as of September 2020, we're working to ensure that we are in compliance with the overarching regulation.

[REDACTED]

YMCA (YouTube Mature Content Access)

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- **Goal:** Meet AVMSD requirements to protect minors (U18) from age restricted content.
- **Key workstreams:**



This review focuses on workstream #1: Age-verification integration

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YMCA project goal is to meet the AVMSD requirements to protect minors from age restricted content and has three main workstreams: (1) age-verification, which is the main goal of this review, 3) AG and MA policy alignment, which will expand the age restricted content and 3) age-gating UX improvements. This review focused on the first workstream only.

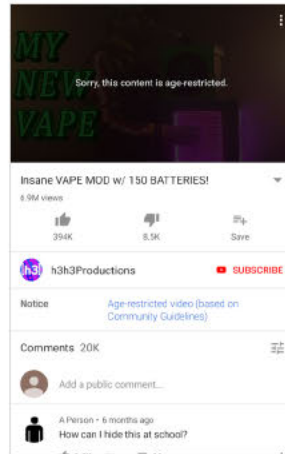
Age-gating today is based on declared DoB

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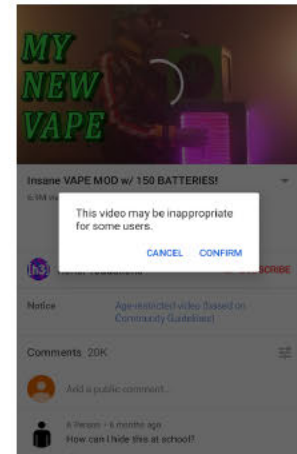
Signed out user



User under 18



User over 18



** only triggers once / user, ever*

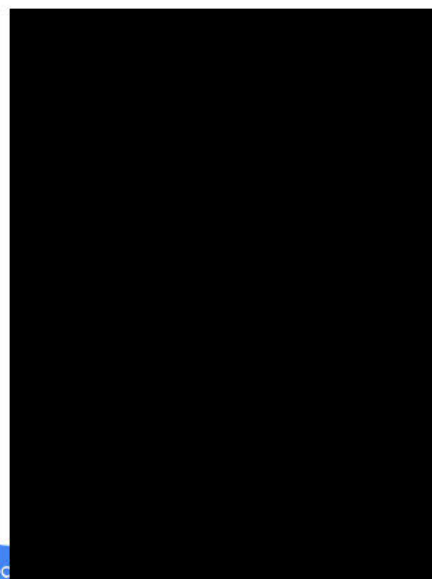
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Age gating today is based on declared DoB, that means that for signed out users we require them to sign in to confirm their age to watch age restricted content. For signed in users, if their declared date of birth is under 18 we don't allow them to watch age restricted content, and for those with date of birth over 18 we just trigger a warning that the content may be not be appropriate one time.

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YMCA will be based on inferred age



- The user's declared date of birth is no longer sufficient for products that are deemed not suitable for children or have content that is age restricted.
- **YT users with inconclusive inferred age (U18), will be required to verify their age to watch age-restricted video.**
- Scope only applies in the EU (for now).

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YMCA will be based on inferred age, as this is because with upcoming regulations, user's declared date of birth is no longer sufficient for products that are not appropriate for children or that have age restricted content.

We will leverage Google demographic signals, and those users that attempt to watch age gated content and have an inferred age that is inconclusive or under 18, we will require them to verify their age to watch this content.

We don't expect change for users with inferred age OVER 18, pending more clarification from privacy legal on additional requirements for users with no declared date of birth.

YMCA proposed changes

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Status	Inferred age	Declared DoB	Requires age verification?	Experience
Signed out	N/A	N/A	N/A	[No changes] Age restricted content is blocked.
Signed in	Inconclusive	Over 18	Yes	Users are redirected to the Google age verification flow.
Signed in	Inconclusive	Under 18	No	[No changes] Age restricted content is blocked.
Signed in	Over 18	Over 18	No	[No changes] Age restricted content is not blocked.
Signed in	Over 18	Unknown	TBC, most likely yes	Users are redirected to the Google age verification flow.
Signed in	Inconclusive	Unknown	Yes	Users are redirected to the Google age verification flow.

1. TBC: Only applies to users with Google accounts created in the EU.

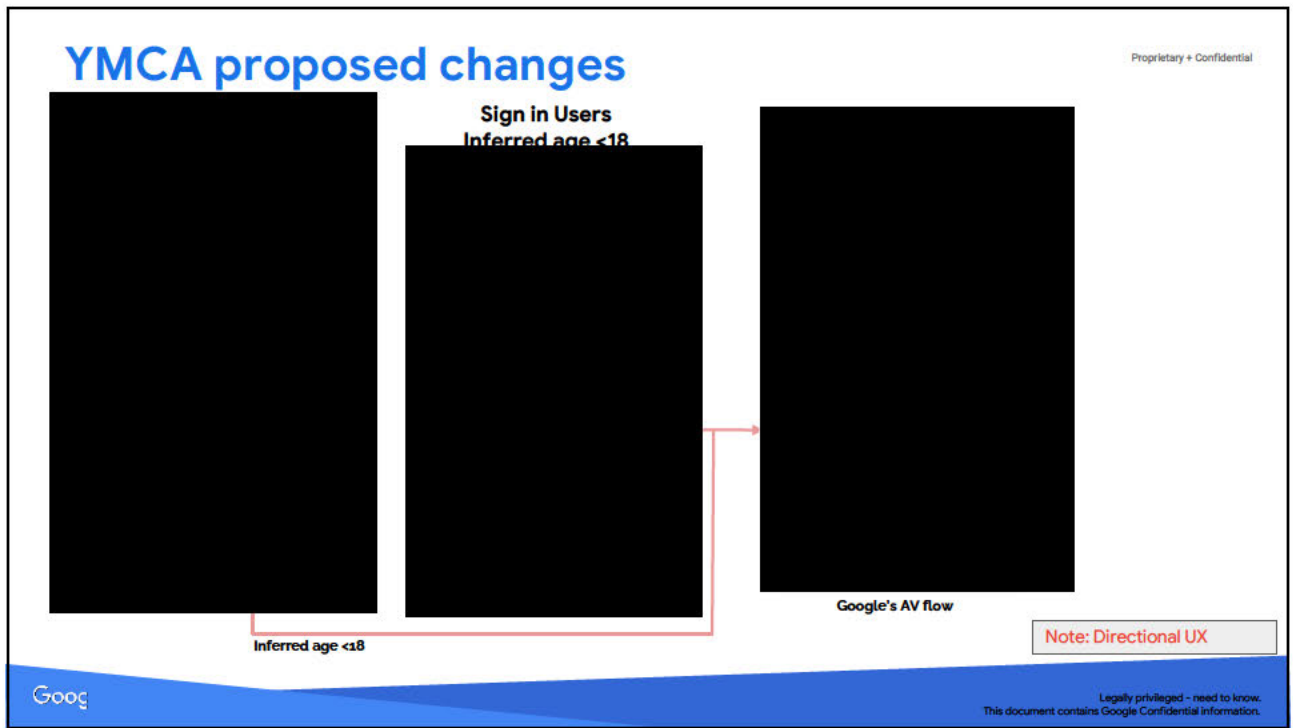
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Slide 1

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Any sense of what % of DAU "accounts created in the EU" is?

Reid Watson; 4/24/2020 7:06:58 PM



So here's a directional flow on the changes.

If you are sign out we will continue requiring you to sign in when attempting to watch age restricted content, but will redirect the user to the Google's age verification flow if the inferred age is under 18.

For sign in users, the same applies, and we will redirect those users to the age verification flow when they attempt to watch age restricted content.