

## **AMENDED Exhibit 874**

# **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

**Senate Commerce Subcommittee on Consumer Protection**  
**"Protecting Kids Online: Snapchat, TikTok, and YouTube"**  
October 26, 2021 (10AM EST)

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## Snapchat 101

### Ephemerality

**Q. Are messages that delete by default inherently unsafe for children, as parents likely can't get the chance to see them?**

- We believe that messages that delete by default give young people the opportunity to express themselves without the pressures of public metrics and permanence.
- This makes Snapchat feel less like a permanent record and more like a conversation with friends.
- It is also inherently more privacy-centric, as messages delete by default.
- We don't stockpile private messages and we don't publicly showcase a timeline of everything you've ever posted. We focus on giving users control over important aspects of their experience on Snapchat.

**Q. Isn't it true that Snapchat was originally designed for sexting by young people on college campuses, and gained popularity because it automatically deleted the evidence?**

- Snapchat was originally designed to give people a way to talk with their close friends and family, in ways that replicated the dynamics of human conversations in real life.
- Our founders intentionally designed the architecture of the app to be different from the big social media platforms at the time -- they wanted to create a platform without the pressures to present a perfect image, where anyone was allowed to broadcast anything to the whole world and encouraged to connect with lots of people they didn't actually know.
- Designing Snaps to delete-by-default was done to reflect the way people have talked to their friends in real life for generations, where conversations happen in real time, and are not saved for posterity.

### Differentiators

**Q. How is Snapchat different from FB/IG?**

- Social media has come to mean connecting with as many people as possible, encouraging people to build up massive followings and broadcasting content to the whole world -- leading many people to feel pressured to perform for strangers, rather than feel comfortable being themselves.
- Snapchat was intentionally designed as an antidote to this.
- Snapchat was built around the camera to create a way for people to communicate more meaningfully and authentically with their real friends and loved ones, rather than a town square where anyone has the right to distribute anything to anyone without moderation.
- A few important differences that were built directly into our platform's architecture:
  - Snapchat opens directly to the camera, and not a feed of content.
  - We limit the spread of unvetted content across the app, and have systems and processes in place to help reduce the chances that harmful content will go viral.
  - Our Discover content platform is curated -- only features content from hand-picked, trusted media publishers and content creators.
  - Our entertainment platform for user-generated content, Spotlight, is proactively moderated before content can reach a large audience.
  - We offer Group Chats, but they are limited in size, are not recommended by algorithms, and are not discoverable on our platform if you are not a member of that Group.

though advertisers are not allowed to target this directly. There are limits, however. For users of all ages, we do not use sensitive content for ad optimization. For example, if a user views a news story about drug abuse, we would not use that action for optimization.

**Q. Do you make money from users under the age of 18?**

- Yes. We believe we strike a fair balance between offering a free service for users, including users under 18, and using a reasonable amount of their non-sensitive data to provide relevant advertising.

**Q. Do you track children's location to target ads?**

- Advertisers can target ads to locations that have seen more than 1000 Snapchatters in the last 30 days. If users choose to share their location with us, they may see location targeted ads in these areas.

**Q. Why do you still support interest-based advertising on Snapchat even after Google and Facebook suspended this practice?**

A. We believe we offer a less invasive advertising product that does not collect as much sensitive information and offer only a limited number of non-sensitive interest categories for targeting. We believe we strike a fair balance between offering a free service for Snapchatters, including those under 16, and using a reasonable amount of their non-sensitive data to provide relevant advertising.

**Q. Why are you using data of users under 16 for advertising purposes? Why do you show ads to these users in the first place?**

- We believe we strike a fair balance between offering a free service for Snapchatters, including those under 16, and using a reasonable amount of their non-sensitive data to provide relevant advertising.

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**Trust + Safety / LEO**

Age Verification / Underage Usage

**Q. Do you collect data of children under the age of 13?**

- When registering a Snapchat account, individuals are required to provide their date of birth, and the registration process fails if a user is under the age of 13.
- We do not inform individuals that their registration failed due to their age.
- We recognize that, in some instances, individuals may infer that the reason their registration failed was due to the age they entered, and try a different age.
- If we become aware that a Snapchat user is under the age of 13, we will terminate that user's account and delete the user's data.

**Q. When a user tries to register and fails because they input an age under 13, is that device prevented from attempting to register again?**

- After a user fails registration because they input an age under 13, we will terminate that user's account and delete the user's data.
- The same physical device is allowed to register again.
- We are working on ways to detect and prevent underage users from retrying registration.

**Q. Why are they not prevented from re-registering?**

- We are planning on testing device blocking for failed registrations due to age in the near future.

**Q. How many underage users have you deleted off Snapchat?**

- In the past 365 days (as of oct 18) we've deleted 2,430 people for being under 13.

- In the last 30 days, approximately 3% of devices that attempt to register for Snapchat are blocked due to being under 13.

**Q. What do you do with that data once you delete the user accounts?**

- If we gain actual knowledge that a Snapchatter is under 13 years of age, we delete the data associated with their account.

**Q. How many underage users do you estimate have accounts on Snapchat right now?**

A. Since we delete all accounts of underage users if we learn they are under 13, we do not have a good way to estimate this.

**Q. If a child lies about their age when signing up for Snapchat, what policies do you have in place to remove their account? How do you ensure young users are not being served inappropriate content?**

- We do not allow anyone under the age of 13 on Snapchat, and terminate any accounts we find and delete the data.

**Q. What happens to a user's data if it's detected that a user is under the age of 13?**

- During registration if an individual specifies they are under 13 years old, we will terminate that user's account and delete the user's data
- If we acquire user data through paid marketing channels, and later learn they are under 13 when the individual attempts to register, we delete that person's data within 30 days.

**Q. I understand that Snapchat uses inferred age in addition to inputted age to ensure minors are not shown age-gated advertisements for products like alcohol or regulated goods. Do you use inferred age models to audit whether there are underage users on your platform? Why not?**

- We use the lower of inferred v stated age throughout the platform (but not everywhere, so let's be careful)
- Do we have to talk about how we determine inferred age?

Pornography

**Q. What are you doing to limit the amount of pornography on Snapchat?**

- We look for signs that an account is dedicated to distributing or promoting pornography and if found, terminate the account immediately.
- We have also looked at other websites like Twitter or Instagram to find pornographic Snapchat accounts being promoted and terminate those accounts.
- We use both AI and human moderation for our public content features such as Spotlight, Discover, and the Map to prevent pornography from being distributed.
- in more private areas of the app like stories or chat media, content and accounts can be flagged for review via in-app reporting, which is reviewed by a dedicated safety team.
- [IF YOU WANT TO MENTION LEGAL] Our Legal team worked to identify and remove third-party websites and social media posts promoting pornographic Snapchat accounts in an effort to weaken the business model driving those accounts.

CSAM

**Q. How are you detecting this activity on Snapchat? From your transparency report, it is evident that this is a real problem on Snapchat. What are you doing to prevent this type of abuse on your platform? Do you use PhotoDNA? Have you implemented video-hashing technology?**

- Child Safety is our top priority. On the detection side, we use PhotoDNA to detect known CSAM images through image-hashing, and CSAI Match to detect known CSAM videos through video-hashing. Both of these technologies rely on organizations like NCMEC's hash database to prevent revictimization of the survivors.

**Q. How are you protecting young users from predators on Snapchat?**