

TikTok fined €345m for breaking EU data law on children's accounts

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TikTok has been fined €345m (£296m) for breaking EU data law in its handling of children's accounts, including failing to shield underage users' content from public view. The Irish data watchdog, which regulates TikTok across the EU, said the Chinese-owned video app had committed multiple breaches of GDPR rules. It found TikTok had contravened GDPR by placing child users' accounts on a public setting by default; failing to supply transparent information to child users; allowing an adult accessing a child's account on the "family pairing" setting to enable direct messaging for over-16s; and not properly taking into account the risks posed to under-13s on the platform who were placed on a public setting. The Irish Data Protection Commission (DPC) said users aged between 13 and 17 were steered through the sign-up process in a way that resulted in their accounts being set to public – meaning anyone can see an account's content or comment on it – by default. It also found that the "family pairing" scheme, which gives an adult control over a child's account settings, did not check whether the adult "paired" with the child user was a parent or guardian. The DPC ruled that TikTok, which has a minimum user age of 13, did not properly take into account the risk posed to underage users who gained access to the platform. It said the public-setting-by-default process allowed anyone to "view social media content posted by those users". The Duet and Stitch features, which allow users to combine their content with other TikTokers, were also enabled by default for under-17s. However, the DPC found there had been no infringement of GDPR in terms of its methods for verifying users' ages. The DPC decision comes after TikTok was fined £12.7m in April by the UK data regulator for illegally processing the data of 1.4 million children under 13 who were using its platform without parental consent. The information commissioner said TikTok had done "very little, if anything" to check who was using the platform. TikTok said the investigation looked at the company's privacy setup between 31 July and 31 December 2020 and said it had addressed the problems raised by the inquiry. All existing and new TikTok accounts for 13- to 15-year-olds have been set to private – meaning only people approved by the user can view their content – by default since 2021. TikTok said: "We respectfully disagree with the decision, particularly the level of the fine imposed. The DPC's criticisms are focused on features and settings that were in place three years ago, and that we made changes to well before the investigation even began, such as setting all under-16 accounts to private by default." The DPC also acknowledged it had been overruled by the European Data Protection Board, a body comprising EU member state data and privacy regulators, on some aspects of its decision. This meant it had to include a proposed finding by the German regulator that the use of "dark patterns" – the term for deceptive website and app designs that steer users into certain behaviours or making particular choices – breached a GDPR provision on fair processing of personal data.