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(Original Signature of Member)

119TH CONGRESS
1ST SESSION

H. R. _____

To require online platforms to disclose policies and provide options relating to personalized recommendations systems to minors, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

M_____. _____ introduced the following bill; which was referred to the
Committee on _____

A BILL

To require online platforms to disclose policies and provide options relating to personalized recommendations systems to minors, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Algorithmic Trans-
5 parency and Choice Act”.

1 **SEC. 2. NOTICE AND ALGORITHM PREFERENCE REQUIRE-**
2 **MENTS FOR COVERED ONLINE PLATFORMS**
3 **TO PROVIDE TO MINORS.**

4 (a) REQUIREMENTS.—Beginning on the date that is
5 1 year after the date of the enactment of this Act, the
6 provider of a covered online platform shall do the fol-
7 lowing:

8 (1) Provide covered users of the platform with
9 the following:

10 (A) A notice that the platform uses a per-
11 sonalized recommendation system to select the
12 content the covered user sees, presented in a
13 clear and conspicuous manner on the platform
14 whenever the covered user interacts with a per-
15 sonalized recommendation system for the first
16 time.

17 (B) A notice, included in the terms and
18 conditions of the platform, in a clear, accessible,
19 and easily comprehensible manner that is up-
20 dated whenever the platform makes a material
21 change, that includes the following:

22 (i) A description of any feature, input,
23 and parameter essential to the operation of
24 the personalized recommendation system.

25 (ii) How any user-specific data used
26 by the personalized recommendation sys-

1 tem is collected or inferred about a covered
2 user of the platform and each category of
3 such data.

4 (iii) Any option that the platform
5 makes available for a covered user of the
6 platform to opt out or exercise an option
7 under subparagraph (C) or (D), modify the
8 profile of the covered user, or to influence
9 any feature, input, or parameter used by
10 the personalized recommendation system.

11 (iv) Any quantity (such as time spent
12 using a product or specific measure of en-
13 gagement or social interaction) that the
14 personalized recommendation system is de-
15 signed to optimize, as well as a general de-
16 scription of the relative importance of each
17 quantity for such ranking.

18 (C) An option to easily switch between the
19 personalized recommendation system and an
20 input-transparent algorithm in their use of the
21 platform.

22 (D) An option to limit the type or category
23 of recommendations from a personalized rec-
24 ommendation system.

1 (2) Provide an input-transparent algorithm as
2 the default setting for a covered user of the plat-
3 form.

4 (b) ENFORCEMENT BY FEDERAL TRADE COMMIS-
5 SION.—

6 (1) UNFAIR OR DECEPTIVE ACTS OR PRAC-
7 TICES.—A violation of this section shall be treated
8 as a violation of a rule defining an unfair or decep-
9 tive act or practice prescribed under section
10 18(a)(1)(B) of the Federal Trade Commission Act
11 (15 U.S.C. 57a(a)(1)(B)).

12 (2) POWERS OF COMMISSION.—

13 (A) IN GENERAL.—The Federal Trade
14 Commission shall enforce this section in the
15 same manner, by the same means, and with the
16 same jurisdiction, powers, and duties as though
17 all applicable terms and provisions of the Fed-
18 eral Trade Commission Act (15 U.S.C. 41 et
19 seq.) were incorporated into and made a part of
20 this section.

21 (B) PRIVILEGES AND IMMUNITIES.—Any
22 person who violates this section shall be subject
23 to the penalties and entitled to the privileges
24 and immunities provided in the Federal Trade
25 Commission Act (15 U.S.C. 41 et seq.).

1 (C) AUTHORITY PRESERVED.—Nothing in
2 this section shall be construed to limit the au-
3 thority of the Commission under any other pro-
4 vision of law.

5 (c) RULES OF CONSTRUCTION.—

6 (1) DISCLOSURE OF PROPRIETARY AND PRIVI-
7 LEGED INFORMATION PROHIBITED.—Nothing in this
8 section may be construed to require a covered online
9 platform to disclose any information, including data
10 or any personalized recommendation system—

11 (A) relating to a trade secret or other pro-
12 tected intellectual property;

13 (B) that is confidential business informa-
14 tion; or

15 (C) that is privileged.

16 (2) RULE OF CONSTRUCTION.—Nothing in this
17 section may be construed to limit or prohibit the
18 ability of a covered online platform to, at the direc-
19 tion of a covered user or group of covered users, re-
20 strict another covered user from searching for, find-
21 ing, accessing, or interacting with the account, con-
22 tent, data, or online community of such covered user
23 or group.

24 (d) DEFINITIONS.—In this section:

1 (1) APPROXIMATE GEOLOCATION INFORMA-
2 TION.—The term “approximate geolocation informa-
3 tion” means information that identifies the location
4 of an individual, but with a precision of less than 5
5 miles.

6 (2) COMMISSION.—The term “Commission”
7 means the Federal Trade Commission.

8 (3) CONNECTED DEVICE.—The term “con-
9 nected device” means an electronic device that—

10 (A) is capable of connecting to the inter-
11 net, either directly or indirectly through a net-
12 work, to communicate information at the direc-
13 tion of an individual;

14 (B) has computer processing capabilities
15 for collecting, sending, receiving, or analyzing
16 data; and

17 (C) is primarily designed for or marketed
18 to consumers.

19 (4) COVERED ONLINE PLATFORM.—The term
20 “covered online platform” means an online platform
21 that uses a personalized recommendation system.

22 (5) COVERED USER.—The term “covered user”
23 means, with respect to an online platform, a minor
24 who registers an account or creates a profile on the
25 covered platform.

1 (6) FULLY AUTOMATED SYSTEM.—The term
2 “fully automated system” means an operation or set
3 of operations performed on data with minimal or no
4 direction, instruction, prompting, oversight, involve-
5 ment, or intervention by a natural person.

6 (7) INPUT-TRANSPARENT ALGORITHM.—

7 (A) IN GENERAL.—The term “input-trans-
8 parent algorithm” means a fully automated sys-
9 tem that does not use the user-specific data of
10 a covered user to determine the selection, order,
11 relative prioritization, or relative prominence of
12 information that is furnished to such covered
13 user on an online platform, unless the user-spe-
14 cific data is expressly provided to the platform
15 by the covered user for such purpose.

16 (B) DATA EXPRESSLY PROVIDED TO THE
17 PLATFORM.—For purposes of subparagraph
18 (A), user-specific data that is provided by a cov-
19 ered user for the express purpose of deter-
20 mining the selection, order, relative
21 prioritization, or relative prominence of infor-
22 mation that is furnished to such user on an on-
23 line platform—

24 (i) includes any search term, filter,
25 and speech pattern supplied by the covered

1 user (if provided for the purpose of ena-
2 bling the platform to accept spoken input
3 or selecting the language in which the cov-
4 ered user interacts with the platform),
5 saved preference, the resumption of a pre-
6 vious search, and the current precise
7 geolocation information that is supplied by
8 the covered user;

9 (ii) includes the current approximate
10 geolocation information of the covered
11 user;

12 (iii) includes data affirmatively sub-
13 mitted to the platform by the covered user
14 that expresses the clear desire of the cov-
15 ered user to receive particular information;

16 (iv) does not include the history of the
17 connected device of the covered user, in-
18 cluding the history of web searches and
19 browsing, previous geographical locations,
20 physical activity, device interaction, and fi-
21 nancial transactions of the covered user;
22 and

23 (v) does not include inferences about
24 the covered user or the connected device of
25 the covered user, without regard to wheth-

1 er such inferences are based on data de-
2 scribed in clauses (i) or (iii).

3 (8) MINOR.—The term “minor” means an indi-
4 vidual under the age of 18.

5 (9) ONLINE PLATFORM.—The term “online
6 platform”—

7 (A) means a public-facing website, internet
8 application, or mobile internet application, in-
9 cluding a social network, or video sharing serv-
10 ice—

11 (i) that serves the public; and

12 (ii) that primarily provides a forum
13 for user-generated content, including mes-
14 sages, videos, images, games, and audio
15 files; and

16 (B) does not include—

17 (i) a provider of broadband internet
18 access service (as described in section
19 8.1(b) of title 47, Code of Federal Regula-
20 tions, or successor regulation); or

21 (ii) electronic mail.

22 (10) PERSONALIZED RECOMMENDATION SYS-
23 TEM.—The term “personalized recommendation sys-
24 tem”—

1 (A) means a fully automated system that
2 determines the selection, order, relative
3 prioritization, or relative prominence of infor-
4 mation that is furnished to a covered user on
5 an online platform based, in whole or part, on
6 user-specific data that was not expressly pro-
7 vided by the covered user to the platform for
8 such purpose; and

9 (B) does not include a fully automated sys-
10 tem used by an online platform if—

11 (i) the only user-specific data, includ-
12 ing any inference about the covered user,
13 that the system uses is—

14 (I) information relating to the
15 age of the covered user; and

16 (II) such information is only used
17 to fulfill a request to restrict the ac-
18 cess of a covered user to content on
19 the basis that the content is not age-
20 appropriate for the covered user; or

21 (ii) such system is designed to block
22 or filter spam, prevent or detect fraud or
23 other illegal activity, or preserve the secu-
24 rity of any system, product, or service.

1 (11) PRECISE GEOLOCATION INFORMATION.—

2 The term “precise geolocation information” means
3 geolocation information that identifies the location of
4 an individual to within a range of 5 miles or less.

5 (12) USER-SPECIFIC DATA.—The term “user-
6 specific data” means information relating to a cov-
7 ered user or a specific connected device that would
8 not necessarily be true of every individual or device.

9 (e) RELATIONSHIP TO STATE LAWS.—No State or
10 political subdivision of a State may prescribe, maintain,
11 or enforce any law, rule, regulation, requirement, stand-
12 ard, or other provision having the force and effect of law,
13 if such law rule, regulation, requirement, standard, or
14 other provision covers the requirements of subsection (a).