

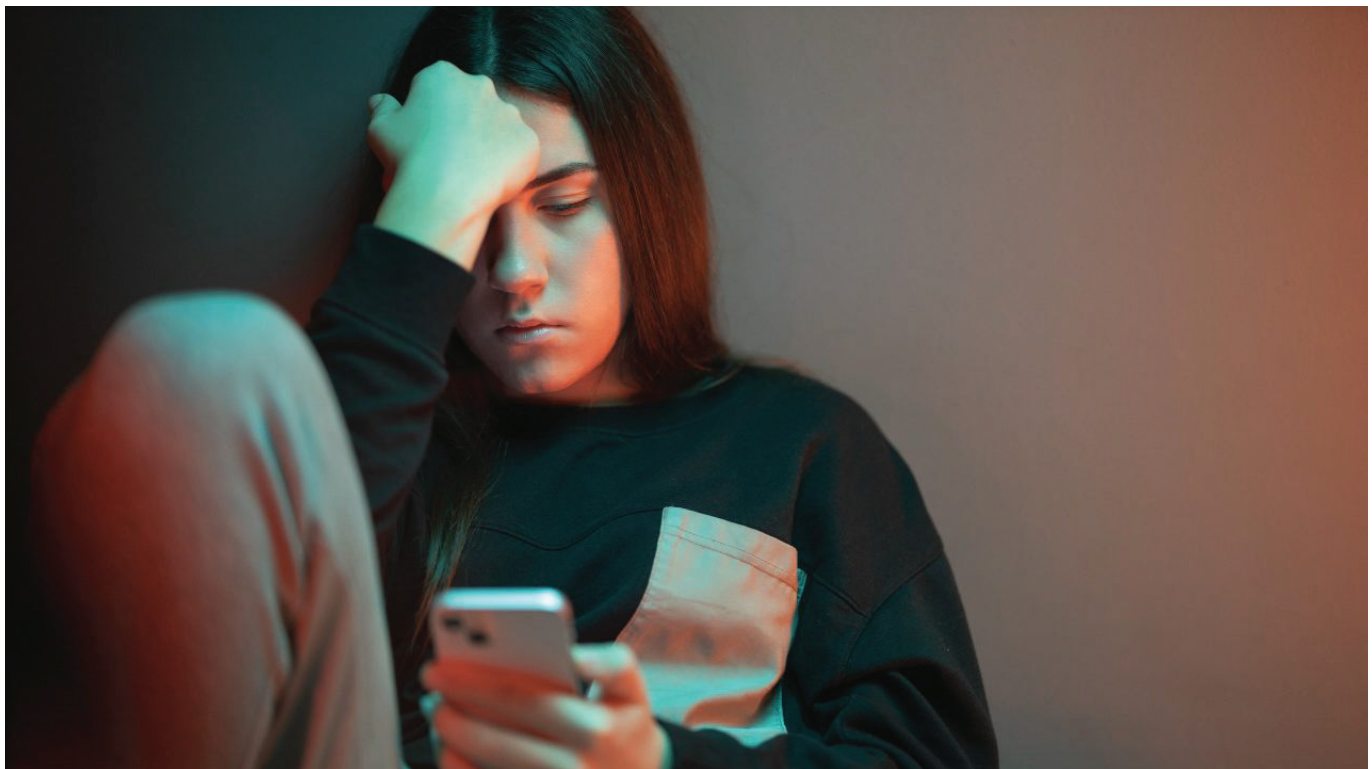
Protecting Minors' Privacy Rights and Mental Well-Being Online

[Illiana Issak Sughayar](#)

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Summary

- As young individuals increasingly engage with platforms such as Instagram, TikTok, and Snapchat, they become vulnerable to privacy infringements and mental health challenges.
- Legislative actions, technological solutions, and parental involvement are all critical components in creating a safer online environment for young users.
- Lawyers can play a key role by advising on compliance with privacy laws, representing parents in cases involving breaches of children's privacy, and helping develop strategies for businesses to meet evolving regulations.



The widespread influence of social media on minors has sparked significant concerns regarding privacy rights and mental health. As young individuals increasingly engage with platforms such as Instagram, TikTok, and Snapchat, they become vulnerable to privacy infringements and mental health challenges. The digital landscape presents both opportunities and risks, necessitating a comprehensive approach that includes legislative action, parental guidance, and corporate responsibility to protect minors online.

Privacy Rights of Minors on Social Media

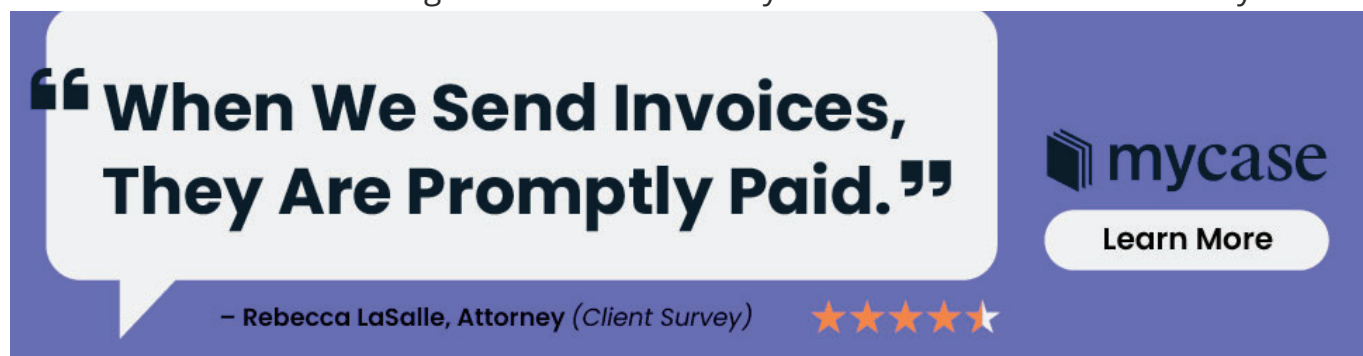
Minors may not always fully understand the long-term consequences of sharing personal information online. Social media companies have been criticized for collecting and retaining vast amounts of user data, including that of minors, sometimes indefinitely and without adequate protective measures. A [Federal Trade Commission \(FTC\) report issued in September 2024](#) highlights that firms such as Meta and X employ extensive consumer-surveillance strategies to monetize user data without sufficient privacy safeguards, notably for children.

In response to these concerns, legislative measures have been proposed to enhance online protection for youth. The U.S. Senate, for instance, passed the bipartisan Kids Online Safety and Privacy Act (KOSPA), aiming to shield children from online dangers by combining significant bills such as the Kids Online Safety Act (KOSA) and the Children and Teens' Online Privacy Protection Act (COPPA). These measures seek to limit the exploitative use of minors' data and improve online safety protocols.

A [May 2023 Federal Trade Commission \(FTC\) press release](#) discusses a proposed blanket prohibition that would prevent Facebook (owned by Meta) from monetizing youth data. This action stems from the FTC's concerns over Meta's alleged repeated violations of privacy agreements, including failing to protect children and teens using its platform. The proposal would significantly limit Facebook's ability to use minors' data for targeted advertising, marking an aggressive regulatory stance against Meta's data practices. Additionally, the FTC seeks broader restrictions on Meta's data collection and privacy practices, reflecting ongoing scrutiny over its handling of user information. If enforced, these measures could reshape how social media platforms manage and profit from youth data, reinforcing stricter digital privacy protections for minors.

Despite these legislative efforts, enforcement remains a challenge. Social media companies frequently employ opaque privacy policies and complex terms of service that make it difficult for minors and their guardians to understand how data is collected and used. Moreover, many children and teenagers bypass age restrictions on platforms,

exposing themselves to risks associated with unregulated online interactions. Stricter enforcement and clearer regulations are necessary to ensure minors' online safety.



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Impact of Social Media on Minors' Mental Health

The mental health implications of social media use among minors are profound. A [2023 advisory report from the U.S. Surgeon General](#) discusses how frequent social media use may be associated with distinct changes in the developing brain, potentially affecting functions such as emotional learning, behavior, impulse control, and emotional regulation. Adolescents who spend significant time online may experience increased anxiety, depression, and lower self-esteem due to cyberbullying, social comparison, and exposure to unrealistic portrayals of life. A growing body of research also suggests that excessive social media use may contribute to sleep disturbances and reduced academic performance, further exacerbating stress levels among minors.

The U.S. Surgeon General has emphasized that while social media can offer benefits, it also poses significant risks to children and adolescents. The advisory report outlines immediate steps to mitigate these risks, highlighting the need for awareness and proactive measures, such as balancing online and offline activities and ensuring that minors have a supportive environment to discuss their online experiences. Many experts also advocate for parental monitoring and educational initiatives that teach children responsible social media habits.

In light of these challenges, various legislative efforts have emerged to mitigate the harmful effects of social media on minors. For example, the Kids Off Social Media Act (KOSMA), introduced by U.S. senators in 2024, aims to address the mental health crisis among young people by prohibiting children under 13 from creating social media accounts and preventing companies from using recommendation algorithms for users under 17. This legislation seeks to limit the persuasive design tactics that keep young users engaged on platforms for extended periods.

Other nations are also taking action to protect minors from the mental health risks associated with social media use. Australia, for instance, has passed the Online Safety

Amendment (Social Media Minimum Age) Act 2024, banning social media access for children under 16, aiming to combat the negative effects of online platforms on young people's well-being. This legislation targets major social media companies and imposes hefty fines for non-compliance. Similarly, the European Union has implemented the General Data Protection Regulation (GDPR), which includes specific provisions for minors' online privacy. Under the GDPR, platforms must obtain parental consent to process the data of children under 16, offering a framework to protect young users from data exploitation and online harm. Both Australia's law and the GDPR reflect a growing global commitment to safeguarding minors in the digital age, though their approaches differ in terms of enforcement and scope.

Parents and guardians play a crucial role in safeguarding minors' privacy and mental health. Using privacy safeguards and parental controls can help keep adolescents safer on social media. However, it is essential to balance protection with respect for adolescents' privacy to prevent them from seeking unmoderated communication channels. Researchers suggest that fostering open conversations about online behavior and implementing digital literacy programs can equip minors with the skills needed to navigate the internet responsibly.

Beyond legislative and parental intervention, the role of technology companies cannot be overlooked. Social media firms must adopt stronger self-regulation policies, such as default privacy settings for minors, stricter age verification processes, and more transparency in data collection practices. Collaboration between policymakers, tech companies, and mental health professionals will be essential in developing robust safeguards for young users.

A Safer Online World for Minors

The intersection of social media, minors' privacy rights, and mental health presents complex challenges that require a multifaceted approach. Legislative actions, technological solutions, and parental involvement are all critical components in creating a safer online environment for young users.

While recent legislative measures signal progress, continuous policy development and enforcement are necessary to keep pace with the rapidly evolving digital landscape. Lawyers can play a key role in this process by advising on compliance with privacy laws such as the GDPR and Australia's Online Safety Amendment, ensuring platforms follow appropriate legal frameworks for protecting minors. They can also assist in advocating for stronger protections, representing parents in cases involving breaches of children's privacy, and helping develop strategies for businesses to meet evolving regulations. Additionally, lawyers can support litigation related to mental health harms caused by

social media exposure, contributing to the broader conversation on digital safety and accountability.

Moreover, fostering a culture of digital literacy and responsible social media use among minors can help mitigate risks while allowing them to reap the benefits of online connectivity. After all, teaching kids about online safety is a bit like teaching them to drive—except the “vehicles” are apps, the “roads” are infinite, and the “speed limit” is . . . nonexistent. As research continues to highlight the effects of social media on minors, it’s crucial for all stakeholders—lawmakers, tech companies, educators, and parents—to join forces. When it comes to protecting young users in the digital age, we need more than just strong passwords; we need strong partnerships.

Author



Illiana Issak Sughayar

Illiana I. Sughayar is a law student at Thomas Jefferson School of Law in San Diego, CA, with a strong focus on international law and immigration. She is dedicated to increasing accessibility within the legal system,...

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