Levers of Change for Regulators and Civil Society

One of the goals animating this research was to better understand product development inside many of the most popular and well-known social games and platforms, and to evaluate the potential impact of these processes and practices on the health of adolescents. We also wanted to understand what provokes change in these systems. What drives companies to think more rigorously about health, digital well-being and the impact of their products on young people—and not just their imagined average user?

▪ Outside pressure works

We asked our respondents about what levers drove change within their companies. We heard that outside pressure from negative media attention, civil society, and regulators—and the fear of these things—have the most impact in pushing organizations to change their behavior.

- ## Negative publicity—and tragedy—can force company changes

Despite a widespread absence of dedicated attention to adolescents in the product design process at social platform companies, there are moments when adolescent experiences come into stark focus. Unfortunately, this is usually when tragedy strikes and becomes publicized:

> "What is more likely to drive that kind of change, particularly proprietary focus at kids, is… that there are likely to be terrifically bad outcomes—suicides, school shootings, sex trafficking, and those horrible incidents are the nightmare scenario that tends to drive the beginning of a consideration of safety."

Public documentation of a concrete harm to a child provokes action. For example, after a U.K. teenager committed suicide, her family found disturbing content about suicide and depression on her social media pages.[21] In response, many social media companies, like Instagram, publicly reported policy changes to prioritize removing self-harm content.[22] These tragedies seem to instigate moments of deep reflection at many companies, but it should not take such a drastic event (and such a media-savvy parent) to make adolescent health concerns a priority.

Absent a tragedy, many participants noted that negative media coverage, or simply the threat of bad press, was a major driver for changes at tech companies.

> "…historically the best lever for change has been negative press. So the thing [platform] cares about above all, besides money, is reputation, because that impacts money. So if there is a super-prominent *WIRED* article that talks about someone's horrible experience with a part of our product, that becomes a priority and that—it gets picked up by a reporter and that person's name and their specific experience becomes the driver for an entire product."

Another respondent said:

> "I think the sad reality is I think most companies came to their place in investing in such policies or efforts, because of bad press, and gripes, and unintended consequences."

Additional press attention to adolescent health and digital well-being could hold companies accountable for negative impacts and spark entire new products or teams within companies that would be more empowered to safeguard adolescent well-being. The importance of press attention also highlights the need for journalists and other public commentators to take nuanced stances in their reporting on the impact of technology on health. Rather than focusing on overly simplistic notions of screen time and technology addiction, journalists could tell more complex stories about structural and community-based harm that would shift corporate attention to adolescents and other subgroups facing discrimination and abuse.

▪ Public failures at other companies also spur action and coordination

Beyond struggles and missteps of the corporation itself, companies take notice when other companies publicly fail, or take a big public relations hit. Workers, as well as civil society, can use those external failures to drive change.

> "We're building out a lot of aspects of our product for the first time. And one of the benefits of that is that other companies have usually done it first and built something before us. And so a lot of times they haven't done that particularly well, and it's blown up in their faces. And so like, 'Hey, remember this product launch at this company?' That's really powerful for them because they don't want to be the product manager that launches the thing that gets the company in trouble."

Another respondent said:

> "[Company failures are] used sort of talismanically to warn people. And they're whipped out in really fraught conversations when something—a new product or service—really does have a feature that's likely to raise significant press attention. And they say, 'We can't do that, we can't be inBloom.' It's a conversation stopper. And those are the moments when a product or service sometimes will just get shelved. Or a feature just gets excised. Those conversations aren't routine, but that's usually the, 'No, dude. I'm serious this time.' You know, inBloom. See

Facebook, election disinformation."

InBloom—a philanthropy-funded foray into personalized learning that hoped to mine educational data to tailor teaching to individual kids to improve outcomes—failed to understand the extent of public resistance and parent concerns about the privacy and use of children's education data for personalized learning. Its collapse was the result of a multi-faceted set of failures and oversights.[23]

While public failures of companies like inBloom, and public relations nightmares for companies like Facebook, seem to shift company priorities, other research participants suggested that it may take more drastic failure of a larger social platform to really move the needle toward greater corporate accountability for user well-being.

> "I mean, ultimately, one or more of these companies is probably going to have to die a painful death before they become an example for the others... I wonder if we're not going to need something like that across the Valley at a bigger level. Where a company goes down, not because we're in a world-wide pandemic, but because they were broken apart because their failure to anticipate and mitigate significant externalities caused a backlash which blew up the company. How's that for happy and upbeat?"

Because these public failures loom so large over technology companies, newer startups are taking note. New social platforms could, for example, learn from the failures of Parler that they need to establish serious content moderation policies to avoid a similar fate. Public crises can also promote

cooperation between companies by creating momentum to collaborate to enhance crisis responses:

> "Should our policies change when there is a potential for more harm? How do we assess that harm? How do we define that harm? So we kind of cover crisis response and a lot of that kind of came in the aftermath of Christ Church which was a large incident that all of the kind of large tech companies came together and said, 'We really need to do something more here.'… So we launched a kind of crisis response policy function on our team to think about how our policies look in times of crisis and how do we identify risk before it escalates into a crisis and what's the role of social media there."

But that does not mean that outsiders need to wait for corporate failure or public crises to enact change. Pressure from nonprofits and advocacy groups can also influence company decision-making.

▪ Pressure from civil society can shift company decision-making

Larger companies have become more proactive about trying to anticipate what types of features might get bad press coverage. In addition to the media, outside entities like activists, nonprofits, and the public-at-large also have power to criticize a company, and this creates a desire within companies to have buy-in and validation from those external groups.

> "If there's a product or a feature that you're launching that you know you can anticipate that's going to have sensitivities to it… [like] identity and you're trying to decide [on a] gender drop-down menu, what's the responsible thing for that? It depends on the org and who's in charge and how mature the organization is whether those types of considerations are going to be thought of in a programmatic way versus reactive or ad-hoc. Or you've been ignoring them and you've launched some feature that you think is innocuous and then you hear from activists or the press or just the public or [social media] and you have a little reckoning and maybe the next time you're like, 'OK, well wait. We don't want to get our hand slapped again. Do we need to check with somebody?' And that might be internal experts, or people who are known to have good sensibilities about these things. You might come to me as a public policy guy and I'd be like, 'Yeah, here's where I think the discourse is—I don't think we'll get hit if we do it this way. But let's get external validation and get, like, the National Network to End Domestic Violence… on the phone and have them vouch and be ready to defend us publicly for whatever this feature is.'"

External experts and nonprofits can build off of the companies' concern around bad press. Well-executed research reports, schemas, rankings, or frameworks created by trusted third parties like nonprofits, respected advocates, or academics can shape internal debate and action, or at a minimum, policy or trust and safety team recommendations.

"[Platforms need] very specific actionable [research], like, frameworks where I can say 'Hey this place said [platform], you specifically should change X, Y, and Z.' Another thing, you know EFF [Electronic Frontier Foundation] has a 'Fix It Already' campaign that has been a really helpful lever for the policy team to pull as well."

Another respondent said:

"…if it becomes clear that we are lagging far behind our top peers in some way, that also is a major persuasive factor… like New America has their… rankings. Yes, so things like that have some influence."

Tech company workers suggested that they find reports and campaigns from civil society particularly helpful when they provide concrete examples of how companies could improve their products and their branding. These employees can point to these resources to drive change. Like press coverage, this points to the need for these outside groups to find more nuanced ways to conceptualize what healthy technology use and digital well-being should actually entail.

▪ Regulation can help, but can also have unintended effects

Regulation, or threat of regulation, was a commonly mentioned lever that pressed companies to change their behavior:

"Regulation is a huge thing…. Our team also has a whole arm that focuses specifically

on legislation, not just in terms of 'What is our position on X thing?' But also, what do we need to do on the product side to get ourselves ready or to be a more constructive voice at the table in debating X…we'll take [this] to different [vice presidents] of this team or that team, or engineering directors, so that they understand: this is what's happening, here's how serious it is. We need to do X, Y, and Z to be ready for this to come into force soon."

Beyond regulation, legal judgments can drive organizational and structural change in companies, including deepening the expertise on harm-related topics among a greater number of people in a wider variety of roles.

"As a result of a consent decree and regulatory enforcement on the privacy stuff, we had a whole privacy governance program as part of the—what do you call it—the privacy team that would—we had controls for launch. So every new product has to go through privacy review. And it would be me and the privacy counsel and general counsel and some others on this, a cross-functional review team as well as everything had to go through for security review."

However, focusing just on regulation and legality can lead companies to ignore broader discussions of toxicity and destructive behavior.

"I feel like we wouldn't have let the conspiracy theory culture [get] nearly as prevalent or as dominant as it did on [Platform] if there had been someone there to be

like, 'Hey, it's not illegal yet, it doesn't really violate our existing hate speech policies…. But this is toxic. This is not valuable to us from a community standpoint.' Maybe it's getting clicks but it doesn't have good intrinsic value socially. And to be able to say 'Yeah, actually…this sucks. Let's get rid of it.' And I think that's what gets lost."

That being said, poorly executed and poorly-designed legislation can create perverse incentives and lead to work-arounds at odds with the regulatory goals. The Child Online Privacy Protection Act (COPPA) was one such regulation mentioned by respondents.

"COPPA is an abject failure as a—I really can't say this more directly. It is an abject failure as a means of changing product iteration and project development. It may tweak the end design and require UI [user interface] or UX [user experience] to be modified. It is usually a speed bump."

Regulation can also have the unintended effect of driving companies away from a space, because it is seen as too risky, complicated or expensive to enter.[24] These gaps in innovation create "reg tech" spaces with high costs to enter and a lower likelihood of realizing returns on investment. Reg tech spaces include financial products (fin tech), educational tools and platforms, and health technology, as well as any type of space aimed at adolescents and children younger than 13.

"There has been a calculated decision by folks in the Valley just collectively, to avoid reg tech. To avoid building in a regulated space. So, you see comparatively fewer fin tech companies, health tech companies. Services that are focused on schools…. So, if you're going to choose which company to found, are you going to go the hard road where there's laws and regulations, or are you going to go where there's just none at all? Most people go to where there's none at all because it's just going to be easier and unlimited."

While regulation is a powerful lever policymakers can use to force companies to shift their priorities towards adolescent and user well-being, there is much to learn from previous regulatory regimes that have failed to anticipate the negative outcomes and perverse incentives of these policies. While many of our research participants thought more regulation was necessary to address health and well-being on social platforms, they cautioned that these efforts will require lots of thought and expertise from a wider variety of stakeholders.