

The Internet Safety Technical Task Force
First Quarterly Report to the Attorneys General
April 16, 2008

I. Introduction.

The Internet Safety Technical Task Force was created in February, 2008 in accordance with the Joint Statement on Key Principles of Social Networking Safety announced by the Attorneys General Multi-State Working Group on Social Networking and MySpace in January, 2008. As provided in the Joint Statement, this report is the first of four quarterly reports that the Task Force will submit to the Attorneys General, in addition to the Final Report due on December 31, 2008.

II. Task Force Participants.

As provided in the Joint Statement, MySpace has brought together a combination of Internet businesses, identity authentication experts, non-profit organizations, academics, and technology companies to participate on the Task Force. The full list of Task Force members is attached as Exhibit 1 hereto. While Task Force Membership is now closed, the Task Force welcomes input from all interested parties and is working to establish a mechanism for such input.

The Berkman Center for Internet & Society at Harvard Law School was selected to direct the work of the Task Force. The Berkman Center team includes Prof. John Palfrey, executive director of the Berkman Center; Berkman fellow danah boyd, a leading authority on how young people use new technologies, including social networks; and Dena Sacco, assistant director of the Berkman Center's Cyberlaw Clinic and a former Assistant U.S. Attorney who specialized in prosecuting child exploitation cases. Their biographical sketches are attached as Exhibit 2.

III. Task Force Project Plan.

The Task Force convened an organizational meeting in Washington, DC on March 12, 2008. At the meeting, members discussed the scope of the Task Force's undertaking, the structure and methods it will use to accomplish its goals, and the means by which it will solicit input and communicate among its members, to the Attorneys General, and to the public at large. The Minutes of that meeting are attached as Exhibit 3. After the meeting, the Berkman Center team used the ideas generated at the meeting create a Project Plan for the Task Force, which is attached as a working draft hereto as Exhibit 4. While the Project Plan sets a framework for the Task Force, it is not intended to be a static document, and it is expected to change over time as the Task Force progresses with its work.

As set forth in the project plan, the Task Force will convene meetings in April, June, September, and November, at a minimum. The tasks will include further refining the scope of the inquiry; describing in detail the specific problems to be addressed; setting forth desired characteristics of potential solutions; reviewing and evaluating certain

existing technologies; determining which technologies in research settings may hold out promise for addressing these issues; and setting the potential technologies in the context of other possible solutions, policy implications, and other related issues.

Exhibits:

1. Task Force Members List
2. Short Bios of Berkman Center Task Force Directors
3. Minutes from the March 12, 2008 Organizational Meeting
4. Draft Task Force Work Plan

EXHIBIT 1

The Internet Safety Technical Task Force

Berkman Center for Internet & Society at Harvard Law School (*Directors*)

Members:

AOL
Aristotle
AT&T
Bebo
The Center for Democracy & Technology
Comcast
Community Connect Inc.
ConnectSafely.org
Enough Is Enough
Facebook
Family Online Safety Institute
Google Inc.
IAC
ikeepsafe
IDology
Institute for Policy Innovation
Linden Lab
Loopt
Microsoft Corp.
MySpace and Fox Interactive Media
The National Center for Missing & Exploited Children
The Progress & Freedom Foundation
Sentinel Tech
Symantec
Verizon Communications, Inc.
Viacom
Xanga
Yahoo Inc.
Wiredsafety.org

EXHIBIT 2

Task Force Directors Biographies

danah boyd (task force co-director) is a fellow at the Berkman Center for Internet and Society at Harvard Law School and a doctoral candidate in the School of Information at the University of California-Berkeley. Her dissertation focuses on how American youth engage in networked publics like MySpace, YouTube, Facebook, Xanga, etc. In particular, she is interested in how teens formulate a presentation of self and negotiate socialization in mediated contexts amidst invisible audiences. This work is funded by the MacArthur Foundation as part of a broader grant on digital youth and informal learning. Prior to Berkeley, danah received a bachelor's degree in computer science from Brown University and a master's degree in sociable media from MIT Media Lab. She has worked as an ethnographer and social media researcher for various corporations, including Intel, Tribe.net, Google, and Yahoo! She also created and managed a large online community for V-Day, a non-profit organization working to end violence against women and girls worldwide.

John Palfrey (task force chair) is Clinical Professor of Law at Harvard Law School and Executive Director of the Berkman Center for Internet & Society, John's work focuses on Internet law, intellectual property, and the potential of new technologies to strengthen democracies. He is co-author of a forthcoming book, *Born Digital*, (Basic Books, 2008, with Urs Gasser) about how young people use new information technologies and the legal issues implicated by these practices. John is a Visiting Professor of Information Law and Policy at the University of St. Gallen in Switzerland for the 2007-2008 academic year. John came to the Berkman Center from the law firm Ropes & Gray, where he worked on intellectual property, Internet law, and private equity transactions. John is a co-founder of several technology companies. He also served as a Special Assistant at the U.S. Environmental Protection Agency during the Clinton administration. John graduated from Harvard College, the University of Cambridge, and Harvard Law School. He was a Rotary Foundation Ambassadorial Scholar to the University of Cambridge and the U.S. EPA Gold Medal (highest national award). John is admitted to the New York and Massachusetts bars.

Dena T. Sacco (task force co-director) is an Assistant Director of the Cyberlaw Clinic at the Berkman Center and a Lecturer on law at Harvard Law School. In 2008-2009, she will co-teach "Child Exploitation, Pornography & the Internet" and assist in teaching "Practical Lawyering in Cyberspace." From 1999-2005, Dena was an Assistant United States Attorney in Boston, where she was the federal prosecutor with primary responsibility for all child exploitation cases in the District of Massachusetts. From 1997-1999, Dena was a Counsel in the Office of Policy Development at the United States Department of Justice in Washington, DC. There, she developed federal regulations, briefed congressional staff, and spoke to the public about sex offender registration and community notification. Prior to working for the federal government, Dena was an associate in the employment law department of Paul, Hastings, Janofsky & Walker in Washington, DC. She has admitted been to the Massachusetts, New York, and District of Columbia bars.

EXHIBIT 3

**Berkman Center Internet Safety Technical Task Force
Organizational Meeting
Washington, D.C.
March 12, 2008**

Minutes

Introduction

The meeting opened at 1 pm with an introduction by each Task Force member present, including those present by telephone.

Scope

The members discussed expectations for the Task Force and what it ultimately would produce, including whether the final report to the Attorneys General would require consensus.

Discussion turned next to framing the problems the Task Force will address. Possible areas suggested include predation (adult-child contact), access to inappropriate content, access to illegal content such as child pornography, enforcing age limits, and issues of cyberharassment, cyberbullying and identity theft. Members discussed the fact that many of the perpetrators of these risks themselves are under 18, and that undesirable conduct by those under 18 may require different solutions than undesirable conduct by adults. A suggested framework for defining the problems the Task Force should address is “content, contact, conduct and cost.” There was some debate as to whether cost should be included, but it was agreed that feasibility of implementation should be a criteria considered. Some members raised concerns that the Task Force was beginning at square one where a lot of previous research exists, especially with respect to issues related to the filtering of content.

Additional questions were raised about what types of technologies the Task Force will be considering and who will be using these technologies (i.e. the end users or the networks). Members were also concerned about a focus on technology rather than a more interdisciplinary approach placing technology in the context of other solutions (i.e. education).

Structure

The discussion next turned to the overall structure of the Task Force and methods of participation for those not on the Task Force. It was proposed that the Task Force will meet four times (primarily in Washington, DC), and will hold one fully public meeting in Cambridge, Massachusetts.

Additionally, it was decided that the Task Force will create two advisory boards, one for research and one to assess technology. The Boards will be comprised of academics and

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other financially disinterested third parties. The Berkman Center's danah boyd will chair the Research Advisory Board.

With regard to the Technical Advisory Board (TAB), participants were concerned about whether the Task Force would be, in essence, contracting out its obligations with regard to analysis of specific technologies. The concern was that the TAB would be looking at the technology and reporting back to the Task Force. Participants seemed positive about the idea that the Board would be used to filter in good information from outsiders with no economic interests in the technology. It was decided that the TAB will serve in an advisory capacity so if members receive technology from someone they can send it to the TAB.

Participants also suggested either looking into satellite proceedings held internationally or in some way incorporating the work of international bodies into the Task Force. These comments focused specifically on similar commissions in the United Kingdom (such as the Byron Commission) and European Union. The issue was also raised that the companies implementing these solutions are international in scope, and the solutions the Task Force comes up with must be applicable outside the United States.

Scope Part II

The discussion then returned to the issue of scope and defining the Task Force's inquiry. It was stressed that participation in the Task Force does not bind participants in anyway, and that the Task Force's final report will not be legally binding.

In determining scope, it was suggested that the Task Force look to the taxonomy of the age groups to be looked at and how that will matrix over the issues being considered. Questions were raised whether and to what extent particular age groups, rather than under-18 users as a whole, should be looked at. Possible divisions included: under-13 and 13 – 18; or under-13, young teen, and mature teen. Two principles enunciated during this discussion were that: (1) one size solutions do not fit all age groups; and (2) as the Task Force gets clearer about the problems it wants to solve, it will also need to determine who is in that universe of risk.

One suggestion in determining scope was that the Research Advisory Board determine: (1) what are the risks facing youths today; and (2) which of those risks could be addressed by technology. Emphasis was placed by some participants on focusing on the usability and likelihood of adoption as a factor in analyzing the technology. Concerns were raised about narrowly focusing on either just technology or particular technologies out of fear that by looking at technologies in a vacuum the Task Force findings run the risk of becoming irrelevant.

Mode

The Task Force next discussed how members would communicate with one another, via email and on Listservs created by the Berkman Center for the purpose of internal

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communications. It also discussed how the Task Force would communicate with the press and others regarding Task Force business.

It was proposed that future Task Force meetings would be divided into two sessions, one for Task Force members only and the other open to the public. It was decided that topics discussed at the closed meetings still would be considered on the record (for the public), but no attribution of particular remarks can be made to individuals without express advance permission.

For press inquiries, preference was expressed that they be directed to the Berkman Center. A suggestion was made that press remarks by Task Force members be prefaced by disclaimer that all remarks are made in individual capacity and not as a member of the Task Force.

Concerns were raised about who would be signing off on the reports (both quarterly and the final report) and whether the final report would be a consensus report. It was decided that the Berkman Center would draft and accept comment on the reports, but that they will not be consensus reports. Instead, individual Task Force members will be able to write addendums to the final report. A request was made for a bibliography of the resources being relied on for the reports, particularly on the technical resource side.

Brainstorming on Specific Questions

Discussion next turned to the development of specific questions for the Task Force to address. It was suggested the questions be developed within the framework of the three C's: contact, content, and conduct. The five questions discussed before the end of the meeting were:

- How do you stop unwanted contact between adults and children? (contact)
- How do you stop children from accessing inappropriate content on websites? (content)
- How do you stop access to and the availability of illegal content? (content)
- How do you prevent children from getting onto social networking sites without parental consent? (conduct)
- How do you prevent young people from engaging in bullying, harassment, and unwanted solicitation? (conduct)

Separate issues were raised for peer-to-peer conduct and contact (i.e. interactions where both participants are under 18). These issues included distinguishing conduct that is unwanted versus wanted, and who needs to want that conduct (the communicator or the communicator's parents?).

It was suggested that, in order to develop a list of problems/challenges/risks for the Task Force to address, the relevant question is: Sally is sitting at her computer, what are all the things that can happen to her? Also, in the peer-to-peer context, what might Sally do online? It was suggested that a recent report issued by a similar commission in Australia might offer a helpful taxonomy and matrix for these subject, and that this report, as well

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as the COPA Commission report, might provide a useful template for the Task Force going forward.

Next Steps

The meeting ended with a discussion of the next steps to be taken. The next Task Force meeting will be held April 30th in Washington, D.C. Between now and then, the Berkman Center will redraft the Task Force Work Plan that takes into account the comments and concerns raised at the meeting, will draft the first quarterly report for the Attorneys General, and will set up systems for communication. It was suggested that those Task Force members with technology they would like to share might make presentations to the group at the next meeting.

Internet Safety Technical Task Force Project Plan

April 16, 2008

I. Background.

The Internet Safety Technical Task Force has been convened in response to an agreement between MySpace and 49 State Attorneys General. The agreement, announced on January 14, 2008, reads, in part:

“MySpace will organize, with support of the Attorneys General, an industry-wide Internet Safety Technical Task Force (“Task Force”) devoted to finding and developing ... online safety tools with a focus on finding and developing online identity authentication tools. This Task Force will include Internet businesses, identity authentication experts, non-profit organizations, and technology companies. ... The Task Force will establish specific and objective criteria that will be utilized to evaluate existing and new technology safety solutions.”

II. Scope.

The Task Force is continuing to refine the scope of its inquiry, and will address this issue at its next meeting on April 30, 2008. Thus far, the Task force has determined that the scope of its inquiry is to consider those technologies that industry and end users can use to keep children safe on the Internet. The inquiry will address all minors, but the Task Force ultimately will seek to tailor recommendations for solutions to more refined subsets of age groups. The Task Force will consider youth safety on the Internet as a whole, rather than looking at one particular environment.

The bulk of the Task Force's attention will be given to issues concerning contact: preventing harmful contact with adults and preventing harmful contact with other minors. As a secondary matter, it also may address two content areas: preventing access to inappropriate content and preventing illegal content (such as child pornography). The feasibility and cost of technology solutions will also be considered by the Task Force. The Task Force acknowledges that much work has been done in these areas and will seek to build off of previous efforts.

The solutions to be considered include a broad range of technology tools and services. The Task Force recognizes also the importance of other solutions – such as social norms, law, policy, and market factors – and will situate technology-based solutions within the context of these other types of solutions. In the final report, the Task Force will place these technological approaches into a context that also includes related public policy issues.

III. Structure.

The Task Force is comprised of those companies, NGOs, and academic groups that have agreed to join at MySpace's invitation. The Task Force is directed by John Palfrey,

danah boyd, and Dena Sacco, all of the Berkman Center for Internet & Society. The work of the Task Force will be supported by a Research Advisory Board and a Technical Advisory

Board. The purpose of these supporting advisory boards is to enable the Task Force to accept input from experts on these topics who are not members of the Task Force.

The Research Advisory Board will be chaired by the Berkman Center's danah boyd and will be comprised of scholars, professional researchers, and organizations investigating online safety-related issues through large scale data collection. Examples of this group include the UNH Crimes Against Children Research Center, Michele Ybarra, and the Pew and the Internet and American Life Project. This Board will work with scholars to assess existing threats to youth online safety to determine which are the most common, which are the most harmful, and which potentially can be addressed by technological solutions. It will aggregate what is known about the state of child safety online and the effectiveness of different legal, technological, and educational approaches to addressing it. It will take into account the existing research in these areas, as well as evaluate what additional research would be most helpful. Ultimately, the Board will produce a report for the Task Force that describes the state of the research. Pending funding, the Board will recommend that the Task Force commission additional research as appropriate. Both the report and any future research proposals will be presented to the Task Force and be referenced in the Task Force's final report. Additionally, both will be made publicly available.

The Technical Advisory Board will focus on the range of possible technological solutions to the problems of youth online safety, including identity authentication tools, filtering, monitoring, and scanning and searching. The Technical Advisory Board will consider the potential solutions introduced by the Task Force, those that emerge through the Research Advisory Board, and those introduced by the public. It will develop technical criteria for assessing the various solutions. This Board will reach out to a range of technologists who understand and can evaluate the different available technological approaches to online safety. The Board will accept proposals from a wide variety of vendors and will write a report for the Task Force addressing the different potential solutions. As with the Research Advisory Board, the Berkman Center will convene this ad hoc group over the coming months. It will be comprised of financially disinterested parties who are open to technological solutions to the Internet Safety concerns facing children.

IV. Systems.

A. Reports.

As set forth in the January, 2008 Agreement between the Attorneys General and MySpace, the Task Force owes quarterly reports to the Attorneys General, as well as a Final Report on December 31, 2008. The Berkman Center will draft the reports, with the first quarterly report to be submitted following the March 12, 2008 meeting. The reports will be circulated to Task Force members in advance of sending them to the Attorneys General for comment. The Berkman Center team will consider all comments from Task Force members.

B. Meetings.

To undertake its work, the Task Force as a whole will hold a series of day-long meetings. Four of the meetings will be open only to Task Force members and those the Task Force invites to make presentations and/or to observe. Each meeting will involve a segment that is

open for the public to participate. We will publish minutes from each Task Force meeting on the web. The meetings will take place on the following dates:

- March 12, 2008 (organizational meeting, in Washington, DC)
- April 30, 2008 (first full meeting, in Washington, DC)
- June 20, 2008 (second full meeting, in Cambridge, MA)
- September 23, 2008 (third full meeting, in Cambridge, MA)
- September 24, 2008 (public session in Cambridge, MA)
- November 19, 2008 (fourth full meeting, in Washington, DC)

The open public meeting on September 24, 2008 is intended to provide a forum for all interested parties to present their views. The Berkman Center will solicit short written submissions from those who intend to attend the open meeting, in order to better keep track of attendees and their input.

Both the Research Advisory Board and the Technological Advisory Board will likely hold a few conference calls as needed to facilitate their work. They will report their progress to the Task Force formally at the meetings and informally as appropriate.

The Task Force may convene an additional meeting or calls to review technologies and the draft report close to the end of the calendar year.

C. Website and Online Workspace.

The Berkman Center will create a public facing website for the Task Force, which will include a description of the Task Force, contact information for the Berkman Center team, and an FAQ section. The Berkman Center has created a private Listserv for the Task Force as a whole and will do so for each of the Advisory Boards. Postings to the Task Force's listserv are considered off the record and are not to be forwarded to those not on the list.

V. Communications.

The Berkman Center will act as primary contact for the Task Force, both for press inquiries and for requests for involvement by interested parties. Task Force Members are welcome to forward press inquiries to the Berkman Center as appropriate. We ask that you copy all requests from interested parties seeking involvement in the work of the Task Force to us, so that we can act as a central clearinghouse for these requests and so that interested parties are not left out of invitations to participate.

VI. Intellectual Property.

Prior to the first full meeting on April 30, 2008, the Task Force will develop a process for sharing and protecting appropriate intellectual property. Task Force members will not be expected to accept proprietary information.