

CALIFORNIA PRIVACY PROTECTION AGENCY

2101 Arena Blvd
Sacramento, CA 95834
www.cppa.ca.gov

**M e m o r a n d u m**

Date: August 24, 2023

To: California Privacy Protection Agency Board
(Meeting of September 8, 2023)

From: Maureen Mahoney, Deputy Director of Policy & Legislation

Subject: Staff Recommendation to Appoint Dr. Jennifer King to the California Children’s Data Protection Working Group Pursuant to Civil Code § 1798.99.32

Description: Staff requests that the California Privacy Protection Agency Board (Board) approve a candidate for appointment to the California Children’s Data Protection Working Group (“the Working Group”), pursuant to Civil Code § 1798.99.32. Staff have interviewed potential candidates, and recommend that the Board appoint Dr. Jennifer King to the Working Group. Dr. King’s demonstrated expertise in children’s data privacy and computer science qualify her for the role.

Background: The California Age-Appropriate Design Code Act (CAADCA), as amended by AB 127 (2023), creates the California Children’s Data Protection Working Group.¹ The Working Group will be housed within the California Office of the Attorney General and is tasked with submitting a biennial report to the Legislature, from July 2024 until 2030, that includes recommendations on best practices regarding children’s access to online services, products, and features. The CPPA has one appointment to the Working Group, and the remaining eight members are appointed by the Governor (two members), the Senate Pro Tempore (two members), the Speaker of the Assembly (two members), and the Attorney General (two members). The law also directs the Working Group to “elect a chair and a vice chair from among its members.”

Working Group members are required to be Californians with expertise in at least **two** of the following areas: (1) Children’s data privacy; (2) Physical health; (3) Mental health and well-being; (4) Computer science; and (5) Children’s rights.

Staff have interviewed a number of applicants, including Dr. Jennifer King, Privacy and Data Policy Fellow at the Stanford Institute for Human-Centered Artificial Intelligence.¹ Staff evaluated candidates based on the California Age-Appropriate Design Code’s requirements, the Board’s guidance provided at the December 16, 2022 meeting, and state conflict-of-interest restrictions.

Dr. King has extensive experience researching how people interact with and understand technologies and privacy, which will be particularly relevant with respect to the California Age-Appropriate Design

¹ Jennifer King, Stanford University biography, <https://hai.stanford.edu/people/jennifer-king> (last visited August 21, 2023).

Code, which includes design-centered approaches to privacy. For example, Dr. King has produced a number of publications on dark patterns, which are user interfaces designed or manipulated with the substantial effect of subverting or impairing user autonomy, decision-making, or choice. She coauthored “Regulating Dark Patterns in Practice – Applying the California Privacy Rights Act,” published by the Georgetown Technology and Law Review, as well as “The Fertile Dark Matter of Privacy takes on the Dark Patterns of Surveillance,” published in the Journal of Consumer Psychology.² Dr. King’s training in user-centered research, including her familiarity with the growing body of research analyzing how children use apps differently depending on their family’s income level, has provided her expertise into the challenges faced by children from the many diverse communities of California.

Dr. King has a master’s and doctorate in Information Management and Systems from the University of California, Berkeley School of Information. Previously, she was the Director of Consumer Privacy Stanford Law School’s Center for Internet and Society and a co-director at UC Berkeley’s Center for Technology, Society, and Policy. Before that, she was a privacy researcher at the Samuelson Law, Technology, and Public Policy Clinic at Berkeley Law.

Dr. King also has experience in serving on state advisory boards, for example, as a member of the California State Advisory Board on Mobile Privacy Policies and the California State Radio Frequency Identity Verification (RFID) Advisory Board. In addition, she has private-sector experience from working in security and product management for several internet companies.

The breadth of her expertise, which includes digital health and well-being, in addition to expertise in children’s data privacy and computer science, will help ensure that the Working Group as a whole is balanced with respect to the factors outlined in the statute.

Recommendation: Staff recommends that the Board approve the appointment of Dr. Jennifer King to the California Children’s Data Protection Working Group.

Staff Contact: Maureen Mahoney, Deputy Director, Policy & Legislation,
maureen.mahoney@cpha.ca.gov

² For more information on Dr. King’s publications, please see <https://jenking.net/publications/>.