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META SOCIAL MEDIA PLATFORMS SETTLEMENT

OVERVIEW

Meta Social Media Platforms Settlement

- Suit filed: October 24, 2023
- Number of states filing: 33
- Number of states remaining at settlement: 29
- Settlement covers every state and U.S. territory
- This lawsuit protects children across South Dakota and the nation from the dangers of social media

SETTLEMENT TERMS

- The monetary term of the settlement would require Meta to pay up to \$17.1 billion to the states, including the Cambridge Analytica settlement.
- Seventy percent of the payment (\$12.1 billion) is guaranteed, including the Cambridge Analytica settlement.
- The other thirty percent would be paid to the states when other social media industry participants – namely, TikTok, YouTube, and Snapchat – enter into agreements with the states that contain injunctive relief substantially similar to Meta's agreement.

STATE LAWSUITS

The lawsuits, which were consolidated into MDL 3047, generally claim that Meta violated state consumer protection laws by:

- Intentionally designing Facebook and Instagram (“Meta SMPs”) to attract, excessively engage, and ultimately addict child users; and
- Misleading the public about devastating mental health harms that children may suffer from use of Meta’s SMPs (Social Media Platform).
- All states that filed in MDL 3047 also assert that Meta violated the federal Children’s Online Privacy Protection Act (“COPPA”) by collecting and using personal data of children under 13 without parental consent.

IMPORTANT OUTCOMES

Protecting South Dakota Children

- An Extensive New and Improved Age Assurance Framework
- A Hard Time Limit on Content-Based Use:
 - (a) 2 hours per day limit across all Meta platforms for five years, plus additional time management tools;
 - (b) 1 hour per day per platform for ten years if Snap, YouTube, and TikTok adopt the same terms as applicable; and
 - (c) “Productive Pauses” after 15 minutes of continuous use, and again at 60 and 90 minutes of cumulative use

IMPORTANT OUTCOMES II

Protecting South Dakota Children

- Nighttime Restrictions – 12am-6am
- School Mode Notification Restrictions – No push notifications during school hours
- Safeguards to Identify Suspected Secondary Accounts
- Feed Options to Adjust Algorithm and Scrolling
- Safeguards for Social Comparison – children can't see "likes"
- Increased Teen Content Safety
- Consideration and Incorporation of User Reporting
- Reducing Exposure to Harmful Experiences and People – example: can't use filters that show cosmetic surgery
- Increased Parental Supervision and Parent Options

PAYMENTS TO SOUTH DAKOTA

South Dakota will receive:

1. \$52,612,676 minimum settlement (including Cambridge Analytica)
2. \$73,480,057 in maximum state payment (including Cambridge Analytica)

TIMELINE

Payments made to South Dakota over 10 years

- The first payment will be made within 30 days of entry of the consent judgment, constituting the payment for 2026;
- The second payment will be made on January 15, 2027;
- Subsequent eight payments will be made on each successive January 15 of the year.