Weekly Write-Up #5

Over the past few years, it has become popular for people who upload videos online to make them shorter because audiences’ attention spans are shorter than ever. One of the most popular apps for viewing short videos many years ago was Vine, but it was shut down completely in 2017 (Ansari, 2020). A new company with a similar product, TikTok, has risen to popularity and today it is one of the most popular apps in existence (Dean, 2021). Young people have a big presence on the app, using their creativity to create funny, entertaining, or even educational videos in a short amount of time that can garner hundreds of thousands or even millions of views. Like many other social media apps, the company outlines in its terms and conditions the kinds of data they will collect about users and how they will use and protect that data. Recently though, a class-action lawsuit was filed against TikTok for allegedly collecting personal data from young users and sharing it with third parties without users’ consent (Haasch, 2021). With the huge number of minors that use TikTok, it is worrisome that the company may not be handling the data they collect from users properly.

The class-action lawsuit came is the result of 21 federal lawsuits that were filed primarily on the behalf of minors, alleging that TikTok extracted “a broad array of private data” that they used to “track and profile TikTok users” for advertisement targeting, and collected information from users’ unpublished draft videos (Haasch, 2021). It appears that TikTok was taking part in computer profiling, since they were “analyzing data to see which people are likely to engage in a certain behavior” (Potasznik, Day 4). In this case, TikTok was analyzing user videos to show users specific ads they may be interested in that gets them to stay on the app longer and engage
more with it in the future, which would of course be beneficial to TikTok. TikTok has agreed to pay $92 million to settle the lawsuit but still denies the allegations; the settlement also forbids the company to collect or store biometric information on users or collect geolocation data (Haasch, 2021). They also agreed not to use, transmit, or store US users’ data outside the country, and they must delete drafts of posts that aren’t uploaded yet (which they previously collected) and must not collect such data in the future (Haasch, 2021). By agreeing to do these things, it seems they will try to follow the key aspects of privacy more closely which include freedom from surveillance (Potasznik, Day 4). In this case, stopping the collection of user data translates to minimized surveillance of users, since the company will limit the extent to which it “tracks, follows, and watch[es]” the users (Potasznik, Day 4).

From TikTok’s point of view, the settlement appears to allow them to come out of this lawsuit relatively unscathed. $92 million is a relatively minor fine for a company that makes billions of dollars. The multiple agreements that TikTok made as part of the settlement as well will not seem like they will hurt TikTok’s revenue that much, because they still can do things like collect or store biometric information on users or collect their geolocation data as long as they explicitly disclose it in their privacy policy (Haasch, 2021). However, TikTok is not out of the clear yet as the settlement still must get final approval at a hearing in May. If it were to be dragged out beyond that, it’s possible that further investigations could take place, which may show TikTok to engage in even more serious privacy violations, so they are probably hoping that the settlement is ultimately approved soon.

From the point of view of a U.S. user of TikTok, they may feel some relief that TikTok will no longer be secretly taking data from them especially from their unpublished draft videos which for many users are embarrassing. Users may also be glad to hear about being able to
receive a payout as part of the settlement even if they only receive as little as $0.96 if every eligible person submits a claim for those that submit in the nationwide class (Haasch, 2021). It’s possible too that this settlement could mislead users who only read the headline and not the fine print: they may assume that their privacy is fully protected on the app, whereas the truth is that such protections are quite limited due to the privacy policy to which the users agree. However, unless the policies are noticed by those with a trained eye, TikTok can go about collecting users’ data without them noticing and doing anything to stop them. As such, even the benefits of this lawsuit for TikTok users do little to ensure their privacy.

From what I’ve seen in the past, settlements like this don’t seem to completely change the attitude of how a company collects data from its users. Many TikTok users may hear this news and feel a lot better about how their data is handled by a company that they spend a lot of time looking at videos on their app daily. This is a step in holding TikTok accountable for protecting and handling the data of hundreds of millions of users properly, but it doesn’t mean users can put their full trust in TikTok just yet. TikTok may see this ruling as a well-defined hoop to jump through before they then continue profiting off of users in new, legal ways. They will still need to collect data from us so that their app can function properly for users and make the user experience better. Hopefully now that TikTok has seen legal action taken towards them, they will no longer throw caution to the wind when it comes to their handling of users’ data.
References


