

Date of Hearing: March 25, 2026

Fiscal: No

ASSEMBLY COMMITTEE ON PRIVACY AND CONSUMER PROTECTION

Rebecca Bauer-Kahan, Chair

AB 2007 (Bauer-Kahan) – As Amended March 17, 2026

SUBJECT: Youth programs: identifying information of youth

SYNOPSIS

Whether it is music lessons, drama classes, sports leagues, summer camps, or simply after-school programs, participating in enriching and fun group activities is an important part of children's educational, emotional, social, and physical development. Frequently, organizations providing these activities promote their programs through websites, social media, and advertising materials using images, videos, and stories featuring participating children and teens.

Enrollment applications and releases for these programs have shifted to electronic forms in recent years. Whereas printed forms typically allowed parents and guardians to cross out any releases that they did not agree to, electronic forms often do not allow the same flexibility – making it very difficult for parents and guardians to prevent organizations from using their children's images and other personally identifying information in marketing materials. Parents and guardians who, for a variety of reasons, avoid publicly posting images of their children and their whereabouts, have found that they cannot opt out through electronic forms that they have to fill out. This leaves parents with a choice of either waiving their child's right to privacy or not allowing their children to participate in the activity.

This bill proposes to address this problem by requiring organizations to offer a separate release for children's images and other personally identifying information that enables parents to affirmatively consent to waive their children's privacy. In addition, the bill prohibits organizations from limiting participation or refusing attendance to the children of parents who have opted out. Finally, the bill enables parents and guardians to bring a civil action against violators.

If passed by this Committee, this bill will next be heard by the Judiciary Committee.

EXISTING LW:

- 1) Provides, pursuant to the California Constitution, that all people are by nature free and independent and have inalienable rights. Among these is the fundamental right to privacy. (Cal. Const. art. I, § 1.)
- 2) States that the “right to privacy is a personal and fundamental right protected by Section 1 of Article I of the Constitution of California and by the United States Constitution and that all individuals have a right of privacy in information pertaining to them.” Further states these findings of the Legislature:

- a) The right to privacy is being threatened by the indiscriminate collection, maintenance, and dissemination of personal information and the lack of effective laws and legal remedies.
 - b) The increasing use of computers and other sophisticated information technology has greatly magnified the potential risk to individual privacy that can occur from the maintenance of personal information.
 - c) In order to protect the privacy of individuals, it is necessary that the maintenance and dissemination of personal information be subject to strict limits. (Civ. Code § 1798.1.)
- 3) Establishes the California Consumer Privacy Act (CCPA), which grants consumers certain rights with regard to their personal information, including enhanced notice, access, and disclosure; the right to deletion; the right to restrict the sale of information; and protection from discrimination for exercising these rights. It places attendant obligations on organizations to respect those rights. (Civ. Code § 1798.100 et seq.)
- 4) Prohibits an organization from selling or sharing the personal information of consumers if the organization has actual knowledge that the consumer is less than 16 years of age, unless the consumer, in the case of those who are between 13 and 16 years of age, or the consumers parent or guardian, in the case of consumers who are less than 13 years of age, has affirmatively authorized the sale or sharing of the information. (Civ. Code § 1798.120.)
- 5) Defines “personal information” under the CCPA as information that identifies, relates to, describes, is reasonably capable of being associated with, or could reasonably be linked, directly or indirectly, with a particular consumer or household. The CCPA provides a nonexclusive series of categories of information deemed to be personal information, including biometric information, geolocation data, and “sensitive personal information.” (Civ. Code § 1798.140(v)(1).)
- 6) Defines “expanded learning” as before school, after school, summer, or intersession learning programs that focus on developing the academic, social, emotional, and physical needs and interests of pupils through hands-on, engaging learning experiences. (Ed. Code § 8482.1.)
- 7) Establishes the “Foster Youth Bill of Rights” that enumerates certain rights afforded to youth who are in the foster care system. Among those rights is the right to self-determination, privacy, and confidentiality. (Welf. & Inst Code § 16001.9.)
- 8) States that every child who is a dependent of the juvenile court shall be entitled to participate in age-appropriate extracurricular, enrichment, and social activities, including, but not limited to, access to computer technology and the Internet. A state or local regulation or policy shall not prevent, or create barriers to, participation in those activities. (Welf. & Inst. Code § 362.05 (a)(1).)
- 9) Establishes the “reasonable and prudent parent standard” which means the standard characterized by careful and sensible parental decisions that maintain the health, safety, and best interests of a child while at the same time encouraging the emotional and developmental growth of the child, that a caregiver shall use when determining whether to allow a child in foster care under the responsibility of the state to participate in age or developmentally

appropriate extracurricular, enrichment, cultural, and social activities. (Welf. & Inst. Code § 362.05 (c)(1).)

THIS BILL:

1) Defines the following:

- a. “Covered entity” means a program or activity offered primarily to youth outside of school hours, including periods when school is not in session that is not operated by a public or private elementary or secondary school. These programs may be related to expanded learning, visual and performing arts, athletics, recreation, or educational enrichment.
- b. “Covered information” means a picture, video, audio recording, likeness, attributed statement, personal information, or any other identifying information.
- c. “Expanded learning” means before or after school, summer or intersession learning programs that focus on developing the academic, social, emotional, and physical needs and interests of children through engaging, hands-on learning experiences.
- d. “Marketing purposes” means promotions, newsletter, brochures, social media, or other public-facing materials that describe the programs or solicit participation.
- e. “Public or private elementary or secondary school” means either of the following:
 - i. An elementary or secondary school operated by the governing board of a school district or county office of education, or the governing body of a charter school.
 - ii. An elementary or secondary school that has filed an affidavit with the Superintendent of Public Instruction and reports a total enrollment of six or more students.

2) Requires covered organizations that provide extracurricular activities for children and wish to use their covered information for marketing to obtain express consent from the child’s parent or guardian on a notice that complies with the following:

- a. Communicate in a clear manner the requested uses of the child’s information, including a detailed list of websites, brochures, and other materials or media where the child’s information might be used.
- b. It is contained in a single document or single internet website that is separate from enrollment forms or any other documents.
- c. Includes in clear and understandable language that the parent or guardian is providing consent for the use of the child’s information for communication or marketing purposes.
- d. Clearly states that the parent or guardian can revoke consent at any time and includes an email they can use to revoke consent.

- 3) Prohibits a covered organization from making enrollment or participation contingent on the parent waiving the privacy rights of their child.
- 4) Prohibits the covered organization from selling or sharing the covered information of a child for any reason.
- 5) Allows a parent or guardian to bring a civil action in a court of competent jurisdiction for a violation of this section.
- 6) If the parent or guardian prevails, they may be awarded the following relief:
 - a. Up to \$5,000 per child who had their covered information disclosed.
 - b. Injunctive or declaratory relief.
 - c. Attorney's fees and costs.
 - d. Any other relief the court deems appropriate.

COMMENTS:

1) **Author's statement.** According to the author:

Youth programs play an important role in supporting children and families, and parents should be able to trust that a minor's participation does not come at the cost of their privacy. Families participate in programs expecting a safe and supportive environment, not anticipating that images of their children could later be used in public-facing content without their knowledge or consent. AB 2007 requires youth-serving organizations to obtain written or electronic consent from a parent or guardian before using photos, videos, and other identifying information of minors for marketing purposes. AB 2007 further prohibits youth programs from making enrollment or participation contingent upon consent. By ensuring parents and guardians have the opportunity to review and approve how their child's information is used, AB 2007 establishes a simple and commonsense safeguard that protects a child's privacy while maintaining transparency and trust between youth organizations and the families they serve.

2) **The problem this bill is trying to solve.** As registration materials and parental releases have moved to electronic formats, parents who are not willing to waive their child's right to privacy as a cost of participation have found that they cannot opt out through the electronic form that they have to fill out. This often leaves parents with a choice of either relenting and waiving their child's right to privacy or not allowing their child to participate in the activity.

One parent shared an example of the following release that was contained in the waiver document from a local youth soccer league for elementary school age children:

The undersigned further hereby permits and authorizes the XX Youth Soccer Club and its agents, sponsors and others acting on its behalf, to use, reproduce and/or publish photographs and/or video that may pertain to the above-named child/children, including their image, likeness and/or voice, without compensation.

I understand that this material may be used in various publications, public relations or marketing releases, recruiting materials or for other endeavors specifically related to promotion of the sport of soccer. This material may also appear on the Club's internet website or Facebook page. This authorization is continuous and may only be withdrawn by my specific rescission of this authorization. Consequently, the Club may publish materials, use my child's/childrens' name, photograph and/or make reference to my child/children in any manner that the Club deems appropriate in order to promote or publicize itself and its endeavors in relation to growing the sport of soccer in California.

Another parent recently reported an art camp program because they wanted to decline the following release that was part of an all-in-one release form:

By checking box this release, the undersigned understands and agrees that photographs may be taken during the programs and the undersigned hereby gives permission to have his/her/minor child's photo taken and authorizes the use and reproduction of said photos by X. All photos and negatives taken at any program become the sole property of X Art and may be used for promotional handouts and on our website. If the participant(s) is a minor under the age of 18, his/her parent or legal guardian authorizes the use of the photos as stated above.¹

The art camp responded: "Thank you for reaching out. While we appreciate your interest, I do not believe our camp is a good fit."

3) Reasons parents may want to protect their children's digital identity. There are many reasons why parents or guardians may wish to opt out of the sharing of their children's images or personal information to preserve their children's privacy. It may be as simple as deciding to allow their children to make decisions about their online presence when they are older or protecting their child from identity theft or online harassment.

There are also risks associated with having a child's picture and identifying information on the internet. As artificial intelligence (AI) tools become more sophisticated, children's images and voice can be used to create deepfake materials that are intended to scam family members or to create child sexual abuse material. As parents and guardians become more aware of these dangers, more are attempting to opt out of signing these releases.

Along with parental concerns about images of their children being used to create online sexual abuse material, there are other dangers parents and children may face. For example, it may be that a family has had to move to get away from an abusive, noncustodial parent or an abusive partner. Posting personal information on the internet about those children may lead to the noncustodial parent locating their child. In addition, in a country that has become increasingly volatile, parents who are public figures may wish to protect their children by keeping them from having a digital presence. Similarly, immigrant parents may want to enroll their children in enrichment programs but do not feel safe having that program advertise that their children are participating due to fears of federal immigration control and enforcement (ICE) agents finding their child.

¹ Examples of releases were provided by parents who have raised concerns about this practice.

The privacy of children in the child welfare system. For foster parents, the situation can be even more complicated. The state has an expectation that children in care be allowed to participate in the same activities as any other child. They ask foster parents to use a “reasonable and prudent parent standard” when making decisions about the children in their care. This standard includes making decisions about extracurricular activities and the posting of children’s pictures and personal information online. Parents posting information about the children on the internet is not against the law, so long as the children are not identified as being in the child welfare system.

However, several local jurisdictions and courts do not allow for the posting of images of children in care online, in print materials, or anywhere else. Reasons for these restrictions could range from simply requiring that the privacy and confidentiality of a child in care be protected to dangers the child might face from their birthparents or other family members if their location is disclosed. In those cases, foster parents cannot waive that right for their children and therefore are limited in the activities that those children can participate in if the organization does not provide a means to opt out of participation.

Regardless of the specific reason for the parent or guardians’ decision, all Californians have a fundamental right to privacy, including children. According to the author, waiving that right should not be part of the price parents have to pay for their children to have access to extracurricular activities.

3) What this bill would do. This bill would require that organizations providing extracurricular activities outside of school hours obtain express consent from parents or guardians before using images, video, or other personal information of their children for marketing purposes. Specifically, those organizations will be required to:

1. Provide a separate release from any other enrollment forms and releases the parents are required to sign allowing parents to decide to consent or not.
2. Clearly explain on the release form exactly how the children’s information will be used and on what websites it will be shared.

Organizations will be prohibited from:

1. Making enrollment and participation contingent upon a parent or guardian granting the organization the right to use their child’s image or other identifying information for marketing purposes.
2. Sharing or selling children’s images and information regardless of whether a parent has authorized its use for marketing.

If an organization violates the provisions, the bill allows parents to file a civil action against the organization and if they prevail, they may receive up to \$5,000 per child, reasonable attorney fees, injunctive relief, and any other relief the court finds appropriate.

REGISTERED SUPPORT / OPPOSITION:

Support

None on file.

Opposition

None on file.

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