

Date of Hearing: April 28, 2026

ASSEMBLY COMMITTEE ON JUDICIARY
Ash Kalra, Chair
AB 2007 (Bauer-Kahan) – As Amended March 17, 2026

PROPOSED CONSENT

SUBJECT: YOUTH PROGRAMS: IDENTIFYING INFORMATION OF YOUTH

KEY ISSUE: SHOULD NON-SCHOOL YOUTH PROGRAMS BE REQUIRED TO OBTAIN EXPLICIT PARENTAL CONSENT BEFORE USING A YOUTH'S PERSONAL INFORMATION FOR MARKETING PURPOSES?

SYNOPSIS

Parents and guardians are becoming increasingly concerned with their children's digital footprints. When a child's image, name, or other information is put on the internet it can lead to unintended consequences, including using those images to generate deep fake materials. Parents and guardians want to protect their children from these consequences, but not at the expense of participation in youth-focused programming, like sports leagues, camps, or other recreation activities. This bill would require organizations that offer these programs to obtain written or electronic consent from a parent or guardian before using a youth's personal information, which includes image or likeness. The consent document needs to detail how and where the organization intends to use the personal information and inform parents and guardians that consent can be withdrawn at any time. This bill prohibits organizations from making participation in their programs contingent on providing consent and authorizes a private right of action for parents and guardians for any violation of the bill.

This bill is supported by CFT, a union of educators and classified professionals and has no opposition. This bill was passed unanimously by the Assembly Committee on Privacy and Consumer Protection.

SUMMARY: Requires non-school organizations that offer youth programming to obtain consent from parents or guardians for the use of a youth's personal information and prohibits participation being contingent on providing that consent. Specifically, **this bill:**

- 1) Prohibits a covered entity from using a youth's covered information for any purpose, except as provided in 2).
- 2) Allows a covered entity to use a youth's covered information for a marketing purpose if the covered entity has obtained the express written or electronic signature of the parent or guardian of the youth on a notice that:
 - a) Communicates the requested uses of the youth's covered information clearly and meaningfully, including a detailed list of all websites, brochures, or other materials or media where the covered entity is requesting to use the youth's covered information;
 - b) Is contained in a single document or single internet website that is separate from enrollment forms, waivers of liability, and any other document;

- c) Includes, in clear and understandable language, that the parent or guardian is providing consent for use of youth information for communications or marketing purposes and includes a detailed list of all types of communications or marketing purposes for which consent is sought;
 - d) Includes, in clear and understandable language, that the parent or guardian may revoke consent at any time and includes the email address to revoke that consent.
- 3) Prohibits a covered entity from making a youth's enrollment or participation contingent upon a parent or guardian consenting to the use of the youth's covered information for marketing purposes.
- 4) Prohibits a covered entity from selling or sharing a youth's covered information, regardless of whether the parent or guardian consented to one of the uses in 2).
- 5) Authorizes a parent or guardian to bring a civil action for a violation of this bill. If successful in the action, allows for a parent or guardian to be awarded:
- a) Up to \$5,000 per youth who has their covered information disclosed;
 - b) Injunctive or declaratory relief;
 - c) Reasonable attorney's fees and costs;
 - d) Any other relief the court deems appropriate.
- 6) Defines the following terms:
- 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, that may include, but is not limited to, programs related to expanded learning, visual or 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) "Marketing purposes" means promotions, newsletters, brochures, social media, or other public-facing materials that describe the programs or solicit participation.
 - d) "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; or
 - ii) An elementary or secondary school that has filed an affidavit with the Superintendent of Public Instruction, and which reports a total enrollment of six or more students.

EXISTING LAW:

- 1) Provides that all people are, by nature, free and independent and have inalienable rights. Among these is the fundamental right to privacy. (California Constitution Article I, Section 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. (Civil Code Section 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 businesses to respect those rights. (Civil Code Section 1798.100 *et seq.*)
- 4) Prohibits a business from selling or sharing the personal information of consumers if the business 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 consumer's 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. (Civil Code Section 1798.120.)
- 5) Defines “personal information” 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. Personal information includes, but is not limited to, the following if it identifies, relates to, describes, is reasonably capable of being associated with, or could be reasonably linked, directly or indirectly, with a particular consumer or household:
 - a) Identifiers such as a real name, alias, postal address, unique personal identifier, online identifier, Internet Protocol address, email address, account name, social security number, driver's license number, passport number, or other similar identifiers;
 - b) Characteristics of protected classifications under California or federal law;
 - c) Commercial information, including records of personal property, products or services purchased, obtained, or considered, or other purchasing or consuming histories or tendencies;
 - d) Biometric information;

- e) Internet or other electronic network activity information, including, but not limited to, browsing history, search history, and information regarding a consumer's interaction with an internet website application, or advertisement;
 - f) Geolocation data;
 - g) Audio, electronic, visual, thermal, olfactory, or similar information;
 - h) Professional or employment-related information;
 - i) Education information, defined as information that is not publicly available personally identifiable information as defined in the Family Educational Rights and Privacy Act;
 - j) Inferences drawn from any of the information identified in this subdivision to create a profile about a consumer reflecting the consumer's preferences, characteristics, psychological trends, predispositions, behavior, attitudes, intelligence, abilities, and aptitudes;
 - k) Sensitive personal information.
- 6) "Personal information" does not include publicly available information or lawfully obtained, truthful information that is a matter of public concern.
- a) "Publicly available" means any of the following:
 - i) Information that is lawfully made available from federal, state, or local government records;
 - ii) Information that a business has a reasonable basis to believe is lawfully made available to the general public by the consumer or from widely distributed media;
 - iii) Information made available by a person to whom the consumer has disclosed the information if the consumer has not restricted the information to a specific audience.
 - b) "Publicly available" does not mean biometric information collected by a business about a consumer without the consumer's knowledge.
- 7) "Personal information" does not include consumer information that is deidentified or aggregate consumer information.
- 8) "Personal information" can exist in various formats, including, but not limited to, all of the following:
- a) Physical formats, including paper documents, printed images, vinyl records, or video tapes;
 - b) Digital formats, including text, image, audio, or video files;
 - c) Abstract digital formats, including compressed or encrypted files, metadata, or artificial intelligence systems that are capable of outputting personal information. (Civil Code Section 1798.140.)

- 9) “Expanded learning” means 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. It is the intent of the Legislature that expanded learning programs are pupil-centered, results driven, include community partners, and complement, but do not replicate, learning activities in the regular schoolday and school year. (Education Code Section 8482.1 (a).)
- 10) 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. (Welfare and Institutions Code Section 362.05 (a)(1).)
- 11) 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. (Welfare and Institutions Code Section 362.05 (c)(1).)
- 12) Establishes the “Foster Youth Bill of Rights” that enumerates certain rights afforded to youth who are in the foster care system. Among those rights are specified privacy-related rights. (Welfare and Institutions Code Section 16001.9.)

FISCAL EFFECT: As currently in print this bill is keyed non-fiscal.

COMMENTS: Parents and guardians are becoming increasingly concerned with their children’s digital footprints. When a child’s image, name, or other information is put on the internet it can lead to unintended consequences, such as for deep fake materials. Parents and guardians want to protect their children from these consequences, but not at the expense of participation in youth-focused programming, like sports leagues, camps, or other recreation activities. 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.

Background. For any parent or guardian who has signed their child up for a camp, sports league, recreation outing, or any other youth-oriented program, they will likely have encountered a “photo release” waiver. Although the language may vary from waiver to waiver, generally, each

of these waivers will request a parent or guardian waive their child's right to privacy, so that the organization may use photographs or videos of the child in promotional materials.

Understandably, these organizations would like to show images and videos of children enjoying their programming, so that others will want to sign up as well. In previous decades, when the main method of marketing for these organizations was print brochures or fliers, concerns over a child's privacy, although warranted, were much more limited. In the digital age, concerns for children's privacy are a primary focus of so many families. As the author writes:

There are very real dangers associated with having a child's picture and identifying information on the internet. As artificial intelligence tools become more sophisticated their images and voice can be used to create deep fake 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 the release.

When photo release waivers were in hard-copy format, parents or guardians could choose not to agree to portions of, or the entire waiver. But with registration for youth-focused programming shifting to a predominantly online format, parents or guardians are often left without the option to withhold consent to these waivers. Many of the online registration platforms will not allow for registration to be completed, unless the parent or guardian checks a box, waiving their child's right to privacy. As the bill's author points out, for foster children and parents, this challenge can be even greater. Even if the foster parent wanted to consent to the waiver, certain jurisdictions and courts do not allow for publication—whether digital or in print—of a foster child's image. This can prevent foster children from participating in programs that require a waiver.

This bill would require organizations that offer youth-serving programming to provide a parent or guardian with a stand-alone release document that details specifically how and where a youth's information is intending to be used, and that the parent or guardian may revoke their consent at any time. Additionally, this bill prohibits organizations from making participation in programming contingent on a parent or guardian waiving their child's privacy rights and prohibits the organization from sharing or selling of the child's covered information.

As an enforcement mechanism, this bill allows for a parent or guardian to bring a civil action against violators. If successful, the parent or guardian can be granted up to \$5,000 per youth that has their personal information or likeness improperly disclosed. Although organizations may be concerned about unintentional actions leading to penalties, because the bill makes the penalties per youth, and not per violation, it appropriately limits penalties. For instance, if an organization publishes a youth's photo on a social media site, on the organization's homepage, and in a flier, because the bill's language is "per youth", the organization's penalty would only be up to \$5,000, as opposed to the potential for up to \$15,000 for three separate violations (for each publication). As written, the bill's language seems like a reasonable and balanced enforcement mechanism.

ARGUMENTS IN SUPPORT: This bill is supported by CFT, which writes in support:

The CFT — A Union of Educators & Classified Professionals, AFT, AFL-CIO, writes in support of Assembly Bill 2007 (Bauer-Kahan) as it would mandate that nonschool youth programs must obtain explicit parental consent before using any identifying information of minors for marketing purposes.

REGISTERED SUPPORT / OPPOSITION:

Support

CFT – a Union of Educators & Classified Professionals, AFT, AFL-CIO

Opposition

None on file

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