

Column: Banning TikTok stifles internet innovation and freedom

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The popularity of TikTok, a Chinese-owned short-form video-sharing app, has provoked concerns among American policymakers and proposals to ban the platform. Although data exfiltration concerns are hard to dispel, the costs of banning TikTok far outweigh any benefits to national security.

Banning TikTok would quash the voices of Americans who favor the platform and undermine the open internet that has served America so well.

Concerns about TikTok fall into two categories. Critics fear that TikTok's algorithm could be manipulated to serve Chinese interests and that user data could be collected and misused by the Chinese Communist Party. The first concern is ably addressed by TikTok's Project Texas, a deal with Oracle to host TikTok in America on Oracle servers, where its algorithm can be audited.

The second is harder to dispel.

Like other apps, TikTok collects user information such as location and stored media. TikTok needs this data to host and serve user speech, but it can be misused. Unlike other apps, TikTok's parent company, ByteDance, has its headquarters in China, where it is subject to China's National Intelligence Law. Under the law, China can require its citizens and corporations to provide data relevant to state intelligence work.

There isn't any evidence that TikTok is spying for the CCP. ByteDance's only demonstrable misuse of user data was to track employees leaking information to journalists. Under the National Intelligence Law, there is always a risk that ByteDance will be compelled to share TikTok user data with the CCP.

Further, there is little reason to believe TikTok is a unique intelligence goldmine. Other apps collect similar information, TikTok is not the only Chinese app used by Americans, and much of the more sensitive information TikTok collects, such as user location, can be purchased from unscrupulous data brokers. Absent broader data protections, banning TikTok at best forces China to buy Americans' data instead of getting it for free.

To get vital data, China has repeatedly hacked American firms and the American government itself. In 2015, Chinese hackers stole 22 million background check records from the Office of Personnel Management.

In light of China's security law, banning TikTok on government devices and the devices of government employees makes sense. But a general ban would do little good and a lot of harm. America has benefited tremendously from the open, international internet, which brought TikTok to our shores.

Indeed, the rest of the world has long tolerated the risk that American tech firms might be compelled to share data with our government via National Security Letters. This Patriot Act authority allows the FBI to demand data from private firms and prevents recipients from disclosing that they have received such demands.

Banning TikTok or forcing ByteDance to divest it will invite opportunistic demands for local subsidiaries, data localization and other digital protectionism abroad. This won't just hurt American companies but American speakers and listeners, too.

Globally successful American platforms such as Instagram and YouTube, and, now, TikTok, are powerful conduits of American culture and ideas. This is why China bans TikTok at home, limiting Chinese users to a heavily censored alternative called Douyin. Indeed, TikTok is difficult to ban via executive order because of the Berman Amendment, a late Cold War-era law exempting the flow of information from certain sanctions.

Proposed federal legislation targeting TikTok, such as the RESTRICT Act, would give the government new powers to control Americans' use of foreign web services. And on the state level, Montana's recently signed impermissibly dragoons app stores into enforcing its TikTok prohibition. This is a dangerous precedent to set, either domestically or for foreign legislators.

Ultimately, a TikTok ban would hurt American users at home and American firms abroad while doing next to nothing to curb Chinese data gathering. Instead of limiting Americans' access to particular platforms, policymakers should work toward broad rules for specific kinds of sensitive information.

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