

LGBT

TECH



BEYOND
BINARY



LGBTQ+ RIGHTS
IN THE DIGITAL
LANDSCAPE

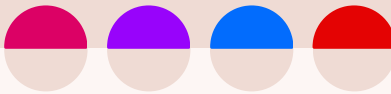
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LGBT TECH

AUTHOR

Shae Gardner

Policy Director



LGBT Tech is one of the nation's premier organizations working to bridge the technology gap for LGBTQ+ individuals through partnerships with tech companies, non-profit groups, policy makers, scholars, and innovators. Grounded in empirical research, we develop programs and resources that support LGBTQ+ communities and work to educate on the unique needs LGBTQ+ individuals face when it comes to tech.

Endnotes in this report include original links to all referenced content.

Welcome to *Beyond Binary*, a comprehensive look at how the 2024 technology landscape in the United States intersects with the specific experiences and needs of the LGBTQ+ individuals who rely on it.

For the LGBTQ+ community, digital spaces and tools serve both as a source of empowerment and a potential arena for challenges. Technology is a catalyst for community building, economic opportunities, self-expression and advocacy - while simultaneously posing risks of online discrimination, privacy concerns, and disparities in access.

2024 is sure to be a fast-moving and challenging year, amplified by election season. This report lays out the complex landscape in front of us, and underscores the importance of prioritizing equity and inclusivity to ensure that LGBTQ+ Americans and other marginalized populations are not left behind.



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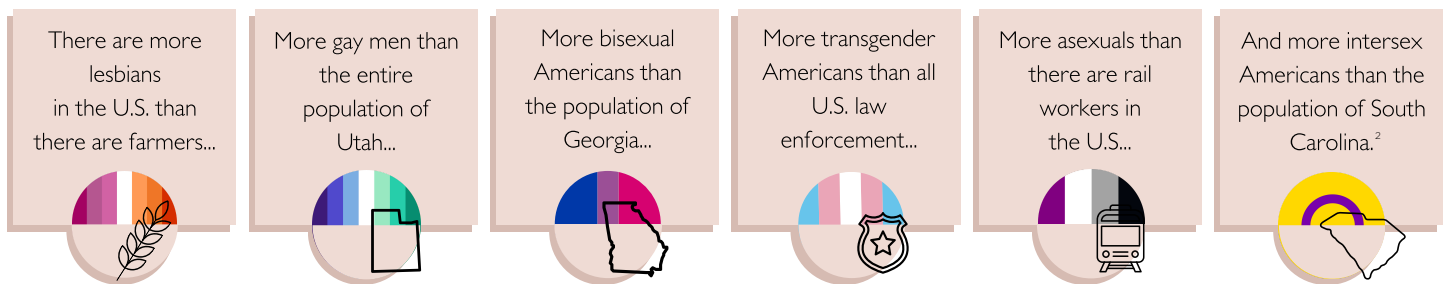
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THE SOCIAL LANDSCAPE

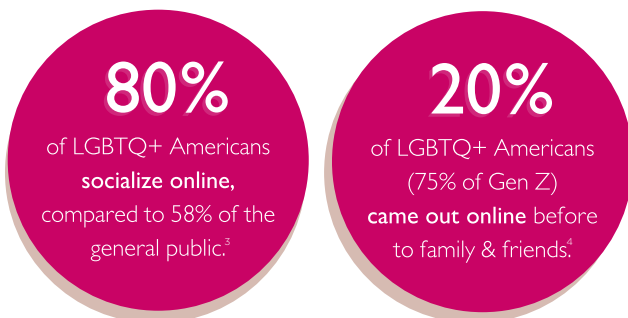
LGBTQ+ ADULTS ONLINE

There are millions of LGBTQ+ individuals living in the United States, with a diverse range of identities, experiences, and needs. For many, online spaces are where they connect, learn, and grow. In 2024, ensuring the ability of the LGBTQ+ community to have safe, protected, and authentic technological experiences must be a priority.

WE ESTIMATE THAT THERE ARE 20.2 MILLION LGBTQ+ ADULTS IN THE UNITED STATES, LARGER THAN THE POPULATION OF 47 OF THE 50 STATES.¹



The unique challenges faced by these LGBTQ+ Americans, including widespread discrimination and the lack of a safe and understanding physical community, make online spaces vital for fostering a sense of belonging.



Social media, dating apps, community forums, and most recently metaverse technologies provide an unparalleled platform for sharing experiences, finding like-minded individuals, and accessing affirming and life-saving information.

Additionally, digital spaces offer a level of anonymity that can be empowering for those navigating their sexual orientation and gender identities.

When physical spaces fail to be as inclusive or safe as they need, technology becomes a lifeline in facilitating communication, advocacy, and support networks.

Unfortunately, addressing these specific online needs also presents a series of unique online risks.

Cyberbullying, harassment, and hate speech are persistent issues that can escalate into real-world consequences. Moreover, the digital landscape can be a breeding ground for misinformation and stereotypes, perpetuating harmful narratives.

Studies have found that LGBTQ+ people are the most harassed among marginalized demographic groups online. In fact, transgender individuals are the most harassed demographic online across the board.⁵



Privacy concerns also loom large, as individuals may face the risk of being involuntarily outed or targeted based on their sexual orientation or gender identity. As technology evolves, so do the risks, necessitating efforts to create inclusive and secure online environments for those in the LGBTQ+ community.

THE SOCIAL LANDSCAPE LGBTQ+ YOUTH ONLINE

For LGBTQ+ youth, online spaces play a critical role in navigating the complexities of self-discovery and identity formation, especially when physical spaces fail to provide them with the ability to do so. As technology continues to shape the experiences of this demographic, in 2024 it is imperative to create digital environments that prioritize safety, support, equity and inclusivity.

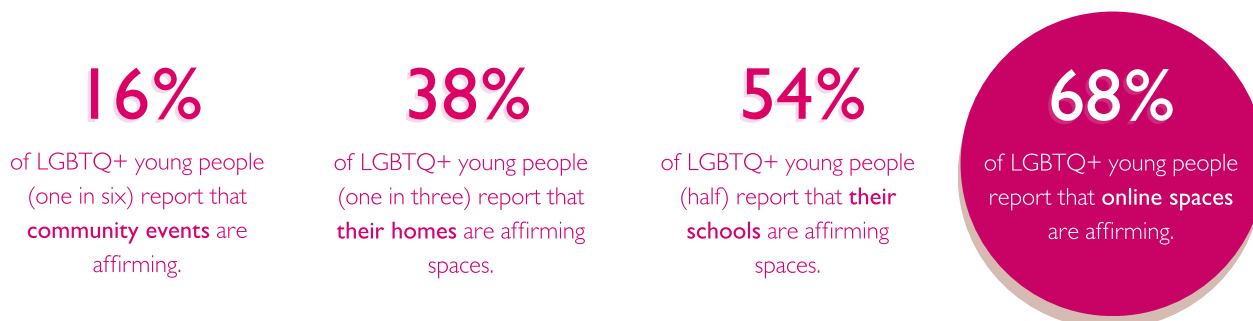
WE ESTIMATE THAT THERE ARE 5.73 MILLION LGBTQ+ YOUTH IN THE U.S.⁶



For LGBTQ+ youth in particular, access to tech can be lifesaving. Three-fourths of LGBTQ+ youth are more honest about themselves online than in the real world,⁸ and more than half of closeted LGBTQ+ youth have used the internet to connect safely with LGBTQ+ peers.⁹

Online platforms provide a sanctuary to explore or express sexual orientation or gender identity, often away from judgement or discrimination they might face in their offline lives. The importance of safe, LGBTQ+ inclusive and supportive spaces is further heightened for the many LGBTQ+ youth in non-standard living situations, without biological or familial physical safe spaces. Moreover, online spaces serve as an invaluable resource for accessing information on LGBTQ+ history, rights, and health, empowering young individuals with knowledge that is largely absent in traditional education settings.

Research from the Trevor Project shows that LGBTQ+ youth without access to affirming spaces are more likely to consider or attempt to commit suicide. Research also shows that, for these youth, online platforms are far more likely than their homes, communities, or schools to provide those integral spaces.¹⁰



Despite the crucial role that online spaces play for LGBTQ+ youth, they are far from immune to risks. Cyberbullying and online harassment can be particularly harsh for young individuals exploring their identities, leading to worsened mental health outcomes. Additionally, the pervasive spread of misinformation and harmful stereotypes in online spaces can contribute to a dangerous environment when left unchallenged, reinforcing harmful biases, misinformation, and misconceptions about the community.

Privacy concerns also remain paramount, as youth face the risk of being involuntarily outed to unsupportive family members and peers. Addressing risks like these is necessary in creating a positive and secure online environment for LGBTQ+ youth, fostering a space where they can explore and express themselves without compromising their well-being.

THE SOCIAL LANDSCAPE

IMPACT OF TECHNOLOGY POLICIES

The impact of state and federal technology policies on the LGBTQ+ community is profound. While this report will later delve into specific policies, this section serves as a look into their general effect on the community, underscoring the importance of inclusive, protective, and privacy-centric policies to ensure that technology remains a positive force in fostering connection and equity.

CONTENT RESTRICTIONS

Policies that enable discrimination or restrictions on LGBTQ+ content and resources online can exacerbate existing societal challenges.

For instance, restrictions on inclusive content or limitations on access to LGBTQ+ affirming resources may hinder the community's ability to find support.

Forbes

92% Of Top Parental Control Apps Wrongly Block LGBTQ And Sex-Ed Sites¹¹

HARASSMENT & HATE SPEECH

Policies that fail to protect against online harassment or hate speech disproportionately affect LGBTQ+ individuals, fostering an environment where discrimination remains unchecked.

The lack of comprehensive legislation against cyberbullying and discriminatory practices too often allows the bigotry of the real world to seep into digital spaces.



Anti-LGBTQ+ Grooming Narrative Surged More Than 400% Online Following Florida's 'Don't Say Gay or Trans' Law¹²

LGBTQ+ RIGHTS

State and federal policies that impede the recognition of LGBTQ+ rights, such as those related to marriage equality, adoption, or workplace discrimination, also have implications in digital spaces.

Inconsistencies in legal protections may result in uneven experiences for LGBTQ+ individuals navigating online spaces, as their rights are not uniformly safeguarded across jurisdictions.

CNN

Supreme Court Limits LGBTQ Protections with Ruling in Favor of Christian Web Designer¹³

DATA PRIVACY & SECURITY

Policies related to data privacy and security are crucial for LGBTQ+ communities. Those that compromise user privacy can disproportionately affect those who may be discreet about their sexual orientation or gender identity.

For example, the potential for data breaches leading to involuntary outing poses a significant threat, emphasizing the need for robust privacy protections.

AP

Priest Outed via Grindr App Highlights Rampant Data Tracking¹⁴

SPOTLIGHT ON AI

2023 was, undeniably, the year of AI.

Public awareness of and access to AI tools skyrocketed, with eagerly awaited AI products launching amid heated debates on ethics and legality. AI has reportedly been adopted by more than a quarter of businesses in the United States, with nearly half of all organizations working to embed AI into current applications and processes.¹⁴ As we head into 2024, the field of AI shows no sign of slowing.

For the LGBTQ+ community, AI represents incredible opportunities for economic, employment, and research advancements- if and only if the unique needs of the community are kept in mind. Without such caution, we risk replicating or even worsening in data the discriminatory patterns of the real world. In 2024, combating algorithmic bias through inclusivity and transparency must be the focus for industry, policymakers, and stakeholders alike.

Outlined below are several areas of interest in 2024 for the LGBTQ+ community, places where we see AI posing both great opportunities and significant risks for marginalized populations.

POTENTIAL BENEFITS

POTENTIAL RISKS

HATE SPEECH

Detection and prevention of hate speech benefits greatly by natural language AI models that can efficiently detect it, crucial for LGBTQ+ individuals online.

AI can be particularly helpful in identifying cases of political censorship by social media platforms and governments, a concern of particular relevance for LGBTQ+ people facing state-sanctioned repression.

The digital landscape is rife with misinformation and disinformation, and without proper training AI can be used to target LGBTQ+ individuals for harassment.

AI moderation tools must be sophisticated enough to avoid amplifying existing biases they encounter, while also distinguishing between genuinely harmful content and the often-nuanced discussions that take place within LGBTQ+ communities.

EMPLOYMENT

LGBTQ+ people also face significant barriers to employment opportunities, too often driven by employer bias.

AI can be utilized to more accurately assess the importance of candidate characteristics, replacing the weight placed on white-centric and hetero/cisnormative factors with a far more comprehensive evaluation.

Without an eye to these existing biases in hiring, the use of AI can result in discriminatory outcomes by reinforcing these harmful stereotypes.

This also raises data privacy concerns around the risk of exposing sexual orientation or gender identity, particularly in regions where there is no legal protection against discrimination.

HEALTHCARE

The potential of efficient and advanced AI-driven healthcare research offers massive potential for the underserved LGBTQ+ community.

AI could help predict the specific health needs of a community and improve messaging and reach around those needs, assist in timelier medical interventions and diagnoses, and allow simulated encounters with vulnerable individuals in training.

AI in healthcare raises concerns around data privacy, as well as how it could be used to predict, reveal, or even attempt to change sexual orientation or gender identity.

Questions also arise around whether these systems are being trained on diverse datasets that include marginalized individuals and whether they can appropriately address the unique health challenges of these populations.

THE FEDERAL LANDSCAPE

LGBTQ+ PROTECTIONS

Despite notable strides in LGBTQ+ rights and overwhelming public support for the rights of the community, there remains a significant gap in legal protections for LGBTQ+ Americans in the political arena.

While some states and localities have implemented inclusive policies, there is still no comprehensive federal law explicitly protecting LGBTQ+ individuals from discrimination in areas such as housing and public accommodations. Protections are largely left to the interpretation of states and municipalities- and even where interpretations favor LGBTQ+ protections, history shows these can change with a new official or a new White House. The absence of nationwide safeguards like these leaves LGBTQ+ Americans vulnerable to discrimination, harassment, and unequal treatment in various aspects of their lives, and efforts to pass comprehensive legislation like the Equality Act have continued to face challenges.



THE FEDERAL LANDSCAPE LEGISLATION TO WATCH

As the digital landscape continues to evolve in 2024, Capitol Hill lawmakers are expected to grapple with issues like data privacy, online discrimination, and the regulation of emerging technologies.

Particularly in an election year, the outcomes of these legislative decisions will play a pivotal role in shaping the digital experiences and rights of LGBTQ+ individuals. The following are several pieces of federal legislation LGBT Tech is watching, with the potential to either significantly help or hurt the community.

EARN IT ACT (S.1207)¹⁷

This bill would place pressure on companies to break end-to-end encryption and scan files, photos and messages to prevent child sexual abuse materials, but in the process demands a significant erosion of privacy for vulnerable users.

STATUS:
Introduced in April 2023 by Senator Lindsey Graham; placed on the Senate Calendar.

KIDS ONLINE SAFETY ACT (S.1409)¹⁸

The Kids Online Safety Act (KOSA), seeks to establish federal guidelines protecting minors online. Potential negative consequences for the LGBTQ+ community and other marginalized groups are immense, outlined in detail later in this report.

STATUS:
Stalled on the Senate floor in 2023; lawmakers intend to revisit KOSA and move towards passage in 2024.

AI ACCOUNTABILITY ACT (H.R.3369)¹⁹

This bill requires NTIA to study and report on accountability measures for artificial intelligence systems. AI accountability is imperative, but must be done with an eye to marginalized populations to ensure inclusivity.

STATUS:
Introduced in May 2023; most recently placed on Union Calendar in October 2023.

EYES ON THE BOARD ACT (S.3074)²⁰

The Act would cut off schools that decline to block access to social media services on devices and networks funded by the E-Rate program. The bill has been called a “brazen attempt” to censor information and control schools.

STATUS:
Introduced in October 2023 by Senator Ted Cruz; referred to Committee.

AMERICAN DATA PRIVACY AND PROTECTION ACT (H.R.8152)²¹

This Act seeks to pair data privacy rights for consumers with oversight and enforcement mechanisms that preempt most state privacy laws. As it stands, this or any other privacy bill would require a restart to the House process.

STATUS:
Stalled in the 2021-2022 legislative session; House hearing held to restart the process in March 2023.

CHILDREN AND TEENS’ ONLINE PRIVACY PROTECTION ACT (S.1418)²²

This Act amends the Children’s Online Privacy Protection Act of 1998 to strengthen online data collection, use, and disclosure. There are significant concerns around age-gating and data sharing with government.

STATUS:
Introduced in May 2023 by Senator Edward Markey; reported to Senate in December 2023.

THE FEDERAL LANDSCAPE

ISSUES TO WATCH

As we move into 2024, issues in the federal technology landscape will influence how LGBTQ+ Americans navigate online spaces, engage with digital resources, and contend with potential disparities in access. Along with Capitol Hill, the Federal Communications Commission (FCC), Federal Trade Commission (FTC), and the National Telecommunications and Information Administration (NTIA) will play critical roles in tackling many of the following issues, and must do so with consideration for the LGBTQ+ community.

DIGITAL DISCRIMINATION

Digital discrimination refers to biases or unfair practices embedded in technologies, that impact the LGBTQ+ community by potentially perpetuating stereotypes, fostering online harassment, and leading to discriminatory online practices.

In 2024, the FCC has announced intentions to crack down on digital inequities in places with poor access, following the November 2023 ratification of a rules package to investigate broadband discrimination based on income, race, ethnicity, and other protected classes.²² Senate Republicans have called on the FCC to reverse course on this plan, saying the “digital discrimination order is a major abuse of the agency’s power.”²³

DIGITAL EQUITY

Digital equity works to combat digital discrimination, through proactive measures designed to ensure fair and inclusive access to resources, technologies, and opportunities for all individuals by addressing the digital divide.

In 2024, states will begin to receive funding under the \$42.5B Broadband Equity, Access, and Deployment (BEAD) Program, a grant program aimed at ensuring high-speed internet for all Americans. In preparation, these states have been required to create broadband offices and connectivity/infrastructure plans.²⁴ NTIA is opening an additional \$2.7B in grant programs for states, territories, and tribal governments who develop and subsequently build out digital equity plans.²⁵

PRIVACY

Privacy efforts involve implementing measures, such as data encryption and access controls, to protect personal information and ensure confidentiality in digital interactions. For the LGBTQ+ community, thorough privacy measures in online and metaverse spaces is crucial to safeguard against discrimination and harassment, the outing of LGBTQ+ individuals, and the misuse of sensitive sexual orientation and gender identity information, known as SOGI data.

In 2024, in the continued absence of comprehensive federal privacy regulations, states will continue to enact their own laws. Four states have privacy laws taking effect during the year, and with this increasing patchwork of requirements, pressure is expected to mount on the federal government.

ACP

The Affordable Connectivity Program (ACP) provides financial assistance to low-income households in order to make broadband services more affordable.²⁶ ACP is discussed in detail later in the report, as the program holds particular importance for the LGBTQ+ community. By addressing economic disparities in access, ACP helps keep essential LGBTQ+ services, support networks, and resources within reach.

In 2024, without additional or permanent funding, the ACP program is predicted to run out of funding in April.²⁷ Service providers and civil society organizations have pushed for supporting and expanding the program, and the Biden Administration has requested additional funds through December 2024.²⁸

THE FEDERAL LANDSCAPE

ISSUES TO WATCH (cont.)

SECTION 230

Section 230 of the Communications Decency Act shields online platforms from liability for user-generated content,²⁹ better shaping the way social media platforms handle and moderate LGBTQ+ content and ensuring that users are not unintentionally over-censored to avoid platform liability.

In 2024, the previously mentioned EARN IT Act (S.1207) looks to amend Section 230³⁰ to undermine encryption protections, risking privacy protections and resulting in undue censorship online.

ENCRYPTION

Strong encryption allows for secure digital communication and data, preventing unauthorized access and protecting the confidentiality of information and the users it belongs to. For the LGBTQ+ community, encryption is paramount in fostering a secure and inclusive digital environment. End-to-end encryption prevents any third parties from accessing messages sent between users, including the messaging platform itself. This allows for greatly enhanced privacy protections, and is of particular importance for LGBTQ+ users.

In 2024, the longstanding debate over user privacy versus public safety will center on encryption. In December 2023, Meta joined other secure platforms in rolling out default end-to-end encryption for all users.³¹ As legislators look to pass bills weakening encryption, protecting it will be a focus of 2024.

SPECTRUM DEPLOYMENT

The efficient deployment of radio frequency spectrum that enables wireless communication and advanced technologies plays a crucial role in ensuring widespread and high-speed connectivity. For LGBTQ+ individuals who rely on the digital landscape, more spectrum means a better and more reliable internet.

In 2024, the use of midband spectrum- touted by service providers as offering the perfect mix of speed and capacity- is expected to accelerate.³² In November 2023, the Biden Administration's National Spectrum Policy also called for a two-year study on repurposing five bands of spectrum³³

AUCTION AUTHORITY

Since 1993, the FCC has had the authority to auction wireless spectrum to private companies, a policy credited with giving the country an early lead in evolving cellular networks. Unfortunately, in March 2023 this auction authority lapsed,³⁴ risking future access to spectrum and diminishing the ability of the networks to expand and improve for those that need it the most, including the LGBTQ+ community.

In 2024, auction authority must be reinstated to avoid damaging spectrum policy and the technologies that rely on it, especially as emerging technologies like AI hold much higher network needs. Calls from all corners will continue to rise for the federal government to reinstate the FCC's authority in 2024.

NET NEUTRALITY

Net neutrality is the principle that Internet Service Providers (ISPs) must treat all data on the internet the same way without discriminating or charging differently based on content, website, or platform.³⁵

Title II regulations seek to classify broadband internet as a utility to ensure net neutrality- however, the cyclical debate every few years around reclassification undermines the broad range of federal antitrust and consumer protection laws that already guarantee this access.

In 2024, the FCC will move towards restoring Title II net neutrality rules yet again.

SPOTLIGHT ON KOSA

Initially introduced in 2022 and reintroduced with amendments in February 2023, The “Kids Online Safety Act,” or KOSA, seeks to establish federal guidelines meant to protect minors on social media platforms.³⁶

Generally, the text of KOSA requires that platforms covered by it provide online supervisory tools and access settings to the parents and guardians of minors, as well as prevent youth from content, communities, and actors deemed harmful. KOSA demonstrates a growing recognition that platforms and legislators alike have an immense responsibility to ensure the online experiences of our youth are as safe as possible.

That right to youth safety online must be balanced with a right to youth autonomy and privacy. Unfortunately, KOSA does not strike this balance appropriately, and there exists a real danger that KOSA will be used to target members of the LGBTQ+ community and the online resources they rely on. In 2023, advocacy groups and organizations were active in voicing these concerns, including in an LGBT Tech letter sent to 101 Congressional offices.³⁷



LGBTQ+ Organizations and Centers Send Letter to Hill Urging Changes to Kids Online Safety Bill

ADVOCATE

Anti-LGBTQ+ Groups Back New Kids Online Safety Act: Report³⁸

them.

Over 100 Parents of Trans Kids Sign Letter Opposing a Controversial Internet Safety Bill³⁹



More Than 90 Human Rights and LGBTQ Groups Sign Letter Opposing KOSA⁴⁰

In part, KOSA’s requirement that online services “prevent” a set of harms to minors could inadvertently or intentionally filter out and over-moderate LGBTQ+ content, with platforms facing significant liability concerns and legal pressure to do so. KOSA’s language also gives state Attorney Generals the power to dictate which content can be recommended to which users, and enables them to go after platforms who do not abide by their potentially arbitrary or even malicious guidelines.



“Protecting minor children from the transgender and this culture and that influence [is a priority].... [KOSA] would put a duty of care and responsibility on the social media platforms. And this is where children are being indoctrinated.”⁴¹

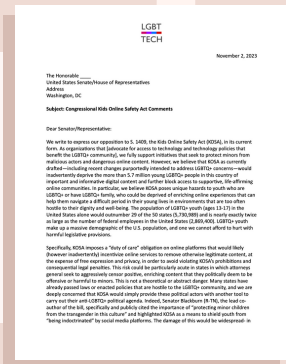
-KOSA co-author Senator Marsha Blackburn, September 2023

In a time when states across the country are actively working to ban LGBTQ+ themes from schools and prevent access to healthcare for transgender youth, it becomes very easy to see how anti-LGBTQ+ legislators would view KOSA as a tool to further isolate LGBTQ+ children and punish the communities and spaces they depend on.

Congressional efforts to pass legislation on social media privacy and safety are unlikely to ebb in 2024, and many critics and advocates of KOSA expect to see the bill reach passage. Given this, in 2024 LGBT Tech intends to continue pushing for adjustments to the bill text that better protect our community and others at risk. Most recently, our widely backed letter to Congress urged for the removal of any “general monitoring” language to reduce the likelihood of over-censoring and preserve the rights of content, users, and platforms.

“Specifically, KOSA imposes a “duty of care” obligation on online platforms that would likely (however inadvertently) incentivize online services to remove otherwise legitimate content... we believe that KOSA should be amended to respect the global consensus on protecting fundamental rights online by explicitly prohibiting any kind of “general monitoring” legal obligation.”

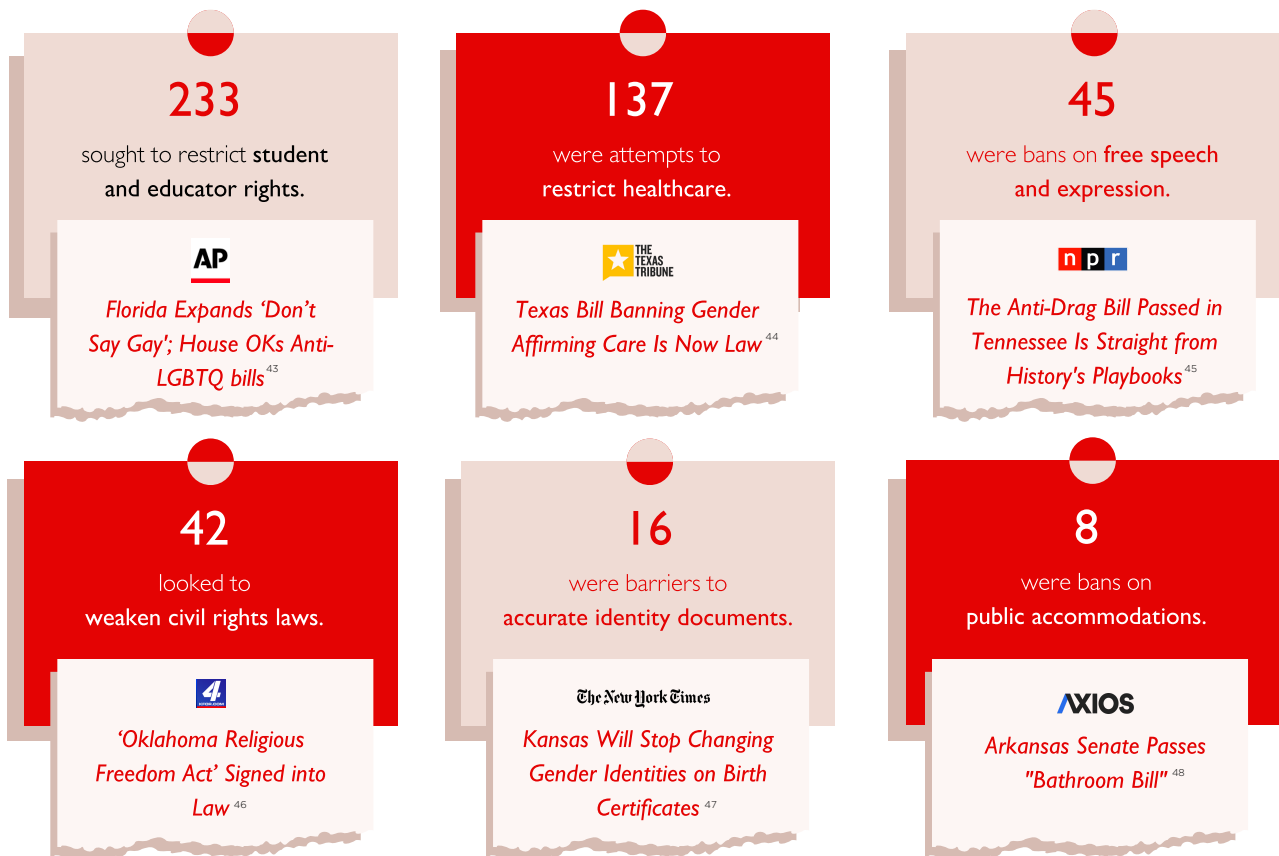
-LGBT Tech Letter to Congress, November 2023



THE STATE LANDSCAPE ANTI-LGBTQ LEGISLATION

Despite our community's overwhelming public support, in 2023 LGBTQ+ Americans faced an avalanche of legislative attacks from state policymakers. The 2023 legislative session saw a record number of anti-LGBTQ+ bills attacking healthcare, public accommodations, education, free speech, and more- with roughly half either advancing or passed into law.

510 ANTI-LGBTQ+ BILLS WERE INTRODUCED DURING THE 2023 LEGISLATIVE SESSION, A RECORD HIGH AND 62% MORE THAN IN 2022.⁴²



The impact of anti-LGBTQ+ legislation extends to the digital experiences of LGBTQ+ individuals and highlights the need for comprehensive legal protections in both physical and virtual spaces. Anti-LGBTQ legislation and the larger societal biases driving it often finds a digital counterpart.

Discriminatory policies may influence online platforms, ranging from restrictions on LGBTQ+ content to inadequacies in protecting users from online harassment. Inconsistencies in state laws regarding LGBTQ+ rights can create a patchwork of experiences in the digital landscape, since this lack of uniformity means varying levels of acceptance and protections based on geographical location.

Additionally, the absence of comprehensive federal legislation contributes to this lack of uniformity, allowing biases to persist in online interactions and digital services. This underscores the importance of addressing both legal and digital inequalities in tandem to ensure a more inclusive and equitable environment for LGBTQ+ and other marginalized populations.

THE STATE LANDSCAPE

ISSUES TO WATCH

In 2024, the states will continue to work to address evolving technology infrastructures and subsequent user privacy and protection needs. Lacking clear federal guidance in much of the technology landscape, state policies will play a pivotal role in protecting or harming LGBTQ+ users located in their jurisdictions. The following are issues to watch this year, that will shape the digital environment for all users and affect the well-being and rights of those who are LGBTQ+.

SOCIAL MEDIA REGULATION

State-level regulations governing social media platforms can influence how LGBTQ+ content is moderated, affecting visibility, representation, and online safety for the community members that need it the most. The dangers of social media regulation is outlined in detail further in this report.

EFF

*States Attack Young People's
Constitutional Right to Use
Social Media*⁴⁹

DIGITAL BOOK BANS / CENSORSHIP

Conservative attempts to ban physical books from libraries and educational settings have found a digital counterpart in digital book bans and content restriction. Marginalized voices and, in particular, LGBTQ+ themes are disproportionately targeted by statewide censorship efforts disguised as "protecting children."



*Over Half of 2022's Most
Challenged Books Have
LGBTQ Themes*⁵⁰

EDUCATION TECHNOLOGY

State policies regarding the ways students use technologies in educational settings- and the ways they are monitored by them- have significant implications for the privacy and safety of LGBTQ+ youth and access to the online resources they rely on. State policies can both intentionally or unintentionally harm LGBTQ+ youth.

cdt

*[Online Monitoring] Hidden
Harms: Targeting LGBTQ+
Students*⁵¹

DATA PRIVACY

State-level privacy laws have a direct impact on how personal information, including sexual orientation or gender identity, is handled online. Reprehensible efforts have already been made in some states to collect the personal information of LGBTQ+ residents, attempts that are incompatible with user privacy.

The Washington Post

*Texas Attorney General's
Office Sought State Data on
Transgender Texans*⁵²

ONLINE HARASSMENT

State-specific legislation addressing cyberbullying and online harassment can enhance the legal recourse available to LGBTQ+ individuals facing harm in digital spaces. Antithetically, state legislation that reduces these protections can leave the most targeted online users even more vulnerable.

PROPUBLICA

*Alaska Drops Policy Banning
Discrimination Against
LGBTQ Individuals*⁵³



SPOTLIGHT ON SOCIAL MEDIA

An increasing number of state bills look to tackle the crucial issue of protecting youth online through bills imparting requirements on social media and online platforms.



Unfortunately, many proposed provisions instead prove a barrier to access for LGBTQ+ youth looking for crucial resources and community, including the following:

PARENTAL CONSENT⁵⁴

Parental consent provisions require minors and their parents provide personal data to online platforms for identity/relationship verification.

Parental consent provisions can be a barrier to entry for the significant amount of LGBTQ+ youth experiencing housing insecurity or in atypical living situations; and risks outing, discrimination, and adverse mental health outcomes for those in non-affirming homes.

“BEST INTEREST OF THE CHILD” LANGUAGE⁵⁵

“Best interest of the child” is vague language requiring platforms to prioritize the well-being of the minors who access them.

Nonspecific language around defining “best interest” risks overreaching content removal; and legislators with anti-LGBTQ+ agendas can exploit this by defining LGBTQ+ content as harmful.

AGE VERIFICATION⁵⁶

Age verification requirements compel platforms to confirm the ages of their users, typically through various verification methods.

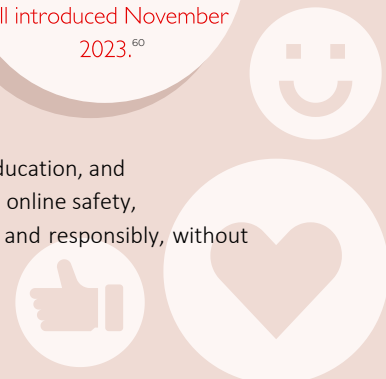
Age verification risks limiting access for the millions of Americans without access to identity documents; and raises both general privacy concerns as well as specific concerns around inadvertently disclosing LGBTQ+ status.

While many of these social media bills have already been blocked due to concerns around privacy and the suppression of constitutionally-protected content, in 2024, we will still see some of these bills come into effect, beginning with Utah.

Utah’s S.B. 152 “requires a social media company to verify the age of a Utah resident seeking to maintain or open a social media account.”⁵⁷ The questions this raises are illustrative of the challenges around social media regulation - how are platforms expected to differentiate residents from visitors? How does this extend to Utah residents outside of the state? Unable to navigate questions like these, will social media platforms simply choose to leave the jurisdiction by blocking traffic from Utah? Unfortunately, in 2024, we must be prepared to mitigate the consequences of their answers.

- Utah's** Social Media Regulation Act will go into effect on March 1, 2024.
- Florida** is currently debating parental monitoring and age verification in a bill introduced November 2023.⁵⁸
- Louisiana's** Secure Online Child Interaction and Age Limitation Act will go into effect on July 1, 2024.⁵⁹
- New Jersey** is currently debating age verification and parental consent in a bill introduced November 2023.⁶⁰

A more effective approach would involve comprehensive federal privacy regulation, improved digital education, and awareness campaigns. Informing users, parents, and educators about the importance of digital literacy, online safety, and responsible social media use can empower young individuals to navigate the online world safely and responsibly, without constructing barriers to young people that need online community the most.



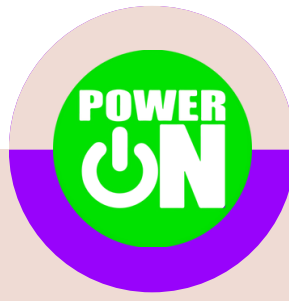
ACCESS TO TECHNOLOGY

DISTRIBUTING DEVICES

As digital platforms increasingly become essential for economic participation, ensuring equitable access to pieces of technology like smartphones and laptops becomes instrumental in addressing both economic and social disparities.

Access to technology equates to elevated job resources, online education, support networks, and community-building platforms, and improving that access is one of the most impactful steps we can take to support the most vulnerable members of the LGBTQ+ community.

LGBT Tech's PowerOn program is one such effort working to address this digital divide at the community level.



LGBT Tech's PowerOn program is built on the foundation that digital rights are human rights, and its mission is to bridge the digital gap in the LGBTQ+ community. PowerOn provides technology, resources for internet access, and connection to vital information, research, and advocacy to both LGBTQ+ organizations and individual community members.

Spanning 107 partner centers across 37 U.S. states and territories, this network allows LGBT Tech to distribute life-saving technology at the most impactful grassroots level.⁶¹

TO DATE, POWERON HAS:

Distributed
more than
\$397,870
worth of
technology

Reached
more than
312,600
LGBTQ+
individuals

Helped
more than
8,000
access mental
& primary
healthcare

Helped
more than
2,000
access educational
& developmental
opportunities

ACCESS TO TECHNOLOGY EXPANDING SERVICE

Reliable access to connectivity and devices is one of the most powerful tools in ensuring economic and social empowerment.

The economic challenges faced by LGBTQ+ individuals underscores this importance, not only of preserving but also expanding that connectivity. LGBTQ+ Americans contend with income disparities, workplace bias, and limited economic prospects, making dependable and affordable access to technology more important, yet often more difficult to find.



The Biden Administration's Bipartisan Infrastructure Law allocates \$65 billion to the goal of providing high-speed broadband access to all, and in 2024, much of this funding will be disbursed.⁶⁵ The following are three federal programs to watch this year, that support increased and improved access for members of the LGBTQ+ community and other marginalized populations.

AFFORDABLE CONNECTIVITY PROGRAM (ACP)⁶⁶

The ACP program has been allocated \$14.2B to provide eligible households with a monthly discount on service. Given the importance of ACP to the LGBTQ+ community, the program is discussed in detail further in this report.

STATUS:

Funding will run out by April 2024; Biden Administration has requested funding through December 2024.

BROADBAND, EQUITY, ACCESS, AND DEPLOYMENT (BEAD) PROGRAM⁶⁷

The BEAD Program provides \$42.45B to expand high-speed internet access by funding state-level planning, infrastructure, deployment, and adoption programs across the country.

STATUS:

State grant allocations have been announced, and states will receive their BEAD funding amounts in 2024.

DIGITAL EQUITY ACT PROGRAM⁶⁸

With \$2.75B, the program establishes three grant programs to promote digital equity and inclusion. The grants fund: (1) state development of digital equity plans; (2) an annual grant for five years to support digital equity projects; and (3) a competitive grant program.

STATUS:

States have begun to roll out digital equity surveys, grant programs, comment sessions, and even digital equity bills of rights.

SPOTLIGHT ON ACP

Getting devices like smartphones and laptops in the hands of disadvantaged LGBTQ+ individuals is the first half of the battle. Ensuring they have and can afford a reliable and high-speed internet connection is the second- and the Affordable Connectivity Program, or ACP, has proven invaluable in achieving this.

ACP provides eligible households- those at or below 200% of the Federal Poverty Guideline- with a discount of up to \$30 per month towards internet service, and up to \$75 per month for those on tribal lands. More than 22.6 million households have signed up for ACP benefits, and when combined with new low-cost offerings from service providers, many have been connected at no cost at all. Three-fourths of ACP-households are covered by a “free with ACP” broadband plan.⁶⁹ The program is a proven success. However, the \$14 billion initially allocated for ACP is fast running out.

“Our current projections indicate that our appropriated funds to continue this program and keep these households connected will run out by April [2024].”⁷⁰

-FCC Chairwoman Jessica Rosenworcel, November 2023



As previously discussed, members of the LGBTQ+ community suffer from significantly worsened economic outcomes than their non-LGBTQ+ counterparts. Higher rates of poverty, higher rates of unemployment, and lower average earnings leaves service out of the reach of too many LGBTQ+ Americans. In fact, the National Telecommunications and Information Administration (NTIA) reports that roughly one-in-five of American households without service lists cost as the reason.⁷¹

WE ESTIMATE THAT 36% OF LGBTQ+ AMERICANS ARE ELIGIBLE FOR ACP SUPPORT.⁷²

Calls for Congress to refund ACP have come from civil rights organizations, state leaders, the FCC, and even the White House. In October 2023, President Biden requested additional funds to strengthen the program and extend it through December 2024.⁷³



Biden Asks Congress to Throw \$6B Lifeline to ACP



Civil Rights Organizations Demand Congress to Prioritize ACP Funding⁷⁴



FCC Chairwoman Urges U.S. Congress to Renew Funding for Affordable Connectivity Program⁷⁵



Dozens of Governors Call on Congress to Reauthorize Funding for Affordable Internet⁷⁶

We cannot effectively tackle the digital divide, and the economic and social disparities that result from it, when disadvantaged and marginalized communities lack service. The Affordable Connectivity Program has been a success for members of the LGBTQ+ community and other populations in need, and in 2024, substantial and continued funding must be a key priority for all involved.

For LGBTQ+ Americans that are eligible but unenrolled in the ACP program, one of the greatest hurdles is awareness - unfamiliarity with the program or difficulty understanding its requirements.

LGBT Tech is working to close this knowledge gap with our **Digital Navigator Program**, launched in August 2023. The primary goal of the program is to raise ACP awareness and facilitate registration within the LGBTQ+ community, by hosting virtual and in-person ACP information sessions and registration trainings, as well as providing community resources and practical advice on enrolling, navigating, and troubleshooting ACP funding. In its first few months, the Digital Navigator Program has:

Identified a potential reach of

513,113

LGBTQ+ Americans.

Hosted

9

ACP info sessions/trainings.

Seen participation from individuals in

15

different cities and 12 states.



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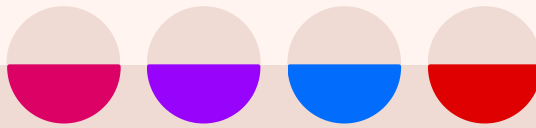
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