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TikTok Under Scrutiny: Balancing National Security and User Privacy in Digital Age

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Abstract

This article aims to present a thorough study of the proposed TikTok ban in the U.S., examining the various factors that led to the proposal, its legal and regulatory framework, and its far-reaching effects. The purpose of the article is to provide readers with a fair and impartial analysis of the topic by stressing the threats to national security, the effects on users and content providers, the economic ramifications, and the wider political and diplomatic responses.

Keywords: *TikTok Ban, Privacy Issue in TikTok, U.S. Concerns About TikTok, Users Option Available for TikTok Users, Options Available for TikTok.*

In 2016, the Chinese business ByteDance released the social media app TikTok. TikTok is a social media platform for creating, sharing, and discovering short videos¹. The app is used by young people as an outlet to express themselves through singing dancing, comedy, and lip-syncing and allows users to create videos and share them across a community². The application is renowned for its high levels of engagement and addictive nature. TikTok quickly became a cultural phenomenon in the US, particularly among younger audiences.³ According to the late figures, the number of U.S. TikTok users is forecast at 107.8 million in 2024.⁴ A wide range of users, including celebrities, influencers, teenagers, and even companies trying to expand their consumer base, were drawn to the platform because of its user-friendliness and capacity to create viral content and trends.

¹ Webwise: what is TikTok <https://www.webwise.ie/parents/explained>

² Id

³ The Washington Post, *What to know about TikTok owner ByteDance as Congress approves possible ban* <https://www.washingtonpost.com/world/2024/03/13/who-is-tiktok-owner-bytedance/>

⁴ Oberlo, *how many TikTok Users are in the US?* <https://www.oberlo.com/statistics/how-many-tiktok-users-are-in-the-us>

National security and data privacy are at the heart of the TikTok debate in the U.S. Since becoming well-known, TikTok has been under investigation for its data harvesting methods. On March 13, 2024, the House of Representatives passed the TikTok ban, with bipartisan support, in a 352-63 vote⁵. The law would block TikTok from the Apple and Google marketplaces until its parent company, ByteDance, sells the app. Also, April 24, 2024, the law that could lead to a national ban of the TikTok cleared Senate in a bipartisan vote of 79-18, representing one of the immensely popular social media app U.S. operations⁶. Lawmakers have suspicious about the video sharing app ties to China and have tried to regulate it through prior effort to widely restrict it has been unsuccessful. U.S. officials have repeatedly warned that TikTok threatens National Security because the Chinese government could use it to spy on Americans or weaponize it to covertly influence the U.S. public by amplifying or suppressing certain content.⁷

This article aims to present a thorough study of the proposed TikTok ban in the U.S., examining the various factors that led to the proposal, its legal and regulatory framework, and its far-reaching effects. The purpose of the article is to provide readers with a fair and impartial analysis of the topic by stressing the threats to national security, the effects on users and content providers, the economic ramifications, and the wider political and diplomatic responses.

TikTok whose mainland Chinese Counterpart is Douyin is a short form video hosting services owned by Chinese internet company ByteDance.⁸ Its host user submitted Videos which can range in duration from three second to 60 seconds.⁹ ByteDance created TikTok as a global version of Douyin, TikTok was launched in the international market in September 2017.¹⁰

ByteDance, as a Chinese company, operates under the regulatory framework of China, which includes laws that could compel Chinese companies to cooperate with government requests for data. This has led to concerns in the U.S. and other countries about the potential for the Chinese government to access user data collected by TikTok. The U.S. officials say because Chinese national Security law require organization to Cooperate with intelligence gathering, TikTok could compromise American device through the app.¹¹ U.S. officials have repeatedly warned that TikTok threatens national security because the Chinese government could use it to spy on Americans or weaponize it to covertly influence the U.S. public by amplifying or suppressing certain content¹². The application can collect private data from users' devices, such as messages, contacts, and other sensitive information, which might be utilized for intelligence gathering. Additionally, it has been stated that TikTok filters information that the Chinese Communist Party considers politically sensitive, including information about Hong Kong protests and China's treatment of Uyghurs and other Muslim minorities. The Chinese Communist Party may potentially profit from disinformation campaigns using this mobile application, as demonstrated by the propagation of false information about the 2019 Novel Coronavirus's origins through videos posted to TikTok.¹³

TikTok usage on federal government phones has already been outlawed by the Department of Homeland Security, the Transportation Security Administration, and the U.S. Armed Forces.¹⁴ Recently, the Indian government prohibited the use of TikTok and other Chinese mobile applications nationwide, claiming in a statement that the apps were "stealing and surreptitiously transmitting users' data in an unauthorized manner to servers which have locations outside India".¹⁵

⁵ Scott Bomboy, *A National TikTok Ban and the First Amendment, March 22, 2024*. <https://constitutioncenter.org/blog/a-national-tiktok-ban-and-the-first-amendment>

⁶ CBS NEWS, *why US officials want the TikTok Ban*, [Shttps://www.cbsnews.com/news/tiktok-ban-congress-reasons-why/](https://www.cbsnews.com/news/tiktok-ban-congress-reasons-why/)

⁷ *Id*

⁸ Wikipedia, <https://en.wikipedia.org/wiki/TikTok>

⁹ *Id*

¹⁰ *Id*

¹¹ Caitlin Yikel, CBS News, *Why U.S. officials want to ban Tiktok*, (April 2024) <https://www.cbsnews.com/news/tiktok-ban-congress-reasons-why/>

¹² *Id*

¹³ Federal Register, *The daily Journal of The United State* (August 11, 2020), <https://www.federalregister.gov/documents/2020/08/11/2020-17699/addressing-the-threat-posed-by-tiktok-and-taking-additional-steps-to-address-the-national-emergency>

¹⁴ *Id*

¹⁵ Diskha Madhok, CNN, *What happen when the world most populous Nation turned off*, (March 15 2024), <https://www.cnn.com/2024/03/14/tech/india-us-tiktok-ban-analysis-intl-hnk/index.html>

Several countries have partially banned TikTok, especially on Government official devices these include countries like Afghanistan, Australia, Belgium, Canada, Denmark, the European Union, France, Indonesia, Netherlands Nepal New Zealand¹⁶. Several public universities have barred students from accessing TikTok on campus Wi-Fi. Montana's state legislature is considering a bill that would ban the app statewide.¹⁷

TikTok has been blocked on American organizations' and enterprises' devices.¹⁸ August 6, 2020, Executive Order 13942 was issued by President Trump this order sought to ban transactions with ByteDance, citing national security concerns. The order argued that TikTok's data collection could allow the Chinese government to access American personal information, potentially compromising national security.¹⁹ TikTok Lawsuit Against Executive Orders (August 24, 2020): Citing that the ban was based on baseless allegations and that it was against due process, TikTok filed a lawsuit to prevent the executive orders from being implemented.²⁰ A number of federal judges, citing worries over the absence of due process and inadequate proof of a national security threat, granted preliminary injunctions to prevent the executive orders from being implemented. On September 27, 2020, Judge Carl Nichols issued an injunction prohibiting the Commerce Department from outlawing TikTok downloads, claiming the government had probably exceeded its IEEPA power²¹. On October 30, 2020, Judge Wendy Beetlestone issued a more comprehensive injunction to stop the TikTok ban, stating that the restriction would cause significant harm to the platform's users and creators²².

President Biden signed an executive order revoking the Trump-era bans on TikTok and WeChat, and ordered a review of apps controlled by foreign adversaries. The order emphasized a comprehensive review to address data security and privacy risks posed by these apps.²³ The potential ban and ongoing legal battles have created significant uncertainty for TikTok's user base. Users faced the prospect of losing access to the app, disrupting their daily routines and social interactions. Many content creators, who rely on TikTok as a primary platform for reaching their audience and generating income, experienced anxiety over the potential loss of their livelihood. Content creators, especially those with substantial followers make money using TikTok's Creator Fund, sponsored content, and brand alliances. Significant financial losses would result from a ban, which would interrupt various sources of income.

TikTok is one of ByteDance's most successful products, generating substantial revenue through advertising. A ban in the U.S., one of its largest markets, would significantly impact ByteDance's revenue and overall valuation.²⁴ ByteDance's ability to attract investment and expand globally could be hampered by the uncertainty and potential restrictions on its operations. Investors may be wary of regulatory risks associated with Chinese tech companies. Brands that have invested heavily in TikTok advertising would need to find alternative platforms to reach their target audiences. This could lead to increased marketing costs and inefficiencies as companies adjust their strategies. The potential ban could benefit other social media platforms like Instagram, YouTube, and Snapchat, as advertisers and content creators migrate to these alternatives. These platforms might see increased ad spending and user engagement. In the political space: The TikTok ban is part of a broader geopolitical tension between the U.S. and China. This move could further strain relations, potentially leading to retaliatory actions from China against U.S. companies operating there.

¹⁶ PSB News by Kelvin Chan, Associate Press

¹⁷ The Economics, *American Maybe a step closer to banning TikTok*, https://www.economist.com/united-states/2023/03/23/america-may-be-a-step-closer-to-banning-tiktok?utm_medium=cpc.adword.pd&utm_source=google&ppccampaignID=1721

¹⁸ Federal Register, *The daily Journal of The United State* (August 11, 2020), <https://www.federalregister.gov/documents/2020/08/11/2020-17699/addressing-the-threat-posed-by-tiktok-and-taking-additional-steps-to-address-the-national-emergency>

¹⁹ *Id*

²⁰ *Id*

²¹ *Id*

²² Federal Register, *The daily Journal of The United State* (August 11, 2020), <https://www.federalregister.gov/documents/2020/08/11/2020-17699/addressing-the-threat-posed-by-tiktok-and-taking-additional-steps-to-address-the-national-emergency>

²³ *Id*

²⁴ Monsor Iqbal, *TikTok Revenue and Usage Statistics* (July 8, 2024), <https://www.businessofapps.com/data/tik-tok-statistics/>

Many content creators started expanding their online presence by creating profiles on other platforms such as YouTube Shorts, Instagram Reels, and Triller, in response to the uncertain future of TikTok. The purpose of this migration was to protect their audiences and revenue streams.

What are the actions and responses taken by TikTok? In response to regulatory scrutiny, TikTok has increased efforts to comply with U.S. regulations. TikTok began an initiative known as "Project Texas" in 2022 to safeguard American users' data on servers in the U.S. and ease lawmakers' fears²⁵. This includes setting up transparency centers, appointing U.S.-based executives, and establishing localized data storage solutions. ByteDance has been in negotiations with U.S. companies, such as Oracle and Walmart, to create a new entity that would manage TikTok's U.S. operations²⁶. These negotiations aim to address national security concerns by ensuring that U.S. user data is stored and managed within the country²⁷.

In conclusion, These are some of my Recommendations to ByteDance: ByteDance should take several key actions to address data security and compliance concerns in the United States. First, they must ensure that all U.S. user data is stored on servers located within the United States. To prevent unauthorized access from foreign countries, ByteDance should implement strict data segregation procedures. Also, regular engagement with independent third-party auditors is essential to evaluate data security procedures. These auditors should provide audit reports demonstrating adherence to U.S. laws. ByteDance should also establish transparency centers in the U.S. which will allow independent experts and regulators to examine source code and data security practices.

In addition to providing comprehensive information about data collection, storage and sharing procedure is crucial, ByteDance should keep users and regulators informed with the regular update on any changes to these practices to foster cooperation and openness ByteDance should designate a specific point of contact for communication with U.S. federal agencies.

A U.S.-based management team should be appointed to oversee operations and ensure compliance with U.S. regulations. Additionally, forming an independent advisory board composed of U.S. experts in cybersecurity, data privacy, and national security will help guide corporate governance and security measures. Recommendation to U.S: The United States should implement comprehensive federal data privacy legislation to set clear standards for data collection, storage, and sharing by all tech companies, both domestic and foreign. Specific regulations for foreign-owned apps should address data security, national security concerns, and user privacy. To ensure compliance with national security and data privacy regulations, the U.S. should establish a system for regular audits of foreign-owned tech companies operating within its borders. This approach will help maintain a secure and transparent digital environment for all users.

²⁵ CBS News, *why US officials want to Ban Tik Tok*, <https://www.cbsnews.com/news/tiktok-ban-congress-reasons-why/>

²⁶ *Id*

²⁷ *Id*