Submission from Google UK

Section 1: Your views and evidence

Introduction:

Google welcomes the Information Commissioner's call for evidence on the Age Appropriate Design Code. We believe deeply in technology's ability to unlock creativity and cultural engagement. However, we also understand that users of all ages need to have the tools and knowledge to make responsible choices online. We ensure access to tools to help provide users with ways to access the online world more safely and our community guidelines go further than required by law. Our approach to working with families falls into three main themes:

- **Technological innovation** including products like SafeSearch, Family Link, YouTube Kids.
- **Strong community guidelines** which are clear to users and routinely enforced.
- **Working in partnership** with organisations like ParentZone to develop educational programmes for young people so they are empowered to live positive lives online.

We want all our users to be confident online, and we recognise that some users may need additional safeguards in place to protect them, while also ensuring they are able to take advantage of the many benefits the internet can bring. That's why we've developed a number of specialised products to help parents and children manage their online experiences. We are also committed to teaching children about the controls they have to navigate the online world and are aiming to reach one million children in the UK through our two PSHE accredited programmes:
- Be Internet Legends is aimed at 7 - 11 year olds to help them be safer, more confident explorers of the online world - through online platforms, face-to-face workshops and assemblies, and free training resources to over 19,000 UK teachers.
- Be Internet Citizens is aimed at 13 - 15 year olds to teach media literacy, critical thinking and digital citizenship; with the aim of encouraging young people to be positive voices online. It is delivered in schools and youth clubs in partnership with the Institute for Strategic Dialogue.

We have responded to each of the questions in the call for evidence below and remain at your disposal to discuss further.

Please provide us with your views and evidence in the following areas:

Development needs of children at different ages

The Act requires the Commissioner to take account of the development needs of children at different ages when drafting the Code.

The Commissioner proposes to use their age ranges set out in the report <u>Digital Childhood – addressing childhood development milestones in the Digital Environment</u> as a starting point in this respect. This report draws upon a number of sources including findings of the United Kingdom Council for Child Internet Safety (UKCCIS) Evidence Group in its <u>literature review of Children's online activities risks and safety.</u>

The proposed age ranges are as follows:

3-5
6-9
10-12
13-15
16-17

Q1. In terms of setting design standards for the processing of children's personal data by providers of ISS (online services), how appropriate you consider the above age brackets would be (delete as appropriate):

Not at all appropriate
Not really appropriate
Quite appropriate
Very appropriate

Q1A. Please provide any views or evidence on how appropriate you consider the above age brackets would be in setting design standards for the processing of children's personal data by providers of ISS (online services),
Q2. Please provide any views or evidence you have on children's development needs, in an online context in each or any of the above age brackets.

In response to Q1A and Q2, we do not consider the above age brackets to be the most effective way to set design standards for the processing of children's personal data.

While we recognise the benefit to users of tailoring technology to ensure it is relevant to specific age groups, we do not believe narrow age groups can either be applied correctly to children of different developmental abilities or tailored to precisely using technology.

We also share the concerns of many that age restrictions may lead to the denial of some digital services to children dependent on the age limit. This could present a barrier in educational development of teenagers, for example, access to support systems, as well as limit their ability to express their views and exercise their right to free speech.

Such granular age brackets may also prevent legitimate businesses from offering more general, but still appropriate, goods and services which have been designed with young people in mind.

13 is the digital age of consent established for the UK and as such we operate a policy whereby 13 is the minimum age at which you can manage your own account. Our efforts to meet the needs of users under the age of 13 include:

- **YouTube Kids** - helps young people explore their interests, connect with new knowledge, learn about their world and be entertained in a more contained environment. It provides built-in timers, no public comments, easy flagging and optional search.

- **Family Link** - helps parents stay in the loop while their children explore and enjoy the internet. It allows parents to set and tailor digital ground rules that work for their unique family and also includes tips for families to help parents guide their children to make smart choices when using their own devices.

Through our product offerings for under 13 year olds we have developed services which are both relevant and accessible to young people and we would welcome the Commissioner encouraging further specific offerings for children under the age of 13.

The United Nations Convention on the Rights of the Child

The Data Protection Act 2018 requires the Commissioner to take account of the UK's obligations under the UN Convention on the Rights of the Child when drafting the Code.

Q3. Please provide any views or evidence you have on how the Convention might apply in the context of setting design standards for the processing of children's personal data by providers of ISS (online services)

In our view, the Convention should be a general framework of reference when setting design standards for the processing of children's personal data by providers of ISS. In particular, it is relevant to consider Articles 12, 13, 15, 16 and 17 and how to balance them with Article 3, the best interests of the child, and Article 5, the responsibilities, rights and duties of parents to provide for the evolving capacities of the child.

- Article 5 recognises parents' duties and rights to provide, in a manner consistent with the evolving capacities of the child, appropriate direction and guidance in the exercise by children of their rights. We consider this article when developing tools which enable parents to decide what's right for them and their family.
- Article 12 establishes that States Parties shall assure to the child who is capable of forming his or her own views the right to express those views freely in all matters affecting the child, the views of the child being given due weight in accordance with the age and maturity of the child.
- Article 13 states that children should have the right to freedom of expression. Certain services can help people of all ages to learn about the world and express their views freely. Any design standards should recognize this right, while at the same time recognizing the importance of providing children with tools to make responsible choices online.
- Both Article 13 and 15 reference the need for restrictions which are "necessary".
  - Parents have the duty and the right to educate their children and we recognize the need for families to have a level of control over what their

children can do online. As different families have different preferences, we believe some level of personalisation amongst families is needed.
- ○ Rather than determining a single baseline default setting, it's important to preserve the ability of families to responsibly make choices that meet the needs of their child or their family expectations.
- ○ We recommend any design standards should preserve the ability for parents and children to make choices about their privacy.

- Article 16 comments on the need to protect children from arbitrary or unlawful interference with their privacy and notes that children should have the right to the protection of the law against such interference or attacks.
  - ○ Young people should understand how their data is collected and used, with information provided in ways relevant, accessible and understandable by them. We would encourage the Commissioner to recommend further development of such practices in the industry, recognizing that children under 13 may have a lower level of maturity than those above 13.

- Article 17 calls for children to have the right to a diverse range of materials.
  - ○ Our founding mission is to organise the world's information so that it is useful, relevant and accessible to everyone. We and many others recognise the social, educational and communication benefits that access to online information can provide. However, we also understand that children and parents may not want all information to be accessible at all times, and so have developed tools to help people avoid content that they would prefer not to see.

Aspects of design

The Government has provided the Commissioner with a list of areas which it proposes she should take into account when drafting the Code.

These are as follows:
- default privacy settings,
- data minimisation standards,
- the presentation and language of terms and conditions and privacy notices,
- uses of geolocation technology,
- automated and semi-automated profiling,
- transparency of paid-for activity such as product placement and marketing,
- the sharing and resale of data,
- the strategies used to encourage extended user engagement,
- user reporting and resolution processes and systems,
- the ability to understand and activate a child's right to erasure, rectification and restriction,
- the ability to access advice from independent, specialist advocates on all data rights, and
- any other aspect of design that the Commissioner considers relevant.

Q4. Please provide any views or evidence you think the Commissioner should take into account when explaining the meaning and coverage of these terms in the Code.

We recognise the importance of the design standards outlined above, and believe strongly that it is best practice for developers to design platforms responsibly, establishing a baseline of minimum standards, and then ensure users have meaningful control over their own data and settings.

Striking the right balance between the necessary limits and the educational and developmental needs of children that are fulfilled through their access to online services is extremely hard. Each child is different and what works well for a family may not work as well for others. Parents should be allowed to set the digital ground rules that work best for their children. As mentioned above, any design standard should also give parents and children choices in order to set those rules.

Transparency is also key. It is as important for children as it is for adults but we encourage the ICO to consider the lower level of maturity of children below 13 in setting standards with regard to the presentation and language of notices.

Examples of Google's approach to design

- Family Link gives parents of children with Android devices the ability to set privacy settings, control whether their child can access apps that allow data sharing, set filters to limit mature content on Search and Google Play, control the websites their children see and manage Google activity.
- On data sharing, we have implemented a number of safeguards. For example, children can't post or share content on YouTube Kids.
- We support the proper functioning of the ad-supported ecosystem, and people's continued trust in it. We have robust advertising policies and we do not sell our users' personal data.
- We have also recently launched a range of tools to help improve digital wellbeing by introducing new ways to keep users more informed and proactively manage their time using technology.

The regulatory environment in this area is also far from static, for example, the recent implementation of GDPR prompted many businesses, including ours, to review our policies and ensure we are keeping our policies up to date.

Q5. Please provide any views or evidence you have on the following:

Q5A. about the opportunities and challenges you think might arise in setting design standards for the processing of children's personal data by providers of ISS (online services), in each or any of the above areas.
Q5B. about how the ICO, working with relevant stakeholders, might use the opportunities presented and positively address any challenges you have identified.

Q5C. about what design standards might be appropriate (ie where the bar should be set) in each or any of the above areas and for each or any of the proposed age brackets.
Q5D. examples of ISS design you consider to be good practice.

Protecting children online is vital, and an issue we take incredibly seriously. We agree with the ambitions of the Code but it is important that developers are able to maintain a degree of flexibility. The internet offers huge benefits for children and we must ensure that a

future Code does not stifle their ability to access information, improve their educational opportunities, communicate with friends or families or gain access to culture and entertainment.

We believe it is possible to design products with children and families in mind, and enable safer ways to make the most of access to digital platforms. We also understand that sometimes simple objectives can lead to measures with unintended consequences. For example, a call to restrict geo-location data could lead to a substandard version of a mapping application, leading to a young person not having information about the quickest routes to school, or a call to end online anonymity could threaten the existence of an online forum which may support teenagers looking for peer to peer or expert advice on a confidential basis.

We are also aware that children have different developmental journeys and that families have individual preferences when it comes to technology. In many cases that means ensuring a responsible standard for all, and then enabling individual users and families to personalise settings and controls to meet their own personal needs and preferences.

Google's approach to this issue is best demonstrated through Family Link, which gives parents the ability to create Google accounts for children under 13 years old and also has added support for older children. It offers parents tools to help them stay involved as their child explores online, for example, a parent can check how much their child has been using a certain app, or they can set a screentime limit for the child's Android device. Parents can also block apps from their child's Android device and approve app downloads from the Play store. With Family Link on Android parents can also:
- view apps installed each week and review their child's app activity
- schedule time limits/regular bedtime or lock their child's device
- set filters to limit mature content on Search and Google Play
- set download and purchase approvals for apps
- limit the websites their child can access on Google Chrome using website filters
- filter the apps their child can see in the Google Play store based on their rating, allow or block specific apps, and manage app permissions such as microphone access or location
- manage privacy settings for Google's collection of their child's data, such as allowing storage and use of Web and App Activity

We believe the ICO could explore working with all ISS to ensure they are aware of best practice and encourage adoption and development of age appropriate design. This could build on the work Google contributed to and developed by UKCCIS in 2015 aimed at providing best practice on child online safety for social media providers.

We believe that the question of design standards would strongly benefit from a multi-stakeholder approach, providing a holistic view on possible solutions. As the regulator, the ICO is ideally placed to act as a facilitator of such an approach, which could bring together civil society organisations, NGOs, industry and academia.

Q5E. about any additional areas, not included in the list above that you think should be the subject of a design standard.

n/a

Q6. If you would be interested in contributing to future solutions focussed work in developing the content of the Code please provide the following information. The Commissioner is particularly interested in hearing from bodies representing the views of children or parents, child development experts and trade associations representing providers of online services likely to be accessed by children, in this respect.

Name ███████████████

Email █████████████████████

Brief summary of what you think you could offer

Continued dialogue with Google