
Title: Parent Zone response to the Information Commissioner's Call for Evidence Age
Appropriate Design Code

1) Introduction

Parent Zone specialises in providing support to parents and families responding to the challenges of a digital age.

Our mission is to make the internet work for families. We reach over **5 million families** a year through our various programmes including:

www.parentinfo.org our free national newsfeed service for schools delivered in partnership with the CEOP command of the National Crime Agency. Parent Info provides information to parents on all of the issues caused or amplified by the internet. From Gambling to Self Harm, Cyberbullying to CyberCrime.

Digital Parenting magazine in partnership with Vodafone providing a physical magazine to families handed to them by the professionals they trust. This year we will be sending 2 million copies of the magazine to schools, police forces and social workers.

Parent Lounge our online space where parents complete our digital parenting programme and access our parenting experts delivering support via our Live Chat service. The lounge has over 1000 visits a day with over 50,000 parents taking our online Parenting in The Digital Age parenting programme in the last year. The programme is the only digital parenting programme available in the UK and is currently being adapted for use in Romania, India, Finland, Norway, Pakistan, Myanmar and Bangladesh funded by Telenor, the national telecoms company in Norway.



Dove Self Esteem Programme in partnership with Unilever this programme helps parents to play their part in improving girls' self-esteem.

Digital Life Skills, in partnership with Vodafone Global delivering parent sessions designed to help parents build children's digital literacy and life skills. The programme is being delivered in 9 countries including the UK.

Resilient Families Programme funded by the Home Office delivering pupil, parent and professional training on the subject of online radicalisation and extremism. The programme includes online and face to face training and has reached over 70,000 families since its launch in 2016.

Internet Legends in partnership with Google, delivering a full PSHE accredited curriculum for use in primary schools alongside internet safety assemblies in England, Scotland and Wales.

Digital Schools working with schools throughout the UK to provide a whole school digital resilience programme including online safety lessons, parent facing support and training for teachers and support staff.

Finally, we conduct research with parents, children and professionals including:

How are we doing? Research conducted with children to ask them how they think the first generation of digital parents has performed.

The Perfect Generation. Research with children and teachers to ask whether they felt social media was having an adverse impact on their mental health.

The Digital Family. An exploration of the risks and opportunities families face online.

Our response

Our response reflects the concerns parents have raised with us and covers the areas in which we have expertise. In particular we address the specific concerns parents have that we would hope the code will consider.

Background

The legal and social narratives accounting for parental rights and responsibilities over their children's internet usage and safety are complex and give rise to multiple tensions. The legally binding UNCRC, signed by the UK in 1990, does not explicitly provide a set of data protection rights for children. However, the framework of the convention positions the child's best interests to be "of paramount consideration",¹ with several articles being interpreted in line with data protection.² Article 5 requires respect for parental guidance and direction, but it does not over-ride the 'best interests of the child'. In the UK, this principle is further underlined in the Children's Act. This conflicts with the social narrative, where the parent has a strong interest in monitoring the child's use of the internet, as a means of protection. Research has found parents to play a "crucial role in nurturing online resilience in their children".³ In turn, the impact of the Age Appropriate Design Code on parents should not be disregarded. This response will highlight the main tensions around the legal and social narratives, with the aim of respecting the 'best interests of the child' whilst also accounting for the possible adverse impacts on parents.

Harmonisation between 'best interest of the child' and parental concerns

¹United Nations Convention on Rights of the Child Article 21

² [5Rights Foundation Response to the Information Commissioner's Call for Evidence Age Appropriate Design](#) p.4.

³[Parenting in the Digital Age: How are we doing?](#) p.3.



The Age Appropriate Design Code offers the possibility to address both the ‘best interests of the child’ and the role of the parent in protecting their child’s internet safety. Today, neither children nor parents have a full understanding of children’s data rights. The child “does not have the education or capacity to understand their data rights”.⁴ A lack of understanding from the adult results in them being “poorly placed to help children”⁵ and their rights. To alleviate this problem, Parent Zone recommends specialist assistance and education for both children and parents. UNICEF has found that children may be prevented from being subject to attacks if “parents and guardians are equipped to guide and assist their children in taking appropriate action to protect their online reputation”.⁶ Providing specialist assistance and knowledge to parents empowers them to educate their children about internet safety, which is one of the main concerns of parents. In addition, Parent Zone found in a recent study that over 50% of the young people they spoke to were helped by talking to their parents about issues that had arisen in an online world.⁷ Equipping parents with more knowledge and detail to communicate to their children about the dangers of the internet could help safeguard the best interests of the child. This is an area of harmonisation, where both the concerns of the parents and the best interests of the child could be accounted for in the new Code.

Tension 1 – The Joining Age

From a children’s rights legal standpoint, failure from an online service to “adhere to its own published rules”,⁸ including the joining age, should be in full breach of GDPR regulations. The online service should become responsible for safeguarding children and enforcing its own rules because children may not be capable of understanding what they are consenting to. Although this would eliminate consent-based problems, the unintended social consequences will disempower the parent. Younger children are often signed up by their parents. Holding

⁴ [5Rights Foundation Response to the Information Commissioner’s Call for Evidence Age Appropriate Design](#) p 29.

⁵ *ibid.*

⁶ [https://www.unicef.org/csr/files/UNICEF_Childrens_Online_Privacy_and_Freedom_of_Expression\(1\).pdf](https://www.unicef.org/csr/files/UNICEF_Childrens_Online_Privacy_and_Freedom_of_Expression(1).pdf) p.9

⁷ [Parenting in the Digital Age: How are we doing?](#) p 8.

⁸ [5Rights Foundation Response to the Information Commissioner’s Call for Evidence Age Appropriate Design](#) p 13.



the online service legally responsible for the joining age may prevent the parent from being able to sign up their child, weakening their role. In addition, the joining age of 13 is under the legal age of majority, meaning that when using the internet, a child becomes an adult at the age of 13, not 18. The parent might like to know the child is a member of an online service to monitor their use. UNICEF supports this, finding that because of the evolving capacity of children, “parents or guardians may in some instances be better placed than children to authorise the processing of children’s personal data”.⁹ Therefore, Parent Zone recommends that the Age Appropriate Design Code acknowledges the adverse social consequences on parents, resulting from placing the online service as the main body to safeguard the joining age. This does not serve to undermine the special protection merited by children,¹⁰ but instead highlights the role of the parent in monitoring the child’s internet safety.

Tension 2 – Geolocation

Geolocation intrudes on children’s privacy rights by tracking children when they are not online and not providing information for when exactly a child is being tracked. From the legal children rights standpoint, “geolocation must be off by default”.¹¹ It must also be obvious to the child when they are being tracked. As well as online services, parents have started to track the whereabouts of their children, with the Android App Store offering over 200 location tracking apps for parents. They empower parents to know where their child is at all time, to protect them. However, they have been criticised for negatively impacting a child’s development.¹² In addition, reports have shown that geolocation has resulted in adopted children being contacted by their birthparents, causing the adoptive parents to be “deeply distressed”.¹³ Therefore, although the impact of geolocation on children should not be

⁹ https://www.unicef.org/csr/files/UNICEF_CRB_Digital_World_Series_PRIVACY.pdf (p. 4).

¹⁰ <https://gdpr-info.eu/recitals/no-38/>

¹¹ [5Rights Foundation Response to the Information Commissioner’s Call for Evidence Age Appropriate Design](#) p 16.

¹² [EU Kids 'Parental Controls'](#)

¹³ <https://www.theguardian.com/technology/2010/may/23/birth-parents-stalk-adopted-facebook>



neglected by the code, there should be awareness of how creating barriers to geolocation may result in social outcry from parents.

Conclusion

There is no clear-cut answer to alleviate these tensions between the best-interests of the child and the role of the parent. On the one hand, a more nuanced approach to parental controls may “avoid over-controlling and over-protecting parenting”.¹⁴ On the other hand, parental controls to empower parents “to help their child safely exercise their rights online”.¹⁵ Parent Zone does not deny the importance of the best interest of the child, but instead aims to raise awareness about some of the adverse consequences on parents and their role in protecting their children. Education, including specialist advice is an area of harmonisation between the two competing interests, benefiting both the child and the parent. In contrast, joining age and geolocation are two areas of tension, where the code should be fully aware of the unintended consequences for parents and how it could disempower them.

¹⁴EU Kids 'Parental Controls' p.1.

¹⁵https://www.unicef.org/csr/files/UNICEF_CRB_Digital_World_Series_PRIVACY.pdf p.21