

# Section 1: Your views and evidence

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 Digital Childhood – addressing childhood development milestones in the Digital Environment 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 literature review of Children's online activities risks and safety.

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):

Very appropriate. These brackets also closely match the demographic buckets we apply in SuperAwesome's technology platform to enable appropriate content and data protections matched to age groups. We name these ranges as follows for ease of use:

3-5 pre-school

6-9 kid

10-12 tween

13-15 teen 1

16-17 teen 2

**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),

When it comes to processing children's personal data as part of the delivery of digital services, our view is that the starting point should always be zero data collection, irrespective of age. We would make few distinctions among children 3-12, all of whom should benefit from open and safe access to digital services without the collection of personal data.

## *Response from SuperAwesome Ltd.*

For Teen 1 (13-15) and Teen 2 (16-17), the design code should consider a progressive approach that gradually devolves responsibility for online safety from parent to child, informed by the research literature on teen's cognitive development and in particular critical thinking skills.

Furthermore, parents need to be educated on what kids should be expected to understand and cope with, giving them more autonomy as they get older, and equipping them with digital skills and citizenship along the way. Parental education therefore ought to form part of the code.

**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.

We follow the established literature on the topic, but also collect primary evidence through our PopJam social content platform for kids and tweens. Please see our **Section 5 (Responsible Design)** in our attached contribution document for examples.

## **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)

Our views are set out below, alongside references to the relevant sections in our attached contribution document.

<b>UN Convention on the Rights of the Child</b>	<b>Applicability to design standards for data processing</b>	<b>Reference in our document</b>
<b>Article 5</b> (parental guidance and a child's evolving capacities) Governments must respect the rights and responsibilities of parents and carers to provide guidance and direction to their child as they grow up, so that they fully enjoy their rights. This must be done in a way that recognises the child's increasing capacity to make their own choices.	Government should (a) promote digital media literacy among parents, and (b) make available resources to parents on best practices for empowering children to make intelligent choices when engaging online.	<i>Section 2d</i> (Parental involvement); <i>Section 5</i> (Responsible design)
<b>Article 13</b> (freedom of expression) Every child must be free to express their thoughts and opinions and to access all kinds of information, as long as it is within the law.	Data privacy protections for children should not unduly limit their ability to access digital services or information, subject to their safety.  Educational curricula should encourage critical thinking and - in particular - teach kids to find and	<i>Section 1</i> (Age verification); <i>Section 3</i> (Parental consent); <i>Section 5</i> (Responsible Design)

	<p>assess authoritative information sources.</p>	
<p><b>Article 16</b> (right to privacy) Every child has the right to privacy. The law should protect the child's private, family and home life, including protecting children from unlawful attacks that harm their reputation.</p>	<p>The right to privacy should apply equally to children's online presence and activities, including their identity, their browsing behaviour, their location, and any inferred data or profile data.</p>	<p><i>Section 2</i> (Privacy controls); <i>Section 4</i> (Monetisation &amp; Advertising); <i>Section 6</i> (Platform Privacy by Design)</p>
<p><b>Article 17</b> (access to information from the media) Every child has the right to reliable information from a variety of sources, and governments should encourage the media to provide information that children can understand. Governments must help protect children from materials that could harm them.</p>	<p>Governments should encourage investment in digital media literacy programmes for children, so they can navigate to and identify authoritative information sources. Such sources should be accessible to children (subject to safety).</p> <p>Services for children should ensure their notices are comprehensive and understandable by children and parents.</p>	<p><i>Section 1</i> (Age Verification); <i>Section 2</i> (Privacy Controls &amp; Notices)</p>
<p><b>Article 31</b> (leisure, play and culture) Every child has the right to relax, play and take part in a wide range of cultural and artistic activities.</p>	<p>Data privacy protections for children should not unduly limit their ability to access digital services, subject to their safety.</p> <p>The right to play online should be balanced against the health of the child based on empirical evidence.</p>	<p><i>Section 1</i> (Age Verification); <i>Section 5</i> (Responsible Design)</p>

### 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,

***Response from SuperAwesome Ltd.***

- 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.

Please see our attached contribution document.

**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.

Digital services embracing a child-centred design code have a critical opportunity to reverse the current wave of concerns about data privacy and to:

- Build consumer trust
- Encourage a new generation of well-rounded digital citizens
- Contribute to teaching children how to think critically

The challenges are many, but one of the most significant is ensuring the interoperability of the kids' internet with the broader internet built for adults. Government will have an important role in providing the legal framework that enables kids' digital services to enforce their data privacy protections when connecting to non-kids technology service providers.

See also *Section 4a* (Technologies and legal frameworks for publisher compliance) in our attached contribution document.

**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.

Lego Life

PopJam

CBBC Buzz

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

## ***Response from SuperAwesome Ltd.***

In the attached contribution document we have set out numerous areas that we believe should be included in any age-appropriate design standard above and beyond the areas set out above. These include:

- **Monetisation & Advertising** - how to design data privacy considerations into digital monetization for children's publishers, enabling zero-data advertising delivery and ensuring appropriate content and engagement with children.
- **Responsible design** - how to build online social communities for children that encourage positive behaviours and deliver safety at scale.
- **Platform Privacy by Design** - how to design technical infrastructure to build in data privacy and security at the infrastructure layer, such as database systems without unique identifiers for example.

**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.

[REDACTED]

[REDACTED]@superawesome.com

Brief summary of what you think you could offer

- We can provide expertise on the state of technology and operational best practices, as well as proven technical solutions, in relation to many of the key areas the Commissioner is looking at, including:
- Data minimisation strategies for any type of child-directed service
- How to monetise and how to advertise to children without profiling, including tools to enforce zero-data collection across the advertising delivery chain
- Disclosure and notices in relation to paid-for activities in all marketing channels (including social media and influencer marketing)
- Development of next-generation age verification technologies and services, including advising on industry-wide standards that can help propagate data privacy protections for children
- Best practices in implementing verified parental consent processes and parent portals to enable control over children's personal data

### **Further views and evidence**

**Q7.** Please provide any other views or evidence you have that you consider to be relevant to this call for evidence.

Please see the attached contribution document.

## Section 2: About you

**Are you:**

A body representing the views or interests of children? Please specify:	<input type="checkbox"/>
A body representing the views or interests of parents? Please specify:	<input type="checkbox"/>
A child development expert? Please specify:	<input type="checkbox"/>
A provider of ISS likely to be accessed by children? Please specify:	<input type="checkbox"/>
A trade association representing ISS providers? Please specify:	<input type="checkbox"/>
An ICO employee?	<input type="checkbox"/>
Other? Please specify: Developer of technology and tools to safe engagement with children online.	<input checked="" type="checkbox"/>