



Information Commissioner's Office

Consultation: Age appropriate design code

Introduction

The Information Commissioner is seeking feedback on her draft code of practice Age appropriate design: a code of practice for online services likely to be accessed by children (the code).

The code will provide guidance on the design standards that the Commissioner will expect providers of online 'Information Society Services' (ISS), which process personal data and are likely to be accessed by children, to meet.

The code is now out for public consultation and will remain open until 31 May 2019. The Information Commissioner welcomes feedback on the specific questions set out below.

For this consultation, we will publish all responses except for those where the respondent indicates that they are an individual acting in a private capacity (e.g. a member of the public or a parent). All responses from organisations and individuals responding in a professional capacity (e.g. academics, child development experts, sole traders, child minders, education professionals) will be published. We will remove email addresses and telephone numbers from these responses but apart from this, we will publish them in full.

For more information about what we do with personal data please see our privacy notice.

Please note, we are using the platform Snap Surveys to gather this information. Any data collected by Snap Surveys for ICO is stored on UK servers. You can read their Privacy Policy [here](#).

Section 1: Your views on the code

Is the 'About this code' section clearly communicated?

Q1 Yes

No

If no, then please provide your reasons for this view.

Q1a

Is the 'Services covered by this code' section clearly communicated?

Q2 Yes

No

If no, then please provide your reasons for this view.

Q2a

Section 2: Your views on the draft standards

There are 16 draft standards in the code. You can comment on all the drafts standards, or focus on a single standard. If you do not want to answer questions on a standard please press skip.

The standards are:

- 1) Best interests of the child
- 2) Age Appropriate Application
- 3) Transparency
- 4) Detrimental use of data
- 5) Policies and community standards
- 6) Default settings
- 7) Data minimisation
- 8) Data sharing
- 9) Geolocation
- 10) Parental Controls
- 11) Profiling
- 12) Nudge techniques
- 13) Connected toys and devices
- 14) Online tools
- 15) Data protection impact assessments
- 16) Governance and accountability

Best interests of the child: The best interests of the child should be a primary consideration when you design and develop online services likely to be accessed by a child.

Q3 I would like to comment on this standard

Skip

Have we communicated our expectations for this standard clearly?

Q4 Yes

No

If no, then please give reasons for your answer.

Q4a

Do you have any examples that you think could be used to illustrate the approach we are advocating to this standard?

Q5 Yes

No

If yes, then please give reasons for your answer.

Q5a

Do you think this standard gives rise to any unwarranted or unintended consequences?

Q6 Yes

No

If yes, then please give reasons for your answer.

Q6a

Do you envisage any feasibility challenges to online services delivering this standard?

Q7 Yes

No

If yes, then please provide details of what you think the challenges are and how you think they could be overcome?

Q7a

Do you think this standard requires a transition period of any longer than 3 months after the code comes into force?

Q8 Yes

No

If yes, then please provide your reasons for this view, and give an indication of what you think a reasonable transition period would be and why.

Q8a

Do you know of any online resources that you think could be usefully linked to from this section of the code?

Q9 Yes

No

If yes, then please provide details (including links).

Q9a

Age-appropriate application: Consider the age range of your audience and the needs of children of different ages. Apply the standards in this code to all users, unless you have robust age-verification mechanisms to distinguish adults from children.

- Q10 I would like to comment on this standard
 Skip

Have we communicated our expectations for this standard clearly?

- Q11 Yes
 No

If no, then please give reasons for your answer.

Q11a

Do you have any examples that you think could be used to illustrate the approach we are advocating to this standard?

- Q12 Yes
 No

If yes, then please give reasons for your answer.

Q12a

Do you think this standard gives rise to any unwarranted or unintended consequences?

- Q13 Yes
 No

If yes, then please give reasons for your answer.

- Q13a The code should provide greater clarity as to obligations of Data Controllers when dealing with those under 18 who are recognised under UK law as capable of entering into legally binding contracts. For insurance companies, individuals aged 17 and over are able to apply and take out motor insurance policies, with motor insurance required by law. Where data controllers are required already under GDPR to provide clear and transparent information, it is difficult to understand what additional requirements would need to be provided on websites or over the phone to distinguish between 17 year olds and over 18s, particularly when FCA requirements already require information to be clearly provided to customers. The proposed code of practice should specifically carve out obligations that go beyond GDPR requirements, where 17 year olds can enter into legally binding contracts. Clarification should also be provided in respect to obligations concerning the provision of direct marketing to those individuals, where current existing marketing preference wordings will not differentiate between 17 year olds and adults over 18. For example, it would appear unreasonable for Controllers to identify 17 years olds and treat them differently given

Do you envisage any feasibility challenges to online services delivering this standard?

- Q14 Yes
 No

If yes, then please provide details of what you think the challenges are and how you think they could be overcome?

- Q14a There is a potential for disruption to be caused to design of insurance websites. There does not appear to be an immediate need to make changes specifically to cater for 17 year olds. Insurers already have FCA obligations to be clear and not mislead customers, as well as delivering fair processing and transparency under GDPR.

Do you think this standard requires a transition period of any longer than 3 months after the code comes into force?

- Q15 Yes
 No

If yes, then please provide your reasons for this view, and give an indication of what you think a reasonable transition period would be and why.

- Q15a 3 months is not long enough to mobilise change resources and budget to make changes particularly in the online digital space. Changes would need to be scoped; transparent wording agreed; change built and tested.

Do you know of any online resources that you think could be usefully linked to from this section of the code?

- Q16 Yes
 No

If yes, then please provide details (including links).

Q16a

Transparency: The privacy information you provide to users, and other published terms, policies and community standards, must be concise, prominent and in clear language suited to the age of the child. Provide additional specific 'bite-sized' explanations about how you use personal data at the point that use is activated.

- Q17 I would like to respond to this standard
 Skip

Have we communicated our expectations for this standard clearly?

- Q18 Yes
 No

If no, then please give reasons for your answer.

Q18a

Do you have any examples that you think could be used to illustrate the approach we are advocating to this standard?

- Q19 Yes
 No

If yes, then please give reasons for your answer.

Q19a

Do you think this standard gives rise to any unwarranted or unintended consequences?

- Q20 Yes
 No

If yes, then please give reasons for your answer.

- Q20a As described above, where an over 17 year old is capable of entering into a legally binding contract, it would appear unnecessary to require that website owner to have enhanced transparency requirements above those already clearly established in the GDPR. The Government has deemed that a 17 year old is mentally capable of making a legally binding decision (entering into a contract for motor insurance), and as such the wording used for adults should be deemed necessary to fulfil transparency requirements.

Do you envisage any feasibility challenges to online services delivering this standard?

- Q21 Yes
 No

If yes, then please provide details of what you think the challenges are and how you think they could be overcome?

- Q21a There is a potential for disruption to be caused to design of insurance websites. There does not appear to be an immediate need to make changes specifically to cater for 17 year olds. Insurers already have FCA obligations to be clear and not mislead customers, as well as delivering fair processing and transparency under GDPR.

Do you think this standard requires a transition period of any longer than 3 months after the code comes into force?

- Q22 Yes
 No

If yes, then please provide your reasons for this view, and give an indication of what you think a reasonable transition period would be and why.

- Q22a 3 months is not long enough to mobilise change resources and budget to make changes particularly in the online digital space. Changes would need to be scoped; transparent wording agreed; change built and tested.

Do you know of any online resources that you think could be usefully linked to from this section of the code?

- Q23 Yes
 No

If yes, then please provide details (including links).

Q23a

Detrimental use of data: Do not use children's personal data in ways that have been shown to be detrimental to their wellbeing, or that go against industry codes of practice, other regulatory provisions or Government advice.

- Q24 I would like to respond to this standard
 Skip

Have we communicated our expectations for this standard clearly?

- Q25 Yes
 No

If no, then please give reasons for your answer.

Q25a

Do you have any examples that you think could be used to illustrate the approach we are advocating to this standard?

- Q26 Yes
 No

If yes, then please give reasons for your answer.

Q26a

Do you think this standard gives rise to any unwarranted or unintended consequences?

- Q27 Yes
 No

If yes, then please give reasons for your answer.

Q27a

Do you envisage any feasibility challenges to online services delivering this standard?

- Q28 Yes
 No

If yes, then please provide details of what you think the challenges are and how you think they could be overcome?

Q28a

Do you think this standard requires a transition period of any longer than 3 months after the code comes into force?

- Q29 Yes
 No

If yes, then please provide your reasons for this view, and give an indication of what you think a reasonable transition period would be and why.

Q29a

Do you know of any online resources that you think could be usefully linked to from this section of the code?

- Q30 Yes
 No

If yes, then please provide details (including links).

Q30a

Policies and community standards: Uphold your own published terms, policies and community standards (including but not limited to privacy policies, age restriction, behaviour rules and content policies).

- Q31 I would like to respond to this standard
 Skip

Have we communicated our expectations for this standard clearly?

- Q32 Yes
 No

If no, then please give reasons for your answer.

Q32a

Do you have any examples that you think could be used to illustrate the approach we are advocating to this standard?

- Q33 Yes
 No

If yes, then please give reasons for your answer.

Q33a

Do you think this standard gives rise to any unwarranted or unintended consequences?

- Q34 Yes
 No

If yes, then please give reasons for your answer.

Q34a

Do you envisage any feasibility challenges to online services delivering this standard?

- Q35 Yes
 No

If yes, then please provide details of what you think the challenges are and how you think they could be overcome?

Q35a

Do you think this standard requires a transition period of any longer than 3 months after the code comes into force?

- Q36 Yes
 No

If yes, then please provide your reasons for this view, and give an indication of what you think a reasonable transition period would be and why.

Q36a

Do you know of any online resources that you think could be usefully linked to from this section of the code?

- Q37 Yes
 No

If yes, then please provide details (including links).

Q37a

Default settings: Settings must be 'high privacy' by default (unless you can demonstrate a compelling reason for a different default setting, taking account of the best interests of the child).

- Q38 I would like to respond to this standard
 Skip

Have we communicated our expectations for this standard clearly?

Q39 Yes

No

If no, then please give reasons for your answer.

Q39a

Do you have any examples that you think could be used to illustrate the approach we are advocating to this standard?

Q40 Yes

No

If yes, then please give reasons for your answer.

Q40a

Do you think this standard gives rise to any unwarranted or unintended consequences?

Q41 Yes

No

If yes, then please give reasons for your answer.

Q41a

Do you envisage any feasibility challenges to online services delivering this standard?

Q42 Yes

No

If yes, then please provide details of what you think the challenges are and how you think they could be overcome?

Q42a

Do you think this standard requires a transition period of any longer than 3 months after the code comes into force?

Q43 Yes

No

If yes, then please provide your reasons for this view, and give an indication of what you think a reasonable transition period would be and why.

Q43a

Do you know of any online resources that you think could be usefully linked to from this section of the code?

Q44 Yes

No

If yes, then please provide details (including links).

Q44a

Data minimisation: Collect and retain only the minimum amount of personal data you need to provide the elements of your service in which a child is actively and knowingly engaged. Give children separate choices over which elements they wish to activate.

- Q45 I would like to respond to this standard
 Skip

Have we communicated our expectations for this standard clearly?

- Q46 Yes
 No

If no, then please give reasons for your answer.

Q46a

Do you have any examples that you think could be used to illustrate the approach we are advocating to this standard?

- Q47 Yes
 No

If yes, then please give reasons for your answer.

Q47a

Do you think this standard gives rise to any unwarranted or unintended consequences?

- Q48 Yes
 No

If yes, then please give reasons for your answer.

Q48a

Do you envisage any feasibility challenges to online services delivering this standard?

- Q49 Yes
 No

If yes, then please provide details of what you think the challenges are and how you think they could be overcome?

Q49a

Do you think this standard requires a transition period of any longer than 3 months after the code comes into force?

- Q50 Yes
 No

If yes, then please provide your reasons for this view, and give an indication of what you think a reasonable transition period would be and why.

Q50a

Do you know of any online resources that you think could be usefully linked to from this section of the code?

- Q51 Yes
 No

If yes, then please provide details (including links).

Q51a

Data sharing: Do not disclose children's data unless you can demonstrate a compelling reason to do so, taking account of the best interests of the child.

- Q52 I would like to respond to this standard
 Skip

Have we communicated our expectations for this standard clearly?

- Q53 Yes
 No

If no, then please give reasons for your answer.

Q53a

Do you have any examples that you think could be used to illustrate the approach we are advocating to this standard?

- Q54 Yes
 No

If yes, then please give reasons for your answer.

Q54a

Do you think this standard gives rise to any unwarranted or unintended consequences?

- Q55 Yes
 No

If yes, then please give reasons for your answer.

Q55a

Do you envisage any feasibility challenges to online services delivering this standard?

- Q56 Yes
 No

If yes, then please provide details of what you think the challenges are and how you think they could be overcome?

Q56a

Do you think this standard requires a transition period of any longer than 3 months after the code comes into force?

- Q57 Yes
 No

If yes, then please provide your reasons for this view, and give an indication of what you think a reasonable transition period would be and why.

Q57a

Do you know of any online resources that you think could be usefully linked to from this section of the code?

- Q58 Yes
 No

If yes, then please provide details (including links).

Q58a

Geolocation: Switch geolocation options off by default (unless you can demonstrate a compelling reason for geolocation, taking account of the best interests of the child), and provide an obvious sign for children when location tracking is active. Options which make a child's location visible to others must default back to off at the end of each session.

- Q59 I would like to respond to this standard
 Skip

Have we communicated our expectations for this standard clearly?

- Q60 Yes
 No

If no, then please give reasons for your answer.

Q60a

Do you have any examples that you think could be used to illustrate the approach we are advocating to this standard?

- Q61 Yes
 No

If yes, then please give reasons for your answer.

Q61a

Do you think this standard gives rise to any unwarranted or unintended consequences?

- Q62 Yes
 No

If yes, then please give reasons for your answer.

- Q62a Individuals over 17 can legally buy and enter into a contract for motor insurance. As high risk individuals, insurance premiums are usually higher than more experienced drivers to cater for this risk. The insurance industry has introduced telematics policies to enable insurers to calculate the risk posed by young drivers based on their driving style. Young drivers benefit enormously from such products, but location data will need to be collected to facilitate the telematics scheme.

Do you envisage any feasibility challenges to online services delivering this standard?

- Q63 Yes
 No

If yes, then please provide details of what you think the challenges are and how you think they could be overcome?

Q63a

Do you think this standard requires a transition period of any longer than 3 months after the code comes into force?

- Q64 Yes
 No

If yes, then please provide your reasons for this view, and give an indication of what you think a reasonable transition period would be and why.

Q64a

Do you know of any online resources that you think could be usefully linked to from this section of the code?

- Q65 Yes
 No

If yes, then please provide details (including links).

Q65a

Parental controls: If you provide parental controls give the child age appropriate information about this. If your online service allows a parent or carer to monitor their child's online activity or track their location, provide an obvious sign to the child when they are being monitored.

- Q66 I would like to respond to this standard
 Skip

Have we communicated our expectations for this standard clearly?

- Q67 Yes
 No

If no, then please give reasons for your answer.

Q67a

Do you have any examples that you think could be used to illustrate the approach we are advocating to this standard?

- Q68 Yes
 No

If yes, then please give reasons for your answer.

Q68a

Do you think this standard gives rise to any unwarranted or unintended consequences?

- Q69 Yes
 No

If yes, then please give reasons for your answer.

Q69a

Do you envisage any feasibility challenges to online services delivering this standard?

- Q70 Yes
 No

If yes, then please provide details of what you think the challenges are and how you think they could be overcome?

Q70a

Do you think this standard requires a transition period of any longer than 3 months after the code comes into force?

- Q71 Yes
 No

If yes, then please provide your reasons for this view, and give an indication of what you think a reasonable transition period would be and why.

Q71a

Do you know of any online resources that you think could be usefully linked to from this section of the code?

- Q72 Yes
 No

If yes, then please provide details (including links).

Q72a

Profiling: Switch options which use profiling off by default (unless you can demonstrate a compelling reason for profiling, taking account of the best interests of the child). Only allow profiling if you have appropriate measures in place to protect the child from any harmful effects (in particular, being fed content that is detrimental to their health or wellbeing).

- Q73 I would like to respond to this standard
 Skip

Have we communicated our expectations for this standard clearly?

- Q74 Yes
 No

If no, then please give reasons for your answer.

Q74a

Do you have any examples that you think could be used to illustrate the approach we are advocating to this standard?

- Q75 Yes
 No

If yes, then please give reasons for your answer.

Q75a

Do you think this standard gives rise to any unwarranted or unintended consequences?

- Q76 Yes
 No

If yes, then please give reasons for your answer.

- Q76a Motor insurance contracts will require profiling to be conducted and an automated decision to generate insurance premiums. It will be incredibly difficult to distinguish 17 year olds from our standard pricing and underwriting process. Such profiling is necessary to enter into and perform a contract of insurance.

Do you envisage any feasibility challenges to online services delivering this standard?

- Q77 Yes
 No

If yes, then please provide details of what you think the challenges are and how you think they could be overcome?

Q77a

Do you think this standard requires a transition period of any longer than 3 months after the code comes into force?

- Q78 Yes
 No

If yes, then please provide your reasons for this view, and give an indication of what you think a reasonable transition period would be and why.

Q78a

Do you know of any online resources that you think could be usefully linked to from this section of the code?

- Q79 Yes
 No

If yes, then please provide details (including links).

Q79a

Nudge techniques: Do not use nudge techniques to lead or encourage children to provide unnecessary personal data, weaken or turn off privacy protections, or extend use.

- Q80 I would like to respond to this standard
 Skip

Have we communicated our expectations for this standard clearly?

- Q81 Yes
 No

If no, then please give reasons for your answer.

Q81a

Do you have any examples that you think could be used to illustrate the approach we are advocating to this standard?

- Q82 Yes
 No

If yes, then please give reasons for your answer.

Q82a

Do you think this standard gives rise to any unwarranted or unintended consequences?

- Q83 Yes
 No

If yes, then please give reasons for your answer.

Q83a

Do you envisage any feasibility challenges to online services delivering this standard?

- Q84 Yes
 No

If yes, then please provide details of what you think the challenges are and how you think they could be overcome?

Q84a

Do you think this standard requires a transition period of any longer than 3 months after the code comes into force?

- Q85 Yes
 No

If yes, then please provide your reasons for this view, and give an indication of what you think a reasonable transition period would be and why.

Q85a

Do you know of any online resources that you think could be usefully linked to from this section of the code?

- Q86 Yes
 No

If yes, then please provide details (including links).

Q86a

Connected toys and devices: If you provide a connected toy or device ensure you include effective tools to enable compliance with this code

- Q87 I would like to respond to this standard
 Skip

Have we communicated our expectations for this standard clearly?

- Q88 Yes
 No

If no, then please give reasons for your answer.

Q88a

Do you have any examples that you think could be used to illustrate the approach we are advocating to this standard?

- Q89 Yes
 No

If yes, then please give reasons for your answer.

Q89a

Do you think this standard gives rise to any unwarranted or unintended consequences?

- Q90 Yes
 No

If yes, then please give reasons for your answer.

Q90a

Do you envisage any feasibility challenges to online services delivering this standard?

- Q91 Yes
 No

If yes, then please provide details of what you think the challenges are and how you think they could be overcome?

Q91a

Do you think this standard requires a transition period of any longer than 3 months after the code comes into force?

- Q92 Yes
 No

If yes, then please provide your reasons for this view, and give an indication of what you think a reasonable transition period would be and why.

Q92a

Do you know of any online resources that you think could be usefully linked to from this section of the code?

- Q93 Yes
 No

If yes, then please provide details (including links).

Q93a

Data protection impact assessments: Undertake a DPIA specifically to assess and mitigate risks to children who are likely to access your service, taking into account differing ages, capacities and development needs. Ensure that your DPIA builds in compliance with this code.

- Q94 I would like to respond to this standard
 Skip

Have we communicated our expectations for this standard clearly?

- Q95 Yes
 No

If no, then please give reasons for your answer.

Q95a

Do you have any examples that you think could be used to illustrate the approach we are advocating to this standard?

- Q96 Yes
 No

If yes, then please give reasons for your answer.

Q96a

Do you think this standard gives rise to any unwarranted or unintended consequences?

- Q97 Yes
 No

If yes, then please give reasons for your answer.

- Q97a If a 17 year old is treated the same as an 18 year old under law in respect to their ability to enter into a contract for motor insurance, then there does not appear to be a compelling need to complete a DPIA solely to cover the issuing of a motor policy to 17 year olds. The existing GDPR provisions and ICO guidance on high risk DPIAs already provide sufficient protection to data subjects.

Do you envisage any feasibility challenges to online services delivering this standard?

- Q98 Yes
 No

If yes, then please provide details of what you think the challenges are and how you think they could be overcome?

Q98a

Do you think this standard requires a transition period of any longer than 3 months after the code comes into force?

- Q99 Yes
 No

If yes, then please provide your reasons for this view, and give an indication of what you think a reasonable transition period would be and why.

Q99a

Do you know of any online resources that you think could be usefully linked to from this section of the code?

- Q100 Yes
 No

Q100 If yes, then please provide details (including links).

a

Governance and accountability: Ensure you have policies and procedures in place which demonstrate how you comply with data protection obligations, including data protection training for all staff involved in the design and development of online services likely to be accessed by children. Ensure that your policies, procedures and terms of service demonstrate compliance with the provisions of this code

- Q101 I would like to respond to this standard
 Skip

Have we communicated our expectations for this standard clearly?

- Q102 Yes
 No

Q102 If no, then please give reasons for your answer.

a

Do you have any examples that you think could be used to illustrate the approach we are advocating to this standard?

Q103 Yes

No

Q103 If yes, then please give reasons for your answer.

a

Do you think this standard gives rise to any unwarranted or unintended consequences?

Q104 Yes

No

Q104 If yes, then please give reasons for your answer.

a

Do you envisage any feasibility challenges to online services delivering this standard?

Q105 Yes

No

If yes, then please provide details of what you think the challenges are and how you think they could be overcome?

Q105

a

Do you think this standard requires a transition period of any longer than 3 months after the code comes into force?

Q106 Yes

No

If yes, then please provide your reasons for this view, and give an indication of what you think a reasonable transition period would be and why.

Q106

a

Do you know of any online resources that you think could be usefully linked to from this section of the code?

Q107 Yes

No

Q107 If yes, then please provide details (including links).

a

Section 3: Your views on the code sections

Is the '**Enforcement of this code**' section of the code clearly communicated?

Q108 Yes

No

If no, then please provide your reasons for this view.

Q108

a

Is the '**Glossary**' section of the code clearly communicated?

Q109 Yes

No

Q109 If no, then please provide your reasons for this view.

a

Are there any key terms missing from the '**Glossary**'?

Q110 Yes

No

Q110 If yes, then please provide your reasons for this view.

a

Is the '**Annex A: Age and developmental stages**' section of the code clearly communicated?

Q111 Yes

No

Q111 If no, then please provide your reasons for this view.

a

Is there any information that you think needs to be changed in the **Annex A: Age and developmental stages'** section of the code?

- Q112 Yes
 No

If yes, then please provide your reasons for this view.

- Q112 It will be important to include a distinction for 17 year olds who can enter into legally binding contracts in order to limit the application of the code to this scenario.
a Adequate protection is already in place for 17 year old motor insurance customers.

Do you know of any online resources that could be usefully linked to the **'Annex A: Age and developmental stages'** section of the code?

- Q113 Yes
 No

- Q113 If yes, then please provide details (including links).
a

Is the **'Annex B: Lawful basis for processing'** section of the code clearly communicated?

- Q114 Yes
 No

- Q114 If no, then please provide your reasons for this view.
a

Is the **'Annex C: Data Protection Impact Assessment'** section of the code clearly communicated?

- Q115 Yes
 No

- Q115 If no, then please provide your reasons for this view.
a

Do you think any issues raised by the code would benefit from further (post publication) work, research or innovation?

Q116 Yes

No

Q116 If yes, then please provide your reasons for this view.

a

Section 4: About you

Are you answering as:

Q117 A body representing the views or interests of children

A body representing the views or interests of parents

A child development expert

An academic

An individual acting in another professional capacity

A provider of an ISS likely to be accessed by children

A trade association representing ISS providers

An individual acting in a private capacity (e.g. someone providing their views as a member of the public or a parent)?

An ICO employee

Other

Q117 Please specify:

a

Q117 Please specify:

b

Please state your name or if you're answering on behalf of an organisation, your organisation's name.

Q118 Direct Line Group - please note as an insurer we do not target children; however, 17 year olds can purchase motor insurance online

Thank you for responding to this consultation
We value your input.