

Summary of code standards

This code contains practical guidance on 16 standards of age-appropriate design for information society services likely to be accessed by children:

1. 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.

Not Applicable to dating services. Dating services are not designed or developed for children or likely to be accessed and used by children.

2. 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.

Not applicable to dating services. Under 18s are excluded from dating services on a voluntary industry basis. Accordingly, there are no sub-categories of age ranges for children.

3. 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.

Children are prohibited from using dating services. This is set out in operator privacy policies and in their terms and conditions of use. Operators seek, in any event, to ensure this information is presented in a clear and concise way.

The prohibition on use is supported by tools that flag any under-age registrants at the point all users are asked for an age declaration. This does not imply under 18s find dating sites "attractive". Our analysis shows this is not the case. The age declaration, monitoring and reporting is there to protect all users and gives further assurance any child that seeks to access a service is likely to be flagged and removed.

4. 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.

Not applicable to dating services. Children are not accepted on dating services. No personal data is, therefore, collected for use.

5. 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).

The issues with safety of all users is addressed in the guidance/standards published by the ODA and reflected in operator practice. This addresses the conduct of adults using these services. The standard refers also to checks to ensure the 18+ industry policy is assured:

<https://www.onlinedatingassociation.org.uk/standards-guidance/user-safety-protection.html>.

The ODA package of standards also includes the guidance on marketing and privacy produced jointly by the ICO and Competition and Markets Authority:

<https://www.onlinedatingassociation.org.uk/standards-guidance/protecting-data-privacy.html>

A review by a leading operator confirmed that considerably less than one per cent of the profiles blocked or removed related to activity by someone under 18. The majority of interventions related to attempts to post fake profiles as an attempt to defraud.

6. 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).

Not applicable to dating services. This is a reference to settings options offered by social media providers. Dating sites are different from social media services. They exist to facilitate a one-to-one conversation/meeting between users with this wish. Aside from the personal profile daters are invited to post the subsequent messaging in private and one-to-one. Services do, however, give adult users guidance and tips on maintaining a degree of privacy in terms of the profile name used and the personal information they should or should not include in the profile.

7. 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.

Not applicable to dating services. Dating services do not accept under 18s. They cannot be actively or knowingly engaged.

8. 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.

Not applicable to dating services. See above – dating services do not accept children and will not have data to disclose.

9. 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.

Not really applicable to dating services. See above. Dating services used by adults may have a location-based element to allow people to meet in real time. Children are not accepted on dating services so notice of tracking is not applicable. Nor is any mechanic for making a child's location visible.

10. 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.

Not applicable to dating services. There are no conditions when child access is acceptable, so issues of parental controls are not relevant.

11. 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).

The only "profiling" on a dating service is to present adult users with possible dates/introductions of people with some commonalities: by location, age, faith, social interests etc. Children are not accepted on dating services so the issue of relevance or acceptability of the content "fed" to them is irrelevant. The language in this and other questions makes clear how far the proposed Code and

safeguards are tied to activity on social media platforms and their very low relevance to other services designed for an adult audience and of little or no interest to children.

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

Not applicable to dating services. See above. No dating services accepts children so there is no “nudging”

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

Not applicable to dating services.

14. Online tools: Provide prominent and accessible tools to help children exercise their data protection rights and report concerns.

Not applicable as dating services are not offered to children and there are arrangements in place to flag and deter any child that does try to access such services.

15. 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.

Dating services collect and manage personal data. They appreciate the responsibilities that comes with this function. The ODA Code published in 2014 and the expanded ODA Guidance issued in September 2018 provides assistance and signposting to ICO material.

Dating services are not open to those under 18. There is no basis, therefore, for assessments to address the different ages and capabilities of those under this age.

16. 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.

This is not applicable insofar as it relates to services likely to be accessed by children. The content is not explicit, and the services offer no means of seeing, creating or sharing any content beyond a personal profile. Most services have a “paid for” element, most probably at the point where users see someone of interest and want to make contact. Subscriptions generally involve credit or debit card payments. Even without this barrier, there is no evidence children find dating services interesting and attempt to secure access. Largely as a precautionary measure, services have age declarations, cross-check arrangements with social media platforms, profile checks and user reporting arrangements to ensure this remains the case.