PSHE Association response to the the draft Age Appropriate Design Code

About us:

- Personal, social, health and economic (PSHE) education is a school subject in England that supports pupils to be healthy, safe and prepared for modern life. The PSHE education curriculum covers a range of pressing issues facing children and young people today, including those relating to relationships, mental and physical health, staying safe and aware online and offline, financial literacy and careers.
- The PSHE Association is the national body for PSHE education. A charity and membership organisation, the Association works to improve PSHE education standards by supporting a national network of teachers and schools with advice, training and support. Find out more at www.pshe-association.org.uk

General comments

Given the nature of our work as an education body we think it best to reply more generally than the standard form allows – given we are not qualified to comment on all aspects.

However, we have a deep interest in ensuring the digital environment is a safe and healthy place for young people, and in this regard we welcome the draft code as a big step towards improving young people's experience of technology.

In general, we strongly welcome the code's intent, and that it will help ensure the digital environment is better suited to the rights and needs of children by default, including:

- Emphasis throughout on the 'best interests of the child'
- A high bar of privacy by default, concerning both data that is explicitly collected and processed (e.g. geolocation, personal details) and inferred data acquired from behaviour online.
- Age-appropriate application – and that code must apply to all users of services likely to be accessed by children (but where it isn't clear which users are children
- Limitations on technology that profiles children and young people for advertising and marketing purposes.
- Limiting the designed addictive capabilities of technologies accessible by children and young people.
- Restricting the use of 'nudge' techniques and 'addictive capabilities' is a very welcome inclusion.
- Emphasis on transparency of privacy information
- That it strikes a good balance between children's and parents' rights when it comes to parental controls.

Given its importance, we would urge the ICO to finalise the Code and lay it before Parliament as soon as possible.

Recommendations:

Profiling:

- the inclusion of default 'off' settings for profiling is welcome, but this point should go further in ruling out the profiling of children in unnecessary detail, for unclear or unnecessary purposes, without regard for their best interests.
- The code should more strongly state that children should not be profiled unless it is essential to the service; in the child's best interest; and, measures are in place to protect the child from harmful effects.
- The code should be clear that online services can no profile children for the purpose of targeted advertising or marketing, unless there is a compelling reason, and again the children's best interest must be taken into account.
- Data inferred from a child's actions or behaviours should be classified as personal data and therefore subject to the Code.
- Children's data should never be used to highlight or recommend content potentially detrimental to their health or wellbeing.

Geolocation settings

- We welcome the recommendation on restricting geolocation data, including 'off' by default unless 'compelling reasons' are demonstration – though these should be outlined. Also that it should be obvious to users when geolocation is active.
- The Code should also prevent online services from collecting a child's geolocation data from other services.

Transparency and standardisation:

- Emphasis on transparency and clarity of privacy messaging is welcome but it would be good to include some suggestion of possible standardisation when it comes to privacy messaging and terms & conditions. This would be beneficial from an education perspective (i) at the point and time of the action taking place, and (ii) making topics such as data privacy settings more 'teachable' in schools.
- The Code should be more specific about what information online services must be transparent about.
- There should be more consideration of what the implications are for children with special educational needs or disabilities.

Data minimisation & sharing

- The code admirably stresses data collection, but there should be more focus on *processing* of data too, and limiting the purpose of data collection.
- The Code should require online services to be fully transparent about who they are sharing children's data with (and why) and require that they give ample and obvious opportunities for a child to opt out.
- The Code should stress that any sharing must be in the child's best interests.

- Also more emphasis on importance of collecting or processing children's data passively (e.g. via connected home hubs or speakers).

General

- The code is admirable in the range of services and devices it refers to, but should perhaps be more 'catch-all' considering the range of connected devices (such as connected Bluetooth speakers/digital assistants) that use audio or other means of communication than visual and screen-based interfaces.
- Online gaming should be more explicitly referenced given its prevalence and (not always obvious) opportunities for data collection and sharing.
- There should perhaps be more emphasis throughout on rights than harms.
- There is emphasis on platforms/services that children 'have access' to, but there should be more emphasis on the way children are 'accessed by' such platforms/services unknowingly or unwillingly.