Information Commissioner's Office

Consultation:

Age Appropriate Design code

Start date:15 April 2019

End date: 31 May 2019

ico.
Information Commissioner's Office

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.

Please send us your comments by 31 May 2019.

Download this document and email to:
ageappropriatedesign@ico.org.uk

Print off this document and post to:
Age Appropriate Design code consultation
Policy Engagement Department
Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire SK9 5AF

If you would like further information on the consultation please telephone 0303 123 1113 and ask to speak to the Policy Engagement Department about the Age Appropriate Design code or email ageappropriatedesign@ico.org.uk

Privacy statement

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.

Section 1: Your views

Q1. Is the '**About this code'** section of the code clearly communicated?

No
If NO, then please provide your reasons for this view.

Whilst the 'About this code' section is well-written and readily readable, when considered in relation to our sector: educational establishments in the UK, it would be beneficial to provide further details on the relevance of the term ISS when applied to an educational (specifically school) setting. With the wide variation in establishments and a continued lack of clarity around the roles and reponsibilities between educational establishments as data controllers and providers of ISS as data processors this additional detail would further help educational establishments more adequately understand their position.

Q2. Is the '**Services covered by this code'** section of the code clearly communicated?

No
 If NO, then please provide your reasons for this view.

Similarly to above, it may be that between these two sections further clarification can be provided for any sector making use of ISS and proving these to their clients. The term ISS is not well-known beyond

DP specialists, further work to exemplify what is/is not an ISS within this section would further help organisations identify if they are indeed a provider. Perhaps a simple table with some examples of ISS/Not ISS would be appropriate?

By way of further example - 'Likely to be accessed by children' - clearly many educational establishments provide services that are, indeed, accessed by children, such as maths apps and websites where children learn through gaming. These are an ISS, but as ICO guidance (https://ico.org.uk/for-organisations/guide-to-data-protection/guide-to-the-general-data-protection-regulation-gdpr/children-and-the-gdpr/what-are-the-rules-about-an-iss-and-consent/) states "If an ISS is only offered through an intermediary, such as a school, then it is not offered 'directly' to a child", meaning that the school is not the ISS provider. This section provides a further opportunity to clarify this for the benefit of our sector.

The third paragraph of the 'Does it apply to services based outside the UK?' reads in a slightly misleading way and appears to contradict some of the statements made in paragraphs 1 and 2.

Standards of age-appropriate design

Please provide your views on the sections of the code covering each of the 16 draft standards

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.

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.

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.

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.

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).

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).

7. Data minimisation: Collect and retain only the minimum amount of personal data necessary 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.

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.

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.

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.

11. Profiling: Switch options based on 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).

12. 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.

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

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

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.

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

Q3. Have we communicated our expectations for this standard clearly?

1. **Best interests of the child**
No   The expectations for this standard are communicated clearly, but there would be great advantages in providing more practical guidance to industry on how to address this principle. Such examples are given elsewhere in the Code, and it would be valuable to include some here to help guide industry. Internet industry may face challenges establishing the best interests of the child at the point of designing new features for

existing software, updates or designing new programs, because this requirement will indicate a new framework within which to work, that implies consulting with children and young people, taking their views into account and balancing their needs with other business needs.

Under section 15, Data Protection Impact Assessments, the Code suggests ways of addressing this need including, for example, consultation with young people, which could be referred to here. Case studies and examples from industry, civil society or other organisations would help to contextualise this, and the Code could also point to opportunities for working in partnership with civil society in order to help meet the standard.

2. Age-appropriate application

No

 In sections 6 and 13 of the Code, there is relevant information about shared devices, smart toys and non-screen internet enabled tech. Section 2 of the Code could provide extra clarity by including references to these sections, and to the age-appropriate application needed to meet the standard as regards shared devices e.g. smart speakers.

3. Transparency

No

 The need to be concise and clear to cater for the needs of younger users when communicating about community standards is really important, and the guide makes this very practical. However, the Code currently makes no mention of children who may have specific needs in relation to the transparency of published terms, for instance children who are visually impaired, for instance, or who have special educational needs or disabilities. The Code should outline its expectation that online services consider those children with specific needs in relation to transparency.

4. Detrimental use of data

No

 The communication about the Standard is clear but could provide more context and clarity here by additionally providing a few case studies or examples to illustrate what it means by processing data in obviously detrimental ways.

5. Policies and community standards

No

The communication of the standard is mostly clear, but it would help to provide examples in relation to the point on age restriction – is it possible to add some examples as to the types of systems in place that could be applied here? The text could also refer back to section 2 of the Code and could help provide extra clarity for online services to put in the most appropriate age identifying measures in order to uphold their own age restriction policies. Listing Policies and Community Standards as a relevant area to consider under section 2 of the code, alongside the other areas on p.26 could also provide further clarity.

6. Default settings

Yes

We agree that this section is communicated clearly. If there is scope to provide examples of what a 'compelling reason' might be, that would be helpful.

However, there is a clear educational opportunity which is not mentioned in the section on defaults, which we would want to see included here.

Where defaults are set high, and the user acitvely selects to lower their settings, there is a clear timely moment and an opportunity to ensure the user is fully aware of the change they are making. It is important that online services make full use of this opportunity as users make a deliberate choice to change their settings, to ensure it is an informed choice

7. Data minimisation

Yes

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

8. Data sharing

Yes

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

9. Geolocation

No

It would be of practical use to provide some further information on what would constitute a compelling reason. For instance, would a mapping or transport app that is designed to provide users with directions and recommendations, have a compelling reason to use geolocation by default?

If this is not a compelling reason, it would be helpful to outline what the expectation would look like in practice.

It would be helpful to provide more explanation of is meant by granularity.

The text could consider proposing the use of geo-fencing as applied by some online providers to educational establishments rendering them 'not-spots' to access the service.

10. Parental controls

Yes

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

11. Profiling

No

> Profiling can have positive purposes, and can be tied to online protections. For example, if a service thinks that a user is a child, it can prevent them being served age-inappropriate advertising etc, or even have restricted sets of options available in their privacy settings. Child protection is mentioned briefly on p62, and is given as an example on p64 as a compelling argument to switch profiling.

In this section of the Code, we would like to see examples of the positive uses of profiling in order to protect children and young people from harm. Greater clarity on the limits of this would be of practical use.

12. Nudge techniques

Yes

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

13. Connected toys and devices

Yes

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

14. Online tools

Yes

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

15. Data protection impact assessments

No

 The Code could provide more context by including summary wording of Article 12 of the UNCRC as part of Step 3 of the process around developing DPIAs. The UNCRC states that children have a right to be consulted and heard in matters affecting them. This element of Article 12 is not currently included under section 1 of the Code (Best interests of the child) and would provide clarity about the rationale for the responsibility to consult if it was included here.

Including this reference at this point in the Code would encourage business to consult with children and young people, and would provide more guidance to online services when considering their responsibilities under step 3.
16. Governance and accountability
Yes   If NO, then please provide your reasons for this view.

Q4. Do you have any examples that you think could be used to illustrate the approach we are advocating for this standard?

1. **Best interests of the child**
No If YES, then please provide details.
2. Age-appropriate application
Yes   Education for a Connected World Framework https://www.gov.uk/government/publications/education-for-a-connected-world There are businesses acting in this space already taking steps to ensure that their online environments are age-appropriate for their users. The Code could support business to embed better practice by referring to examples of improvements such as these outside the core Code document, e.g. as case studies on the ICO website.
3. Transparency
Yes   We have become familiar with labels for many aspects of life, for example nutrional labelling on food packaging, laundry labelling and eco labelling on devices. We are advocating the creation of a labelling schema for T&Cs and Privacy statements. This would alow users, at a glance, to have an appreciation of the exent of the collection, and use of personal data in a similar way. Having conducted research, the Polisis project (https://pribot.org/polisis/) from Ecole Polytechnique Federale de Lausanne, uses AI to read and interpret Terms and Conditions and present them in a visual manner. A further example was developed by researchers at Carnegie Mellon and Columbia Universities, called Useable Privacy.org, this service uses a blend of machine learning, AI and natural processing to display terms in a visual matrix.

Terms and conditions and privacy statements should be suitable for the minimum age the service is designed for. For example, for over 13's the terms should be written with a complexity of language that a 13 year old can understand. As a matter of course, encouraging providers to use a readbility index, such as the Gunning Fog index (http://gunning-fog-index.com/), to verify that their terms are written with appropriate complexity would be a positive step.

The average reading age in the UK is nine - reading ages are not mentioned in the Code and would be supportive and provide clarity here. PIRLS - Progress in International Reading Literacy Study https://www.iea.nl/pirls

4. Detrimental use of data

No

If YES, then please provide details.

5. Policies and community standards

Yes

 The majority of providers provide reporting mechanims to report violations of their policies. SWGfL, on behalf of the UK Safer Inernet Cetre, recently launched report harmful content.com, the national reporting hub for reporting online harm. Users who have reported content to a provder but are not content with the response are able to obtain support from report harmful content.com in terms of advice, support and mediation. The UK Safer Internet Centre asses these reports against the providers terms and through understanding and navigation of terms and conditions is able to support users.

6. Default settings:

No

7. Data minimisation

Yes

 Specifically concerning the example used in the wording of the Code around data collection when a child is actively using the maps element: we would recommend not suggesting a 'light' as a possible solution. If this is a solution adopted widely, one unintended consequence may be that many children won't want to opt for this because they would be concerned that extra light could drain their device battery quicker. They would therefore choose to opt out because of their concerns around battery life, rather than in response to informed choices about their privacy and data protection. We would recommend listing an alternative example e.g. an icon on screen.

8. Data sharing

No
If YES, then please provide details.

9. Geolocation

No
If YES, then please provide details.

10. Parental controls

No
If YES, then please provide details.

11. Profiling

No
If YES, then please provide details.

12. Nudge techniques

YES/NO.
If YES, then please provide details.

13. Connected toys and devices

No
If YES, then please provide details.

14. Online tools

No
If YES, then please provide details.

15. Data protection impact assessments

No
If YES, then please provide details.

16. Governance and accountability

No
If YES, then please provide details.

Q5. Do you think this standard gives rise to any unwarranted or unintended consequences?

1. **Best interests of the child**
No

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

2. Age-appropriate application
Yes
There are two areas of concern with regards to age-appropriate applications: 1 - using age ranges does not take into account the cognitive skill level of the child and whilst it does enable a broad set of principles to be applied to a child's usage of an application, the range of cognitive levels displayed by maturing children will influence their ability to make appropriate decisions. The issue of those children with special needs is mentioned in Appendix A, but it would be helpful if this was also included in the main text of the code. Furthermore, whilst consideration is given to the difficulties children may have in obtaining adult support, or identity documents, there is not enough consideration given to those children wishing to access a service suitable for their needs and with good cognitive skills that have neither adult support or identity documents - this situation may be unpalatable for children and providers alike. 2 - whilst the code suggests age-verification alongside other models of age identification, the two other models are signficantly weaker and may preclude some services from being accessed by older children. Whilst it's right that the application should be designed in a way as to prioritise the safety and safeguarding of children, other models of identifying their age should be considered.

3. Transparency
No
If YES, then please provide your reasons for this view.

4. Detrimental use of data
Yes
The academic position on screentime is still developing and refining its focus with multiple studies identifying different positions. We recommend a cautious position should be taken on this standard of the code.

5. Policies and community standards
Yes
We welcome the aspiration to uphold the published terms and community standards thereby reducing the levels of innapropriate or unacceptable content that children might encounter. Many social media companies have invested heavily in moderation teams involving a blend of computer and human interventions and this is beginning to have impact, but more

work is still required in this regard. Smaller, start-up companies will find the requirement to "have mechanisms in place to swifty and effectively deal with" unacceptable content difficult in the short term. This could result in people in the UK being unable to access some new unsafe applications until they can meet the standards to the Code.

6. Default settings

No

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

7. Data minimisation

No

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

8. Data sharing

No

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

9. Geolocation

Yes

Specifically in this section of the code, what is a 'session' when using a service? Many services remain on in the background after the app is 'closed'. Greater clarity and visibility would be helpful in understanding what the triggers are for geolocation reverting back to 'off'.

10. Parental controls

Yes

Many of the apps and services made available through the app stores are associated with age ratings defined by the app store provider. Whilst these are a helpful guide for young people and parents alike, limited easy-to-access information is provided and they can misrepresent the terms and conditions of the provider. The collection of data that governs the use of services, in some cases, does not form part of the age rating process. The code should guide app stores to incorporate the age requirements of the providers' own terms and conditions into the published age rating for the app on the app store. An app designed for over 13's should never be presented as suitable for over 4s, for example.

11. Profiling

No

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

12. Nudge techniques

No

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

13. Connected toys and devices

Yes
Again, whilst we support the requirement to be clear about the processing of personal data we recommend that providers consider the use of simple and easy-to-access privacy labelling. It would be beneficial to see the inclusion of a labelling requirement on the packaging to support the decision-making process by providing a range of colour-coded icons highlighting the areas of privacy and data protection risk.
14. Online tools
No   If YES, then please provide your reasons for this view.
15. Data protection impact assessments
No   If YES, then please provide your reasons for this view.
16. Governance and accountability
No   If YES, then please provide your reasons for this view.

Q6. Do you envisage any feasibility challenges to online services delivering this standard?

1. **Best interests of the child**
Yes Implementation of the code could lead to children's online experiences changing, which may result in current 'child' or 'under-age' users maintaining their current profiles while their peers as new users have a different on-boarding experience, resulting in a difference between existing and new user experiences. This needs to be taken into consideration.
2. Age-appropriate application
Yes   If YES, then please provide details of what you think the challenges are and how you think they could be overcome. Challenges around age identification of young people below 18 - even if implementing Carnegie-Mellon university tests as part of or after on-boarding.
3. Transparency
No

If YES, then please provide details of what you think the challenges are and how you think they could be overcome.
4. Detrimental use of data
No
5. Policies and community standards
Yes   Report Harmful Content.com a service provided by SWGfL for the UK Safer Internet Centre is the national reporting hub for reporting online harm. Users who have reported content to a provider but are not content with the response are able to obtain support from reportharmfulcontent.com in terms of advice, support and mediation. The UK Safer Internet Centre assesses these reports against the providers' terms and through understanding and navigation of terms and conditions is able to support users. The service is platform agnostic, offering support and mediation to users of 13 platforms. Whilst this can be extended to support other providers, their ability to do so could, in the initial stages of the product lifecycle, be limited by the size of the moderation team, or the finances available to a start-up company. This is despite the assertion made that innovation in data ethics may be an important competitve differentiator.
6. Default settings
No   If YES, then please provide details of what you think the challenges are and how you think they could be overcome.
7. Data minimisation
No   If YES, then please provide details of what you think the challenges are and how you think they could be overcome.
8. Data sharing
No   If YES, then please provide details of what you think the challenges are and how you think they could be overcome.
9. Geolocation
No   If YES, then please provide details of what you think the challenges are and how you think they could be overcome.
10. Parental controls

No
If YES, then please provide details of what you think the challenges are and how you think they could be overcome.

11. Profiling
Yes
It would be helpful to make the distinction between 'legitimate' profiling for academic purposes vs 'non-legitimate' for content provision.

12. Nudge techniques
Yes
It would be useful to provide more clarity on whether,or where, nudging in games is acceptable.

13. Connected toys and devices
No
If YES, then please provide details of what you think the challenges are and how you think they could be overcome.

14. Online tools
No
If YES, then please provide details of what you think the challenges are and how you think they could be overcome.

15. Data protection impact assessments
No
If YES, then please provide details of what you think the challenges are and how you think they could be overcome.

16. Governance and accountability
No
If YES, then please provide details of what you think the challenges are and how you think they could be overcome.

Q7. Do you think this standard requires a transition period of any longer than 3 months after the code come into force?

1. **Best interests of the child**

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.

2. Age-appropriate application

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.

3. Transparency

Yes

Given the complexities and current inconsistencies around terms and privacy and the lack of an exisiting labelling scheme, we feel that this standard will require additional time to enable the creation of an appropriate scheme and for providers to adopt this. The period for implementation is difficult to be unequivocal on at this stage, but we would suggest that a period of 12-18 months would be appropriate.

4. Detrimental use of data

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.

5. Policies and community standards

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.

6. Default settings

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.

7. Data minimisation

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.

8. Data sharing

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.

9. Geolocation

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.

10. Parental controls

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.

11. Profiling

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.

12. Nudge techniques

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.

13. Connected toys and devices

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.

14. Online tools

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.

15. Data protection impact assessments
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. |

16. Governance and accountability
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. |

Q8. Do you know of any online resources that you think could be usefully linked to from this section of the code?

1. **Best interests of the child**
Yes

 Education for a Connected World by UKCIS (https://www.gov.uk/government/publications/education-for-a-connected-world) This framework describes the digital knowledge and skills that children and young people should have the opportunity to develop at different ages and stages of their lives. |

2. Age-appropriate application
Yes

 The UK Safer Internet Centre organises Safer Internet Day (https://www.saferinternet.org.uk/safer-internet-day/safer-internet-day-2019/impact-safer-internet-day-2019), a national day dedicated to raising awareness of online safety challenges and opportunities and is part of a global event. This represents a great opportunity to involve a wide range of stakeholders raise awareness of the issues. A similar approach could be beneficial in raising awareness of this code and the age-appropriate requirements. |

3. Transparency	
Yes Polisis's tool, Pribot - Ai-powered simple representation of privacy terms and conditions. https://pribot.org/ UK Safer Internet Centre's Social Media Checklists - source of supportive information about priacy and settings across a range of social networks. (https://www.saferinternet.org.uk/advice-centre/teachers-and-school-staff/teaching-resources/social-media-checklists) IRLS - Progress in International Reading Literacy Study https://www.iea.nl/pirls	
4. Detrimental use of data	
Yes - UK Council for Internet Safety (UKCIS) - Internet Watch Foundation's FC Code of Practice The UNCRC and forthcoming General Comment on children's rights in relation to the digital environment • Any codes introduced following the UK Government's Online Harms White Paper	
5. Policies and community standards	
Yes Report harmful content - the national reporting hub for reporting online harm (http://reportharmfulcontent.com)	
6. Default settings	
No If YES, then please provide details (including links).	
7. Data minimisation	
No If YES, then please provide details (including links).	
8. Data sharing	
No If YES, then please provide details (including links).	
9. Geolocation	
No If YES, then please provide details (including links).	
10. Parental controls	
Yes	

UK Safer Internet Centre - https://www.saferinternet.org.uk/advice-centre/parents-and-carers Common Sense Media - https://www.commonsensemedia.org/ Internet Matters - https://www.internetmatters.org/parental-controls/
11. Profiling
No   If YES, then please provide details (including links).
12. Nudge techniques
No   If YES, then please provide details (including links).
13. Connected toys and devices
No   If YES, then please provide details (including links).
14. Online tools
Yes   BBC Own it - https://www.bbc.com/ownit
15. Data protection impact assessments
No   If YES, then please provide details (including links).
16. Governance and accountability
 No If YES, then please provide details (including links).

Q10. Is the '**Enforcement of this code'** section clearly communicated? Yes If NO, then please provide your reasons for this view.

Q11. Is the '**Glossary'** section of the code clearly communicated?

Yes
 If NO, then please provide your reasons for this view.

Q12. Are there any key terms missing from the '**Glossary'** section?

No

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

Q13. Is the '**Annex A: Age and developmental stages'** section of the code clearly communicated?

Yes

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

Q14. Is there any information you think needs to be changed in the **'Annex A: Age and developmental stages'** section of the code?

No

 Please refer to the developmental progressions described within Education for a Connected World
https://www.gov.uk/government/publications/education-for-a-connected-world

Q15. Do you know of any online resources that you think could be usefully linked to from **the 'Annex A: Age and developmental stages'** section of the code?

No

 Please refer to the developmental progressions described within Education for a Connected World
https://www.gov.uk/government/publications/education-for-a-connected-world

We suggest the following amendments to this section:

1. Paragraph 1: text edit: "… to help you assess what is apporpriate for children of broadly that age, or who are working at that age."

2. Ages 0-5: additional point: Children at this age are likely to focus on themselves.

text edit: "… They have limited capacity for, or understanding of, self-control or ability to manage their own time online. …. or watching video streams. however, they are often able to use simple tech unaided."

text edit: "… lawful basis for processing their personal data you need informed parental consent."

3. Ages 6-9: additional sentence under paragraph 3: "Children at this age are also unlikely to have a clear understanding of the complexities of consent online."

Additional sentence under paragraph 5: "They need bitesized, engageing content to understand important messages."

text edit: "… lawful basis for processing their personal data you need informed parental consent."

4. Ages 10-12: additional clause under paragraph 1: "… own personal device (predominantly smartphones), and online platforms to stay in touch".

Additional sentence within paragraph 5: "… tend towards impulsive behaviours. They are likely to perceive risk as only immediate. Parental or other support therefore …"

5. Ages 13-15: additional sentence in paragraph 3: "They may have a strong desire for privacy from their parents, and so therefore may operate multiple accounts or profiles, some of which have different privacy settings or sharing settings to others.

text edit in paragraph 4: "… signposting towards sources of age-appropriate support, including but not limited to …"

Ages 16-17: text edit in paragraph 1: "…cognitively and emotionally, and still can take lots of risks online. They should not be expected to have the same resilience …"

text edit in paragraph 3: "… signposting to other sources of age-appropriate support in addition to …"

Both sections for ages 13-15 and 16-17 need to take into account ensuring "active and informed consent" from young people at these ages, and this text should be inserted into the final paragraphs of each of these two sections.

Q16. Is the **'Annex B: Lawful basis for processing'** section of the code clearly communicated?

Yes

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

Q17. Is this **'Annex C: Data Protection Impact Assessments'** section of the code clearly communicated?

Yes

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

Q18. Do you think any issues raised by the code would benefit from further (post publication) work, research or innovation?

Yes

There is a degree of work to be done to help frame users' expectations in relation to the Code, and to help build their understanding of the measures put in place that they might be coming across in their online use.

Building a successful and thriving online world provides extraordinary opportunities for everyone, and user confidence and trust in the services they use is key here. Education for under 18s about what the Code means for them, will help better inform them, frame their expectations, and make them aware when they feel the standard has not been met so they can report. Awareness raising for parents, carers and the children's workforce will contribute towards children and young people's undesrtanding too, and contribute towards user confidence and trust, as well as informed decision-making between adults and children around access to online services.

There is also scope for an impact assessment in relation to children and young people and their parents. It would be helpful to hear from this target audience, what the impact of the Code has been. This should focus on whether the changes have been noticeable as a result of the Code, what forms have been particularly noticeable, whether young people feel more or less confident about how data online is collected and used, and what options and rights they have in relation to this. It would also be important to ask them whether being online feels the same experience as it was before, what has changed for the better and what for the worse.

Section 2: About you

Are you:

A body representing the views or interests of children? Please specify:	☐

A body representing the views or interests of parents? Please specify:	☐
A child development expert? Please specify:	☐
An Academic? Please specify:	☐
An individual acting in another professional capacity? Please specify:	☐
A provider of an ISS likely to be accessed by children? Please specify:	☐
A trade association representing ISS providers? Please specify:	☐
An individual acting in a private capacity (e.g. someone providing their views as a member of the public of the public or a parent)?	☐

An ICO employee?	☐
Other? Please specify: Representatives from the UK Safer Internet Centre	☒

Thank you for responding to this consultation.

We value your input.