

Attn of Information Commissioner:

I am writing in response to the Call to Evidence on the Age Appropriate Design Code.

Who we are

Circle is a commercial technology company based in Portland, Oregon, USA whose mission is **'to make the digital world better – for children'**. The service we provide allows families to create their own digital ecosystem on devices and in the home by using a combination of curating content, time limits and promoting a balance of tools (creative and knowledge-building activities) and toys (entertainment and games). More than 70% of families experience conflict over digital use; our technology is simple to use and is service neutral. We offer a sophisticated tool that allows families to work out what is the right balance of services, media and interaction for them and can treat every member of the family differently according to their need.

Our system is available to individual families, but we also work at a systemic level with broadband providers (e.g. Sky) and mobile operators (e.g. T-Mobile). Familial strife over technology use, and negative impacts on children are increasing, and we have seen a year-over-year increase in sales of our services in all parts of the globe.

We support the Age Appropriate Design Code

Our experience shows that families are crying out for support in managing their digital lives - we wholeheartedly support the introduction of the Age Appropriate Design Code and believe that it indicates a way forward for digital services for children. We know that technology is no barrier to designing better services, and rather than seeing the Code as an impediment to our own service that already delivers on almost all aspects of design outlined by the Commissioner, we celebrate its introduction and believe that it is a necessary addition to an ecosystem in which all technology should be designed to give a high level of privacy to children and greater control to all members of a family. Circle is able at the user-end to offer ways of curating the kinds of interactivity each family member wants, however once a Circle user is engaged with an online service it is their data rules that apply - we would welcome a more proportionate use of a child's data.

We particularly support the Commissioner in introducing the concept of development milestones into services; this is something that we have been looking at as a company since the publication of the Digital Childhood Report, by 5Rights. We have decided against age bands on our own services, but we do look at settings for children who are very young, approaching their teens, and then young adults. Our customers are keen to understand what other like-minded families feel is appropriate not only in terms of content, but behavior and data footprint and they welcome the experience we have and the tools that we offer.

Increasingly it is our opinion that families need qualitative as well as quantitative advice about services. We would strongly support the use of development stages and think the age of the user is fundamental to design decisions. We would not however like the code to be divided strictly by age groups. Better that developers are required to undertake an impact assessment:

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this would include asking about the effect on the health, sleep, visibility, revelation of personal information etc. of a child. This will allow interventions by parents who know more about the maturity of their children; it will also allow older children greater autonomy over their choices. Most importantly online services' consideration of each age group encourages them to consider the multiple needs of children and offer a holistic response. Online services should also be required to take steps to avoid negative outcomes in each age group. Such impact assessments should be made available to the regulator if asked.

We work with families on the go, and in their homes. We welcome that the Code seeks to impact the whole ecosystem, "all online services likely to be accessed by children," changing the norms of the system is the only way that change will be effective. At Circle we routinely try and assess content in ways that are tech positive and give individual families (parents and children themselves) information and choices about how, when and what they access. This is fantastically helpful to busy parents and children at different ages and stages who may not know the implications of different digital interactions.

We support the Commissioner taking a similar attitude to privacy by introducing standardized ratings of a services privacy offer. A service like Circle that does not share, resell or hold a child's data would be rated with a 'HIGH' privacy, others with a less rigorous privacy offer might be rated MED AND LOW - these could be signposted or color-coded. That way it would be clear to a family what the offer was and the regulator, not the child, could check if the offer was being upheld. Once a company has made their offer the Code should be used to enforce their assertion so that trust can be introduced into the system.

We support the highest level of data minimization and restricted sale and resale of children's data, and ask that in thinking about how best to achieve that, the Commissioner look at cloud services and see if there is the necessity to separate or put a wall between gathering and holding - so that no single company can hold the full trail of a child's data. It is increasingly the case as systems move to the cloud that there is greater visibility. It would be useful for the regulator to consider this as part of the Code.

We support services offering default privacy at the highest setting for under 18's - with no user journey and no tick-box system of consent to lower that default. At Circle we only use data in service and have a commitment to that principle. This principle is not technologically problematic. Rather, it is a business choice and a choice in favor of the well-being of families and children. Altering industry norms and putting the interests of the child ahead of maximizing financial gain from data collection is at the heart of our proposition. We welcome the Code in promoting a less aggressive data collection regime, with the accompanying positive impacts on the health, well-being and conflict in families.

Many of our families talk of addiction or compulsion – this is not restricted to the children since adults often express the same feelings. However, we note that the Code will look at extended use mechanisms and compulsive loops on behalf of the under 18's. Our education partner CommonSense Media has published extensively on this subject and we applaud the UK government for looking at this aspect of design. There are a number of design decisions that

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can be made to make services less compulsive for children. There is considerable evidence that children are particularly susceptible to persuasive techniques, and that the habit-forming nature of the loops is not their best interests, and in extreme cases, causes them to create habits that can simply not be undone.

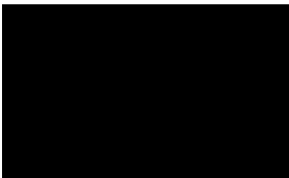
Terms and conditions should be fair and proportionate. If high by default, privacy ratings, data minimization, reward loops off, and reporting were simple - it follows that the terms and conditions are less onerous. We should expect that if adults do not read terms and conditions, then children must not be expected to do so. Therefore the Commissioner might consider that the rating and upholding of the code should mean that a child does not have to agree to any contractual terms, rather that the online service publish its privacy rating and that the regulator checks it – leaving the child supported by the system rather than given binary choices that are meaningless if neither read nor upheld.

Given the huge number of children online, Circle would like to see better and more child- and adolescent-centered content and activities from online services, however it does not follow that because we have no current norms of child-designed content (except for the very young) that children should be encouraged onto adult services. There is a big enough market to encourage new entrants if some services as a result of the code decide to make themselves available only to adults.

We welcome the enforcement of the Code, but as a technology company, ask that the Commissioner always look at the intent of a company's data processing when coming to her conclusions. This is a fast-moving area and whilst we would be pleased to see robust data standards on behalf of children, we also ask that she encourage those at the forefront of delivering privacy and safety to families by supporting their commitment to privacy. Similarly, we encourage her to take the intent into consideration when looking at those who seek by sleight of hand or avoidance to dismiss the code.

We would be happy to engage with the commissioner on any aspect of the code, particularly in articulating the bands of privacy. We also welcome the opportunity to show the Circle service in detail at your convenience.

Sincerely,



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