Information Commissioner’s Office

Consultation:

Children and the GDPR guidance

Start date: 21 December 2017

End date: 28 February 2018



Introduction

The General Data Protection Regulation (GDPR) will apply in the UK from May 2018 and replaces the Data Protection Act 1998 (DPA).

The GDPR contains new provisions intended to enhance the protection of children’s personal data. Our draft guidance explains our recommended approach to compliance with regard to children and their personal data.

As the GDPR is a new regulation which applies across the EU, our published guidance will need to evolve to take account of any guidelines issued in future by relevant European authorities (including the Article 29 Working Party of European data protection authorities for the time being and subsequently the European Data Protection Board (EDPB)), as well as our developing experience of applying the law in practice.

It will also need to take account of any relevant provisions in the Data Protection Bill, which was introduced to the House of Lords on 13 September 2017, once it is finalised.

We are now running a short consultation on our draft guidance to gather the views of stakeholders and the public. The feedback will inform the final version of the guidance, and may also lead to further work in this area.

Responses to this consultation must be submitted by 28 February 2018. You can submit your response in one of the following ways:

**Download this document and email to**:

[childrenandtheGDPR@ICO.org.uk](mailto:childrenandtheGDPR@ICO.org.uk)

**Print off this document and post to:**

Lisa Atkinson

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 Lisa Atkinson or email [lisa.atkinson@ico.org.uk](mailto:lisa.atkinson@ico.org.uk).

**Privacy statement**

Following the end of the consultation we shall publish a summary of responses received. Information people provide in response to our consultations, including personal information, may be disclosed in accordance with the Freedom of Information Act 2000 and the Data Protection Act 1998. If you want the information that you provide to be treated as confidential please tell us, but be aware that we cannot guarantee confidentiality.

Section 1: Your views

Please provide us with your views by answering the following questions:

1. **Have we clearly communicated what we think controllers need to do to comply with the GDPR when processing children’s personal data?**

|  |  |
| --- | --- |
|  | Yes |
|  | No Please tell us about any areas where you think our explanations are unclear and explain why. If you have any suggestions about how we could improve what we have written then please let us know : |

1. **Do you have any examples or scenarios arising from your processing of children’s personal data, which we could use in our guidance to help illustrate the points we make?**

|  |  |
| --- | --- |
|  | No |
|  | Yes  Please outline your examples: |

1. **Can you point us to any publically available resources that you think it would be useful for us to reference as ‘further reading’ in our guidance?**

|  |  |
| --- | --- |
|  | No |
|  | Yes Please provide details: |

1. **Are there any areas of the guidance that you think would benefit from some follow up work so that we can provide a further level of detail and advice?**

|  |  |
| --- | --- |
|  | No |
|  | Yes Please give details and explain why; if you have any ideas about how we might best go about any follow up work then please let us know this as well: |

1. **If you answered yes to question 4, are you aware of any work that is already underway that might help us in this?**

|  |  |
| --- | --- |
|  | No |
|  | Yes Please provide details: |

1. **Are there any areas of the guidance where you think an alternative interpretation of the requirements of the GDPR would be appropriate?**

|  |  |
| --- | --- |
|  | No |
|  | Yes Please provide details, including  why you think the alternative is appropriate : |

1. **If the ICO were to do some follow up work to this guidance would you be interested in contributing to this?**

|  |  |
| --- | --- |
|  | No |
|  | Yes Please provide contact details. If you wish, you may also outline how and why you think you might be able to help: |

1. **Please provide any further comments or suggestions on our draft guidance.**

|  |
| --- |
|  |

Section 2: About you

**Are you:**

|  |  |
| --- | --- |
| A member of the public who has used our service? |  |
| A member of the public who has not used our service? |  |
| A representative of a public sector organisation?  Please specify: |  |
| A representative of a private sector organisation?  Please specify: |  |
| A representative of a community, voluntary or charitable organisation, or of a trade body?  Please specify: |  |
| An ICO employee? |  |
| Other?  Please specify: |  |

**Thank you for completing this consultation.**

**We value your input.**