Information Commissioner's Office

Consultation: Age appropriate design code

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.

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.

Please note, we are using the platform Snap Surveys to gather this information. Any data collected by Snap Surveys for ICO is stored on UK servers. You can read their Privacy Policy here.

Section 1: Your views on the code

Q1

Is the 'About this code' section clearly communicated?

☑ Yes

○ No

Q1a

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

Q2

Is the 'Services covered by this code' section clearly communicated?

☑ Yes

○ No

Q2a

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

Section 1: Your views on the code

Section 2: Your views on the draft standards

There are 16 draft standards in the code. You can comment on all the drafts standards, or focus on a single standard. If you do not want to answer questions on a standard please press skip.

The standards are:

1) Best interests of the child
2) Age Appropriate Application
3) Transparency
4) Detrimental use of data
5) Policies and community standards
6) Default settings
7) Data minimisation
8) Data sharing
9) Geolocation
10) Parental Controls
11) Profiling
12) Nudge techniques
13) Connected toys and devices
14) Online tools
15) Data protection impact assessments
16) Governance and accountability

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.

Q3
- ⊘ I would like to comment on this standard
- ◯ Skip

Have we communicated our expectations for this standard clearly?

Q4

○ Yes

✓ No

If no, then please give reasons for your answer.

Q4a Too vague. Please speak in specifics.

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

Q5

○ Yes

✓ No

If yes, then please give reasons for your answer.

Q5a

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

Q6 ☑ Yes

    ○ No

If yes, then please give reasons for your answer.

Q6a Fundamentally hinders existing design principles. Designers will have to work with a hand tied behind their back. Online businesses (such as e-commerce stores) now need to become concerned with a child accessing their website? It is an irrelevant concern and highlights just how wide and pervasive this whole idea is. It will affect everything when only a handful of websites actually require such a thing. These websites are covered in the UK Porn ban, therefore this standard is irrelevant (or even more draconian as it reaches further than the porn ban).

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

Q7 ☑ Yes

    ○ No

If yes, then please provide details of what you think the challenges are and how you think they could be overcome?

Q7a This is going to become the new "Cookie Bar 2.0", where every site implements a cookie bar. Please try and find examples where cookie bars are actually implemented properly. They very rarely are - if you reject a websites cookies, more often than not the developer who implemented the cookie bar has not actually gone to the lengths of disabling/removing the cookies. In short, the cookie bars are very rarely implemented properly and are often added "just for show". I envisage this "Age Verification" process to work in much the same way. Lazy developers just include a file for dealing with the logistics of verification and literally stop there. Therefore, no consideration will be made for children thus undermining this entire standard.

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

Q8   ✓ 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.

Q8a   Without any practical implementation guidelines, 3 months is very naive. Forcing its implementation is only going to increase the risk of my previous point occurring - where lazy developers look to just add an age verification feature and not actually implement it thoroughly.

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

Q9   ✓ Yes
      ○ No

If yes, then please provide details (including links).

Q9a   Accessibility, existing laws/rules (especially around the porn restriction and why that is not enough coverage).

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.

Q10   ✓ I would like to comment on this standard
      ○ Skip

Have we communicated our expectations for this standard clearly?

Q11 ⊘ Yes

◯ No

If no, then please give reasons for your answer.

Q11a

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

Q12 ◯ Yes

⊘ No

If yes, then please give reasons for your answer.

Q12a

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

Q13   ⊘ Yes

       ◯ No

If yes, then please give reasons for your answer.

Q13a   Not all websites are relevant to children. imposing restrictions on all websites regardless is draconian and will lead to poor/broken implementations.

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

Q14   ⊘ Yes

       ◯ No

If yes, then please provide details of what you think the challenges are and how you think they could be overcome?

Q14a   100%. There are no implementation guidelines and therefore nothing for developers to use as a base.

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

Q15   ✓ 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.

Q15a   You've not provided sufficient education or implementation details, only a guideline with no foreseeable way of developers "getting there".

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

Q16   ○ Yes
       ✓ No

If yes, then please provide details (including links).

Q16a

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.

Q17   ✓ I would like to respond to this standard
       ○ Skip

Have we communicated our expectations for this standard clearly?

Q18 ⊘ Yes
     ○ No

If no, then please give reasons for your answer.

Q18a

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

Q19 ○ Yes
     ⊘ No

If yes, then please give reasons for your answer.

Q19a

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

Q20   ✓ Yes

○ No

If yes, then please give reasons for your answer.

Q20a Legal verbatim is going to be compromised while trying to make legalese readable by children.

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

Q21   ✓ Yes

○ No

If yes, then please provide details of what you think the challenges are and how you think they could be overcome?

Q21a Legal minefield.

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

Q22   ✓ 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.

Q22a   Again, enforcing rules within 3 months while not supplying any technical information is hopeful at best.

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

Q23   ○ Yes
       ✓ No

If yes, then please provide details (including links).

Q23a

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.

Q24   ○ I would like to respond to this standard
       ✓ Skip

Have we communicated our expectations for this standard clearly?

Q25　○ Yes

　　　○ No

If no, then please give reasons for your answer.

Q25a

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

Q26　○ Yes

　　　○ No

If yes, then please give reasons for your answer.

Q26a

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

Q27   ◯ Yes
       ◯ No

If yes, then please give reasons for your answer.

Q27a

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

Q28   ◯ Yes
       ◯ No

If yes, then please provide details of what you think the challenges are and how you think they could be overcome?

Q28a

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

Q29
○ 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.

Q29a

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

Q30
○ Yes
○ No

If yes, then please provide details (including links).

Q30a

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).

Q31
○ I would like to respond to this standard
◉ Skip

Have we communicated our expectations for this standard clearly?

Q32 ○ Yes
○ No

If no, then please give reasons for your answer.

Q32a

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

Q33 ○ Yes
○ No

If yes, then please give reasons for your answer.

Q33a

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

Q34 ○ Yes

○ No

If yes, then please give reasons for your answer.

Q34a

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

Q35 ○ Yes

○ No

If yes, then please provide details of what you think the challenges are and how you think they could be overcome?

Q35a

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

Q36 ○ 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.

Q36a

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

Q37 ○ Yes
     ○ No

If yes, then please provide details (including links).

Q37a

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).

Q38 ○ I would like to respond to this standard
     ⊘ Skip

Have we communicated our expectations for this standard clearly?

Q39   ◯ Yes

      ◯ No

If no, then please give reasons for your answer.

Q39a

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

Q40   ◯ Yes

      ◯ No

If yes, then please give reasons for your answer.

Q40a

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

Q41   ○ Yes

       ○ No

If yes, then please give reasons for your answer.

Q41a

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

Q42   ○ Yes

       ○ No

If yes, then please provide details of what you think the challenges are and how you think they could be overcome?

Q42a

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

Q43　○ 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.

Q43a

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

Q44　○ Yes

　　　○ No

If yes, then please provide details (including links).

Q44a

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.

Q45　⊘ I would like to respond to this standard

　　　○ Skip

Have we communicated our expectations for this standard clearly?

Q46 ✓ Yes

⃝ No

If no, then please give reasons for your answer.

Q46a

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

Q47 ⃝ Yes

✓ No

If yes, then please give reasons for your answer.

Q47a

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

Q48 ○ Yes

⊘ No

If yes, then please give reasons for your answer.

Q48a

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

Q49 ⊘ Yes

○ No

If yes, then please provide details of what you think the challenges are and how you think they could be overcome?

Q49a Complexity.

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

Q50   ✅ 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.

Q50a   We need time to come up with a pattern.

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

Q51   ⚪ Yes
       ✅ No

If yes, then please provide details (including links).

Q51a

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.

Q52   ⚪ I would like to respond to this standard
       ✅ Skip

Have we communicated our expectations for this standard clearly?

Q53 ○ Yes
     ○ No

If no, then please give reasons for your answer.

Q53a

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

Q54 ○ Yes
     ○ No

If yes, then please give reasons for your answer.

Q54a

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

Q55 ○ Yes

○ No

If yes, then please give reasons for your answer.

Q55a

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

Q56 ○ Yes

○ No

If yes, then please provide details of what you think the challenges are and how you think they could be overcome?

Q56a

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

Q57   ◯ 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.

Q57a

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

Q58   ◯ Yes

       ◯ No

If yes, then please provide details (including links).

Q58a

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.

Q59   ◯ I would like to respond to this standard

       ✓ Skip

Have we communicated our expectations for this standard clearly?

Q60   ○ Yes
       ○ No

If no, then please give reasons for your answer.

Q60a

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

Q61   ○ Yes
       ○ No

If yes, then please give reasons for your answer.

Q61a

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

Q62   ◯ Yes

    ◯ No

If yes, then please give reasons for your answer.

Q62a

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

Q63   ◯ Yes

    ◯ No

If yes, then please provide details of what you think the challenges are and how you think they could be overcome?

Q63a

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

Q64 ○ 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.

Q64a

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

Q65 ○ Yes

○ No

If yes, then please provide details (including links).

Q65a

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.

Q66 ○ I would like to respond to this standard

⊘ Skip

Have we communicated our expectations for this standard clearly?

Q67   ○ Yes

          ○ No

If no, then please give reasons for your answer.

Q67a

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

Q68   ○ Yes

          ○ No

If yes, then please give reasons for your answer.

Q68a

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

Q69   ○ Yes

○ No

If yes, then please give reasons for your answer.

Q69a

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

Q70   ○ Yes

○ No

If yes, then please provide details of what you think the challenges are and how you think they could be overcome?

Q70a

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

Q71 ⚪ 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.

Q71a

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

Q72 ⚪ Yes
⚪ No

If yes, then please provide details (including links).

Q72a

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).

Q73 ⚪ I would like to respond to this standard
✅ Skip

Have we communicated our expectations for this standard clearly?

Q74   ○ Yes

       ○ No

If no, then please give reasons for your answer.

Q74a

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

Q75   ○ Yes

       ○ No

If yes, then please give reasons for your answer.

Q75a

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

Q76 ○ Yes
     ○ No

If yes, then please give reasons for your answer.

Q76a

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

Q77 ○ Yes
     ○ No

If yes, then please provide details of what you think the challenges are and how you think they could be overcome?

Q77a

Q78

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

○ Yes

○ No

Q78a

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.

Q79

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

○ Yes

○ No

Q79a

If yes, then please provide details (including links).

Q80

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.

○ I would like to respond to this standard

⊘ Skip

Q81 Have we communicated our expectations for this standard clearly?

○ Yes

○ No

Q81a If no, then please give reasons for your answer.

Q82 Do you have any examples that you think could be used to illustrate the approach we are advocating to this standard?

○ Yes

○ No

Q82a If yes, then please give reasons for your answer.

Q83 Do you think this standard gives rise to any unwarranted or unintended consequences?

○ Yes

○ No

Q83a If yes, then please give reasons for your answer.

Q84 Do you envisage any feasibility challenges to online services delivering this standard?

○ Yes

○ No

Q84a If yes, then please provide details of what you think the challenges are and how you think they could be overcome?

Q85 Do you think this standard requires a transition period of any longer than 3 months after the code comes into force?

- ○ Yes
- ○ No

Q85a 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.

Q86 Do you know of any online resources that you think could be usefully linked to from this section of the code?

- ○ Yes
- ○ No

Q86a If yes, then please provide details (including links).

Q87 **Connected toys and devices:** If you provide a connected toy or device ensure you include effective tools to enable compliance with this code

- ○ I would like to respond to this standard
- ⊘ Skip

Have we communicated our expectations for this standard clearly?

Q88 ○ Yes
○ No

If no, then please give reasons for your answer.

Q88a

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

Q89 ○ Yes
○ No

If yes, then please give reasons for your answer.

Q89a

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

Q90 ○ Yes

  ○ No

If yes, then please give reasons for your answer.

Q90a

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

Q91 ○ Yes

  ○ No

If yes, then please provide details of what you think the challenges are and how you think they could be overcome?

Q91a

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

Q92 ◯ 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.

Q92a

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

Q93 ◯ Yes

◯ No

If yes, then please provide details (including links).

Q93a

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.

Q94 ◯ I would like to respond to this standard

⊘ Skip

Have we communicated our expectations for this standard clearly?

Q95   ◯ Yes

◯ No

If no, then please give reasons for your answer.

Q95a

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

Q96   ◯ Yes

◯ No

If yes, then please give reasons for your answer.

Q96a

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

Q97 ○ Yes

○ No

If yes, then please give reasons for your answer.

Q97a

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

Q98 ○ Yes

○ No

If yes, then please provide details of what you think the challenges are and how you think they could be overcome?

Q98a

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

Q99 ○ 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.

Q99a

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

Q100 ○ Yes

○ No

If yes, then please provide details (including links).

Q100
a

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

Q101 ○ I would like to respond to this standard

⊘ Skip

Have we communicated our expectations for this standard clearly?

Q102　○ Yes

　　　　○ No

If no, then please give reasons for your answer.

Q102
a

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

Q103　○ Yes

　　　　○ No

If yes, then please give reasons for your answer.

Q103
a

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

Q104 ◯ Yes

◯ No

If yes, then please give reasons for your answer.

Q104
a

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

Q105 ◯ Yes

◯ No

If yes, then please provide details of what you think the challenges are and how you think they could be overcome?

Q105
a

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

Q106   ◯ 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.

Q106
a

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

Q107   ◯ Yes

◯ No

If yes, then please provide details (including links).

Q107
a

Section 3: Your views on the code sections

Is the **'Enforcement of this code'** section of the code clearly communicated?

Q108   ☑ Yes
        ◯ No

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

Q108
a

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

Q109   ☑ Yes
        ◯ No

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

Q109
a

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

Q110 ◯ Yes

⊘ No

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

Q110
a

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

Q111 ⊘ Yes

◯ No

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

Q111
a

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

Q112 ✓ Yes

○ No

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

Q112 a

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

Q113 ✓ Yes

○ No

If yes, then please provide details (including links).

Q113 a

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

Q114　⊘ Yes

　　　　○ No

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

Q114
a

Is the '**Annex C: Data Protection Impact Assessment'** section of the code clearly communicated?

Q115　⊘ Yes

　　　　○ No

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

Q115
a

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

Q116
- ◯ Yes
- ✓ No

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

Q116
a

Section 4: About you

Are you answering as:

Q117
- ( ) A body representing the views or interests of children
- ( ) A body representing the views or interests of parents
- ( ) A child development expert
- ( ) An academic
- ( ) An individual acting in another professional capacity
- ( ) A provider of an ISS likely to be accessed by children
- ( ) A trade association representing ISS providers
- ( ) 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:

Q117 a

Please specify:

Q117 b   Developer

Please state your name or if you're answering on behalf of an organisation, your organisation's name.

Q118

Thank you for responding to this consultation
We value your input.