



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

Is the 'About this code' section clearly communicated?

- Q1  Yes  
 No

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

Q1a

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

- Q2  Yes  
 No

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

Q2a

## 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

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

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

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

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

**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 With respect to the ISS' need to look after the best interests of the child in age-appropriate manner, communication is very clear. What is not communicated clearly is how exactly the ISS is able to distinguish children from adults. Specific examples should be provided describing what is considered robust age-verification, and the term should be contained in the glossary.

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

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



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

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 <http://model.consentcheq.com/PFIN/min/>

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

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 ISS organizations still using cookie banners as a basis for transparency compliance will need to migrate to more flexible and adaptive privacy notice delivery techniques now available.

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 No. Article 8 has been part of GDPR since its becoming law, now over 3 years ago. It is high time that children begin to receive the protection promised in Article 1, sentence 1.

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 WP29 Guidelines on Transparency: [https://ec.europa.eu/newsroom/article29/item-detail.cfm?item\\_id=622227](https://ec.europa.eu/newsroom/article29/item-detail.cfm?item_id=622227) ICO Guidelines on Transparency: <https://ico.org.uk/for-organisations/guide-to-data-protection/guide-to-the-general-data-protection-regulation-gdpr/principles/lawfulness-fairness-and-transparency/> GDPR contrasted with USA's COPPA law: <https://iapp.org/news/a/gdpr-matchup-the-childrens-online-privacy-protection-act/>

**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

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

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

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

- Q78  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.

Q78a

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

- Q79  Yes  
 No

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

Q79a

**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.

- Q80  I would like to respond to this standard  
 Skip

Have we communicated our expectations for this standard clearly?

Q81  Yes

No

If no, then please give reasons for your answer.

Q81a

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

Q82  Yes

No

If yes, then please give reasons for your answer.

Q82a

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

Q83

Yes

No

If yes, then please give reasons for your answer.

Q83a

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

Q84

Yes

No

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

Q84a

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

Q85

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.

Q85a

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

Q86

Yes

No

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

Q86a

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

Q87

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 definition of Transparency (as used in this AAD context) should be provided. A  
a definition of Age-verification mechanism should be provided, including a listing of attributes that would qualify such a mechanism as "robust".

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 More guidelines around how to verify age will be required.

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 Software Designer  
a

Please specify:

Q117  
b

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

Q118 Dale Smith, CIPT Futurist, PrivacyCheq 

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