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What is the Children's Code?

The Children's Code is known formally as **Age-appropriate Design Code**.

ICO mandated by Parliament to to produce a statutory Code of Practice, through the provision in s123 of the Data Protection Act 2018 (DPA 2018).

The Code is grounded in the provisions of the United Nations Convention on the Rights of the Child (UNCRC), and aims to create an open, transparent and safer place for children to play, explore and learn online.

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What is the Children's Code?

It is a statutory Code of practice setting out **15 standards** of age-appropriate design for online services which process children's personal data.

Its statutory footing means that the ICO and the Courts must take the code into account where relevant.

The standards in the Code are **rooted in existing data protection laws**. Organisations should conform to the Code and demonstrate that their services **use children's data fairly** and in compliance with data protection law.

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What is the code's scope?

Code applies to "relevant **information society services** which are **likely to be accessed by children**" – aged under 18, in the UK.

Information society services are "*any service normally provided for remuneration, at a distance, by electronic means and at the individual request of a recipient of services*".

Likely to be accessed is defined as "more probable than not".

Non-conformant services are likely to find it difficult to demonstrate that they process children's data fairly, and comply with data protection requirements.

Online games Websites Apps Toys Social Media Sites

Why does the Children's Code matter?

The code aims not to protect children from the digital world but instead protect them within it, by ensuring online services are better designed with children in mind.

Companies are actively creating ways to track behaviour resulting in thousands of individual data points - that reveal a child's...

bedtime

views, vulnerabilities and when they are most likely to respond

location RIGHT NOW

mood

searches, likes and posts

financial status

smoking habits

sexuality

illnesses, past, present, and future

social value

friendship groups

break ups

interests

heartbeat

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What have we done so far?

- Commissioned independent research, with surveys on code awareness and support needs of business, and a new project to confirm aware of data protection and the code among children and parents.

- Conducted industry engagement events, webinars & workshops.

- Developed policy positions, guidance, UX design support, and the Children's code Best interests' framework to help ISS understand the risks and benefits of their processing.

- Established an expert Children's Advisory Panel.

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What's next for the code?

Transition period ended 2 Sept 2021. Code now in supervision status.

Take an appropriate and proportionate approach to supervision and focus on areas of potential greatest risk of harm to children:

- Social media
- Video and music streaming services
- Online gaming

Regulatory supervision will be both reactive and proactive

What further support for industry?

- Further guidance on age assurance

- Voluntary audits with ISS

- Policy coordination through the Digital Regulation Cooperation Forum, including on incoming online safety laws

- Supporting innovative projects through our regulatory sandbox

- Developing new conformance testing tools for industry

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What about parents and children?

- Research to establish levels of awareness of data protection rights and the code amongst children and young people and parents

- Improving our complaints systems for all users, including for children. Training for staff on handling children's complaints

- Conducting focus groups this autumn with young people and parents to identify likely privacy or code related searches

- Attending events hosted by civil society to engage with parents, teachers, professionals

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Engaging the media

July code article in the Week Junior

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What about schools?

Arbourthorne Community Primary School, Sheffield, as a 'food-bank'

during the Covid-19 pandemic, 2020
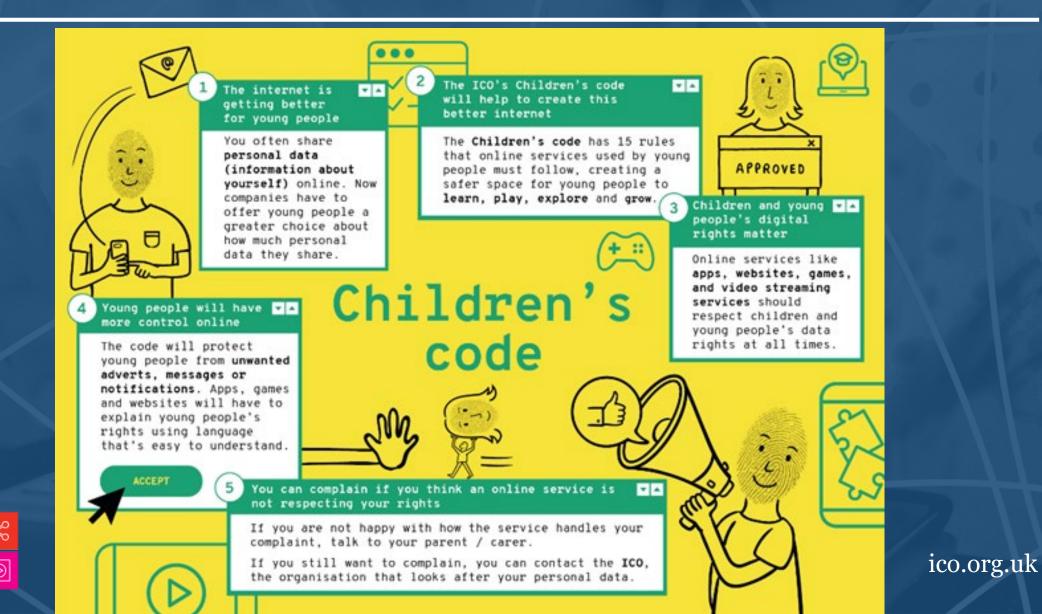
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How engaging with schools?

- Providing guidance for schools on how the code applies to edtech or online services they use

- Attending education conferences in all four countries of the UK

- Have developed GDPR lesson plans

- Additional schools resources focusing on the code:
  - Lesson plans and resources for primary and secondary students
  - New infographic

Engaging with schools

Upcoming work

Milestone	Target date
1. DPIA exemplars • Gaming and connected toys	September 2021
2. Age assurance opinion	Sept / Oct 2021
3. Children / Parents' Awareness Benchmarking	Sept / Oct 2021
4. Code lesson plans and infographic	Sept / Oct 2021
5. IFF Benchmarking Phase 2 research and report	October 2021
6. Children / Parents' focus groups	Oct / Nov 2021

Ongoing engagement

- 1:1 engagement with high risk ISS in scope (social media, streaming, gaming)
- Voluntary audits
- Education conferences in 4 countries of the UK
- Industry representative bodies
- DCMS
- International DPAs
- Age assurance research and call for evidence

Signs of success?

- Impact assessment and evaluation of the code for Sept 2022
- Changes in the processing of childrens data announced at major social media companies:

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Stay in touch

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