

## SUMMARY

The Children's Media Foundation is a not-for-profit organisation dedicated to ensuring UK kids have the best possible media choices, on all platforms and at all ages. We bring together academic research institutions, the children's media industries, regulators, politicians and concerned individuals who recognise that media is not only a powerful force in children's lives, but a valuable one. This submission has drafted by our non-exec advisory team who comprise industry leaders from the children's digital sector, ex-BBC executives and representatives from the tech-start up community.

Traditionally in the children's TV media industry there has been a 3-way relationship between broadcasters, parents and children about what constitutes child-appropriate content and when and how it can be accessed.

This manifested itself as discreet programming blocks on the mainstream TV channels or dedicated children's channels in multichannel homes. Television outside these walled-gardens was widely understood to be designed primarily for grown-ups but, before the watershed, still had to take account of children who might be watching.

However, the always-on nature of the internet, the rise of on-demand services, the advent of new distribution platforms, the dominance of certain search tools for 90%+ of all discovery, the shift from 'push' broadcast delivery mechanics to individualised 'pull' services, and personal device ownership have changed all that - forever.

These developments, are not by themselves inherently bad for our children. And as with previous generations, when grown adults adapt and embrace the new opportunities offered by the changing technology, so children naturally want to emulate these behaviours. The rapid speed of recent digital developments has meant that many scenarios we could never previously imagine are now possible, and we need to adapt our interventions to suit.

In addition to the response to the individual questions below we argue that the UK needs

- i. A means to bench-mark and clearly flag age-appropriate content to help parents and children make informed decisions.
- ii. Any public health recommendations about appropriate levels of screen-time must be based on evidence
- iii. Clear rules about what age verification is required for non-children's content with an emphasis on the platforms to demonstrate that users are the age they say they are
- iv. Definitions about what content and services are appropriate with the right parental permission with clear guidelines about how to collect and verify parental consent
- v. Clearer demarcation of ads in search results
- vi. Much more effective child-specific search tools (not hidden at the bottom of a page)
- vii. Tighter regulation on automated links that lead children out of these safe havens
- viii. Commitment not to mine children's data or target or manipulate children based on their online activity - particularly regarding marketing and advertising
- ix. Rules against behavioral mechanics that try to draw children into addictive behaviours or exhortation.
- x. Commitment to make UK specific children's content visible in the first page of search or app store results.

## INTRODUCTION

- (1) The Children's Media Foundation is a not-for-profit organisation dedicated to ensuring UK kids have the best possible media choices, on all platforms and at all ages. We bring together academic research institutions, the children's media industries, regulators, politicians and concerned individuals who recognise that media is not only a powerful force in children's lives, but a valuable one. This submission has drafted by our non-exec advisory team who comprise industry leaders from the children's digital sector, ex-BBC executives and representatives from the tech-start up community.
- (2) Traditionally in the children's TV media industry there has been a 3-way relationship between broadcasters, parents and children about what constitutes child-appropriate content and when and how it can be accessed.
- (3) This manifested itself as discreet programming blocks on the mainstream TV channels and more latterly dedicated children's channels in multichannel homes. The presence of these blocks/channels represented a 'safe space' where parents knew they could leave their children unmediated to enjoy and learn from a variety of imported and home-grown production.
- (4) Television outside these walled-gardens was widely understood to be designed primarily for grown-ups but, before the watershed, still had to take account of children who might be watching with or without their parents up until 9pm.
- (5) (Cinemas and book shops followed a similar model for films and publications with discreet times and labelling for those shows that were best suited for young children, pre-teens and adolescents)
- (6) However, the always-on nature of the internet, the rise of on-demand services, the advent of new distribution platforms, the dominance of certain search tools for 90%+ of all discovery, the shift from 'push' broadcast delivery mechanics to individualised 'pull' services, and personal device ownership have changed all that - forever.
- (7) These developments, are not by themselves inherently bad for our children. And as with previous generations, when grown adults adapt and embrace the new opportunities offered by the changing technology, so children naturally want to emulate these behaviours.
- (8) However, we have to appreciate that internet does not offer the same safeguards to minors that was common with more traditional media services (which were limited by spectrum and came with in-built limitations). The rapid speed of recent digital developments has meant that many scenarios we could never previously imagine are now possible, and we need to adapt our interventions to suit.
- (9) To date, the main focus of industry efforts on safe-guarding children has been levelled at better parental information. This is partially because of a lack of consensus about how to address the issues, but also because of lobbying from the main industry players that they are merely proving the 'pipes' for content providers and therefore not responsible for any digressions.

- (10) In our opinion, this approach is not sufficient. And we would like to see the new distributors, gatekeepers and search providers make a 21st contract with parents and children that they will in future put the needs of children first and foremost, ahead of advertisers, data-miners and brands who all have a vested interest in the manipulate or influence of younger audiences for commercial gain.
- (11) That is not to say that commercial organisations have no place alongside children's services, but where children naturally congregate online, there needs to be much more transparency about the potential risks they face in that environment with a commitment to building new tools to prevent those problems arising.
- (12) We would also argue that any online platform that benefits from a sizeable children's audience (a potential threshold could be 1% of the under 13s audience - approximately 91,000 junior users per annum) or their own user base comprises over 5% of under 13s, then that platform would be legally obliged to have a clearly published children's policy stating the safety provision they have in place.
- (13) At the outset, we think it's important to emphasise that 'children', and their relationship with digital media are not a single group. In broad terms:
- (14) Access by very young children is MEDIATED. Essentially, parents choose a channel, and the child watches. This is the main model for pre-schoolers. The development stage of this age group tends to mean that their use of digital technology is focused on specific characters and brands through apps and games. Social media is not widely used, although young children often use You Tube to watch videos. VOD platforms such as Amazon and Netflix are important too.
- (15) As a child gets older and moves towards school age (6-12), traditionally their access is MANAGED: A social contract exists between children, parents and wider society to try and protect them from unsuitable content. The 9pm watershed is an example. Digital is changing this: the prevalence of mobile devices means children become increasingly autonomous in their media consumption. While most 6 year olds will focus on apps, games and You Tube, as they get older they use social platforms such as WhatsApp and Instagram and routinely share media and content.
- (16) By the time a child reaches their teenage years, it's natural for them to start experimenting and exploring. Most parents will try and MONITOR their child's use. But this is increasingly difficult as platforms evolve, and children constantly search for the next thing to play with and use.
- (17) While this offers a useful starting point, the digital world is much more porous than old media, and the ages and thresholds are getting younger and younger. This raises some consistent issues:
  - Parents do not have the tools or experience to understand and help their children navigate the digital world.
  - Industry does not share a consistent, collective responsibility to provide safe environments for children.
  - Children are gaining access to devices at a much earlier age – creating new challenges for providing age appropriate media literacy education
  - The on demand nature of the technology means traditional parameters such as the watershed are irrelevant. Content is available any time, any place and anywhere.

- (18) Parents and carers clearly have a role to play in protecting children online. However, the CMF maintains that parents cannot be expected to do this alone. Digital platforms and content providers must assume some responsibility too.

## RULES AND BENEFITS

### **1. What risks and benefits does increase internet usage present to children, with particular regard to:**

- i. Social development and wellbeing**
- ii. Neurological, cognitive and emotional development,**
- iii. Data security.**

- (19) There have been concerns around screen time since the dawn of television. The same applies for digital devices. However, the benefits of interactive and touch screen technologies are huge for both adults and children.
- (20) The interactive nature of the media including personalized feedback, gesture/touch based interfaces and spatial navigation are a natural way of interacting for children and provide an engagement that traditional media cannot challenge.
- (21) Multiple studies from respected institutions such as Joan Gantz Cooney Center and Sesame Foundation have pointed to the benefits to children of appropriate digital platforms and content. Better hand eye coordination, dynamic spatial skills, improved language skills, self-discovery, and greater understanding the world around them are a few of the positives. Accessing content on the internet – just like reading – is extremely empowering.
- (22) The oft-quoted health risks to children – such as attention deficit, imitative violence are by no means unique to the internet. That does not mean they should be dismissed, but the hazards and approach to tackle them must be kept in perspective.
- (23) The CMF considers the benefits of well-made appropriate content are clear. The risks come from unmediated access and discovery of inappropriate content and/or inappropriate communication. The problem is that in the digital space, there is little delineation between experiences intended for children and experiences produced for a general audience that may not be appropriate for young people.
- (24) There is no doubt that parents need to be helped to play a bigger part in their children's media literacy and media use. However, in our view the efforts to help adults understand their children's digital lives are disjointed and piecemeal and therefore ineffective. So much of the advice is general, and therefore irrelevant to parents at their time of need, when confronting specific problems.
- (25) The oral evidence to the committee suggests thinking of media literacy as a public health matter tackled (for instance) by providing resources at shops and in health centres. While this would a useful approach, we consider that more focus needs to be placed on the ease or discoverability and the relevance of this type of material for parents. This content needs to be compelling, searchable, relevant and shareable via digital platforms too.

- (26) In our view, one of the major issues in this area is data protection. A recent piece of research by VARN ([varn.co.uk](http://varn.co.uk)) found that 55% of adults are unable to tell whether search results are real or paid adverts. If this is true for adults, it is unrealistic to expect that children can make sensible choices around the use of their data by media platforms.
- (27) While digital industry follows the letter of the law, they should be encouraged to think about the intention of the law too. When it comes to data, children need to be protected. They should have the right to be forgotten – and the media industry needs to do more to make that easily achievable.

**2. Which platforms and sites are most popular among children and how do young people use them? Many of the online services used by children are not specifically designed for children. What problems does this present?**

- (28) The CMF actively supports and collaborates in research into children's media consumption and media literacy.
- (29) The platforms used by children vary according to their age and developmental stage. Factors affecting the popularity of services can include immediacy of content, social engagement, cost and novelty.
- (30) You Tube, the Apple App store and Google are universally popular and dominant for all ages from preschool to teens, along with games such as Pokemon Go.
- (31) Preschool children tend to rely on apps to consume games and content. However, they default to You Tube and Amazon (in preference to Google) when searching for information and entertainment.
- (32) Primary age children's choices develop as they mature. Younger children in this group use apps, and increasingly game platforms such as Minecraft, Friv and Girls Go Games. Older children often have phones and are socially aware. WhatsApp and Instagram are widely used.
- (33) In addition to WhatsApp and Instagram, teenagers use Snapchat and Tumblr. But they are agnostic and will always be searching for the next thing that meets their needs.
- (34) The market dominance of a few digital platforms shapes society's perspective and unfortunately masks whether enough is being done to protect children.
- (35) All the main social media platforms require users to be over 13, but very few actively police it. Many digital platforms have an ambivalent attitude to whether or not they support children's access. Spotify, for instance, promotes a 'Family Subscription' implicitly inviting parents to add their children, and therefore with parental consent inherently built in. However, after payment is taken, the only way to register a child is to ensure Spotify 'thinks' the child is over 13 – potentially encouraging an adult to become complicit in lying about a child's age.

- (36) YouTube is now the ubiquitous video distribution platform, especially for children. While under 13's cannot create an account, the platform works with broadcasters to carry and promote huge volumes of content for children. However - search YouTube for "Lindsey Russell" – a Blue Peter presenter and great female role model – and the second clip is tagged 'Leather Mini Skirt and Black Tights' with denigrating comments and expletives about Lindsey and her appearance. Search for the cartoon character Shrek, and not far away are series of hard core animated porn videos featuring the green ogre.
- (37) There are filters on YouTube: many inappropriate videos are not available in 'Restricted' mode. But by default, this is switched off. Nor do they apply if a user is not signed in. By default, children do not generally sign in!

### **3. What are the technical challenges for introducing greater controls on internet usage by children?**

- (38) Without a central record of identities (a controversial thought in itself), it is easy to lie, and extremely tough to verify whether a user logging in to a digital service is who they say they are
- (39) Most people dislike passwords, so most platforms such as Google help by keeping a user persistently signed in once they've logged in. If a child is using their parent's device, the likelihood is they will have unrestricted access to content.
- (40) The CMF maintains there needs to be a standard that ensures consistent best practice and expectations across the industry. However, there is no real motivation from the industry to tackle this problem.

### **4. What are the potential future harms and benefits to children from emerging technology, such as Artificial Intelligence, Machine Learning and the Internet of Things**

- (41) Futurologist Alan Kay once remarked that 'Technology is anything invented before you were born'. It's scary – and scares around technology are common place and alarmist. In recent months we have heard about Barbie Doll's talking to users and the Talking Tom app recording conversations to share with hackers. None of these are true.
- (42) Many of the benefits and hazards do not concern the innate technology, but rather the way it is used. This applied to content and services for adults as well as children. However, as new technologies emerge, it is vital that risks and benefits are properly researched.
- (43) Work is already underway to look at VR and potential physical effects such as eye strain as well as possible mental effects. However, the potential for negative impact has to be considered in tandem with the benefits: when well implemented, VR has fantastic potential as a tool for learning and entertainment.
- (44) The internet of things posed new risks. As more and more devices become 'connected', and more and more businesses collect data, there is the potential for data

protection standards to degrade as a result of hacks, mishaps or simple complacency. If this were to happen, it could have important implications for children as well as adults.

## EDUCATION

### **5. What roles can schools play in educating and supporting children in relation to the internet? What guidance is provided about the internet to schools and teachers? Is guidance consistently adopted and are there any gaps?**

- (45) Educating children in online safety and digital media literacy is an Ofsted requirement. In our experience, schools work hard to meet their obligations and reflect the guidance from Ofsted and third parties organisations such as the NSPCC et al.
- (46) Secondary schools in particular work hard to help children learn and deal with issues around digital platforms.
- (47) However much of the guidance is based on the dated assumption that it is teenagers who are using digital services and therefore most at risk and in most need of education and support.
- (48) The CMF is concerned as younger children have increasingly autonomous access to platforms and content, we must ensure that education for children and their parents at primary or even infant stages reflects these cultural changes.

### **6. Who currently informs parents of risks? What is the role for commercial organisations to teach e-safety to parents? How could parents be better informed about risks?**

- (49) Some parents have an introduction at an early age while their children are at primary school, but provision is poor. We worry that the most consistent source of information is the tabloid press. However, while tabloid stories have a wide reach, unfortunately the information they contain is often ill considered or inaccurate.
- (50) In digital jargon, media literacy itself needs to be treated as a product that best serves its audience. While we recognize that many organisations endeavor to provide useful information and guidance for parents, our assessment is that this content is often too generalized to be useful. Nor is it presented in a way that is easily discoverable the time of need. Parents, carers and teachers need guidance they can find easily, and that helps them address their specific concerns.
- (51) Industry can and must do more. One approach may be to collect a levy from the major platforms to help fund a coherent media literacy strategy. However, a useful step would be to ensure that terms and conditions are presented much more clearly and succinctly so they can be properly understood by users – parents and children.

## GOVERNANCE

### **7. What are the challenges for media companies in providing services that take account of children? How do content providers differentiate their services for children, for example in respect of design?**

- (52) When considering digital services, it is important to be clear on definitions:
- (53) On one extreme there are the platforms such as You Tube or Instagram. These provide a publishing platform and tend to aggregate and distribute rather than creating content. While platforms are often popular with children as well as adults, the specific needs of children are rarely considered – which means inappropriate content is easily found or discovered inadvertently.
- (54) On the other extreme are the producers who create content. The production of children's media tends to be vocational. As a consequence, content produced specifically for children has tended to be well balanced around risk and benefit. A mutual trust has existed between content creators, publishers and parents that producers will do the best they can for children.
- (55) Many of the CMF's members who work in the children's digital sector believe that the same ethos should apply to digital space. However, it's clear that the status quo which based on self-regulation is not adequate to ensure this is maintained.

### **8. What voluntary measures have already been put in place by providers of content to protect children? Are these sufficient? If not, what more could be done? Are company guidelines about child safety and rights accessible to parents and other users?**

- (56) It's important to recognize that there is no substantive regulation in the UK that specifically protects children's rights online. Therefore, all measures are voluntary
- (57) The BBC are the standard bearers in this space. Over the years they have developed mutual trust with parents and children around TV that has evolved to encompass their digital platforms. The guidelines and policies are easily available online and frequently updated to reflect new issues and societal changes.
- (58) The commercial sector is more of a mixed bag. Some organisations such as Popjam have worked hard to ensure their platforms are safe for children. Bigger American players, such as You Tube and Facebook/Instagram tend to expect parents to take responsibility for children's access to content.
- (59) While these companies clearly meet their legal and regulatory obligations, and their policies are available to parents on their websites. In practice, these documents are hard to find, rarely read by parents who therefore fail to understand the measures they could take to look after their children.

## LEGISLATION AND REGULATION

**9. What are the regulatory frameworks in different media? Is current legislation adequate in the area of child protection online? Is the law routinely enforced across different media? What, if any, are the gaps? What impact does the legislation and regulation have on the way children and young people experience and use the internet? Should there be a more consistent approach?**

- (60) Broadcast is essentially regulated and policed by Ofcom and ATVOD. The ASA is responsible for administering and self-regulating how ads are used in a child's context. Pure digital platforms are not covered by either of these.
- (61) The most common regulatory framework in digital space is the US Child Online Protection and Privacy Act (COPPA). In the CMF's opinion, while this is the best regulatory framework available, it has been designed for American rather than British children and is not flexible enough to keep up with changing landscape. For instance, COPPA guidance suggests that the favored route to obtain parental consent is by fax! It is simply not fit for purpose.
- (62) COPPA allows the predominantly US platforms to side step any societal responsibility to protecting children. The platforms claim they are merely the pipes for delivering content, with no responsibility for the content itself. They can therefore do the minimum to stay within national rules
- (63) While there is an EU directive in process – it's primarily designed to address content plurality and reflect indigenous culture.
- (64) In the UK, the Information Commissioners office is responsible for policing best practice about data protection and children. However, the ICO is really a passive organization. Potentially unsafe practices are unlikely to be addressed unless there is a problem.
- (65) The CMF considers that there are currently three issues around regulation:
- i - Many major digital businesses popular with children fall outside UK jurisdiction
  - ii - The regulations we are forced to use to safeguard British children has not been designed with needs of British children in mind. While we would expect some European countries such as France to strictly legislate, the UK's approach is to let the market self-regulate. So far this has not been successful, and we have no reason to consider that the situation will improve in future.
  - iii - The wheels of technology move at a much faster rate than the cogs of the legal system. Legislation needs to be flexible to accommodate new challenges – and the industry needs to interpret the intention of guidance as well as the specifics.
- (66) When services are developed or launched, we would like children to be considered by default. It is much easier to create a safe environment for kids and then unshackle it for adults, than to try and retrospectively react to make something child friendly

**10. What challenges face the development and application of effective legislation? In particular, in relation to the use of national laws in an international/cross-national context and the constantly changing nature and availability of internet sites and digital technologies? To what extent can legislation anticipate and manage future risks?**

- (67) The internet is designed to be distributed and not limited by national borders, therefore legislation needs to be developed collaboratively with other countries.
- (68) UK regulators need to have 'teeth' to ensure that regulation can be enforced.
- (69) However, it is also important to ensure that future innovation is not inadvertently stifled.
- (70) Platforms, distributors and content makers need to take a clear and accessible position regarding the provision of services for children, including explicit information about how data is collected and used, and targeted advertising applied. This could mean three levels:
- i – Appropriate for Children (default)
  - ii – Not appropriate for children
  - iii – Appropriate with parental consent

**11. Does the upcoming General Data Protection Regulation take sufficient account of the needs of children? As the UK leaves the EU, what provisions of the Regulation or other Directives should it seek to retain, or continue to implement, with specific regard to children? Should any other legislation should be introduced?**

- (71) The CMF is not convinced the new regulation will adequately address the needs of children.
- (72) Within the framework of the regulation there is too much uncertainty about when children are responsible for their own data, nor does it lay down clear guidance on when and how children's data can be collected. A right to be forgotten should also be included, with an expectation on platform owners that it needs to be easy and quick to enact – and its implementation should be clearly evidenced
- (73) The CMF considers that any platform widely used by children should have an accessible, clear children's policy

**12. What more could be done by the Government? Could there be a more joined-up approach involving the collaboration of the Government with research, civil society and commerce?**

- (74) Previous evidence heard by the committee suggested that digital literacy should be treated as a public health matter – encompassing parents, platforms, producers and regulators

- (75) The CMF agrees that the government has a clear role in facilitating a clearer conversation and proper guidance on the expectations and best practice for ensuring children are safe.