

Submission to the Consultation On the Age Appropriate Design Code

31 May 2019

Introduction

The [Children's Media Foundation](#) is a not-for-profit organisation dedicated to ensuring children and young people in the UK 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 been drafted by our Executive Advisory Group who are industry leaders from the children's television and digital sectors. It is based on their knowledge of the children's media industry, including audience research and experience of developing best-practice products and policies for organisations in the UK and overseas.

As many of the issues overlap, we have laid out our response as single answers to the questions you raise.

Question 1 Is the 'About this code' section of the code clearly communicated?

Yes

Question 2. Is the 'Services covered by this code' section of the code clearly communicated?

Yes

Question 3. Have we communicated our expectations for this standard clearly?

Yes

Question 4. Do you have any examples that you think could be used to illustrate the approach we are advocating for this standard?

Unfortunately, the design principles applied to safeguarding children on digital platforms are often absent – hence the need for a standard such as this. The default position of many ISS is also to seek to protect children by relying on 'walled gardens' – an approach that is consistently demonstrated through research to be ineffective.

This also means that most of the examples we have are where the implementation has been poor. This would include Instagram's stated position to the CMF that children under 13 do not use their platform and the Roblox story in the news this week ¹

However, there are some examples of good practice:

¹ <https://www.bbc.co.uk/news/technology-48450604>

- The BBC has been developing its child safeguarding measures since the early days of the internet, and its editorial guidelines² are often used as a benchmark. Unfortunately, these guidelines tend to be better known by digital producers that have come from TV rather than digital natives.
- Superawesome³ has a range of tools and services designed to protect children online.
- Nickelodeon has created a competition platform with built in child safety measures - including adult consent – which has enabled the brand to build its engagement with its audience

Question 5. Do you think this standard gives rise to any unwarranted or unintended consequences?

We believe that the strength of the standard is that it is clear about the intended objectives and outcomes for the audience rather than prescribing a recipe list of actions for ISS.

While this could – and should - build motivation to create and innovate digital services that meet the needs of everyone, we expect that there will be resistance from some sectors of the industry. In turn, this could lead to a reduction of features and content and even a closure of services for children.

While this would be unfortunate, and our organisation champions diversity of content and innovation content for children online, we firmly believe that children (and parents) have a right to high quality, safe experiences online

Question 6. Do you envisage any feasibility challenges to online services delivering this standard?

In many respects the proposed Standard is a radical departure from the status quo and puts much more onus on ISS to look after children in the digital space. We would expect that there will be some resistance from platforms who will argue that the implementing the standard will be technically challenging and could limit the freedom of expression of other users.

We would argue that this argument is disingenuous, that the Standard is a sensible regulatory framework for protecting children, and that it is also born out of the industry's failure to effectively self-regulate over many years.

On a more practical level, we would seek to ensure that there is no ambiguity in the Standard around the age of an audience – and that the appropriateness of design should be assessed against the actual audience using an ISS rather than the stated or intended audience.

We would suggest that the change may be assisted if companies and platforms were encouraged to share their approaches to implementing the Standard – perhaps facilitated by the ICO. With our connections into the industry, this is an approach that we would be happy to support in any way we can.

² <https://www.bbc.co.uk/editorialguidelines/guidelines>

³ <https://www.superawesome.com/>

Question 7. Do you think this standard requires a transition period of any longer than 3 months after the code come into force?

We would suggest that 3 months would be an ambitious timescale and would inevitably lead to a closure of services as some changes will take longer to implement – especially for smaller companies.

We would therefore suggest that ISS should be expected to take an agile approach to implementation. We think it would be reasonable to expect them to assess their activities and create a phased approach for implementation. Activities with a high risk or impact should be addressed quickly – within 3 months. Activities covered by the Standard which are less high impact could be addressed over a longer period, but within a year.

Question 8. Do you know of any online resources that you think could be usefully linked to from this section of the code?

Our members use and share a large range of resources and guides – including some that they have developed themselves that are not in the public realm. We would be happy to canvass them for specific suggestions.

Question 9

There is no question 9!

Question 10. Is the 'Enforcement of this code' section clearly communicated?

Yes

Question 11. Is the 'Glossary' section of the code clearly communicated?

Yes

Question 12. Are there any key terms missing from the 'Glossary' section?

Not in the context of this document

Question 13. Is the 'Annex A: Age and developmental stages' section of the code clearly communicated?

Yes

Question 14. Is there any information you think needs to be changed in the 'Annex A: Age and developmental stages' section of the code?

Sonia Livingstone is a member of our Academic Advisory Board. We are very familiar with her work and concur with the developmental stages.

Question 15. Do you know of any online resources that you think could be usefully linked to from the 'Annex A: Age and developmental stages' section of the code?

There are many resources concerning Child Development that are readily available.

However in such a fast changing technical and sociological landscape, the need is to understand how child development is changing. Sonia Livingstone's blog is, of course, a great resource. We also know that many of our members highly value Ofcom's longitudinal studies – Children and Parents: Media use and Attitudes⁴ and Children's Media Lives⁵

Question 16. Is the 'Annex B: Lawful basis for processing' section of the code clearly communicated?

Yes

Question 17. Is this 'Annex C: Data Protection Impact Assessments' section of the code clearly communicated?

The template is comprehensive, however we would question whether it would be properly understood by all the intended users. We would hope that the templates might be accompanied by some guidance such as videos to encourage users to consider the implications of each of the points raised.

Question 18. Do you think any issues raised by the code would benefit from further (post publication) work, research or innovation?

As stated above, we would hope that the issues raised in the code would be expanded so that ISS of varying scales and complexity can properly understand and engage with the challenges. We would also hope that the industry would be encouraged to share approaches and solutions that will encourage innovation.

We would always encourage research – and would hope that new and existing research could be triangulated with the Code to monitor its effectiveness and the adoption and adherence of industry.

⁴ <https://www.ofcom.org.uk/research-and-data/media-literacy-research/childrens/children-and-parents-media-use-and-attitudes-report-2018>

⁵ <https://www.ofcom.org.uk/research-and-data/media-literacy-research/childrens/childrens-media-lives>