

Royal Society for Public Health

Response to the Information Commissioner's Office call for evidence on the Age Appropriate Design Code

The Royal Society for Public Health (RSPH) is an independent, multidisciplinary charity dedicated to the improvement of the public's health and wellbeing. We have a membership of more than 6,000 public health professionals encompassing a wide range of sectors and roles including health promotion, medicine, environmental health and food safety. Our vision is that everyone has the opportunity to optimise their health and wellbeing, and we seek to achieve this through our qualifications, conference and training programmes and policy and campaign work.

Q1. In terms of setting design standards for the processing of children's personal data by providers of ISS (online services), how appropriate you consider the above age brackets would be (delete as appropriate):

Very appropriate

Q1A. Please provide any views or evidence on how appropriate you consider the above age brackets would be in setting design standards for the processing of children's personal data by providers of ISS (online services)

RSPH value the need to pay regard to the fact that children have different needs at different ages. We see the age brackets set out to be very appropriate.

Q2. Please provide any views or evidence you have on children's development needs, in an online context in each or any of the above age brackets (3-5, 6-9, 10-12, 13-15, 16-17)

RSPH has long called for the introduction of comprehensive, statutory Personal, Social and Health Education (PSHE) in schools to support and protect the development needs of children in an online context. PSHE education plays a central role in preparing children for the real world under the core themes of PSHE - relationships, physical and mental health, careers and economic wellbeing.

Our 2017 report 'Status of Mind: Social media and young people's mental health', called for a component of PSHE education to feature the safe use of social media including: cyber bullying and where to seek help; social media addiction; body image and social media, and other potential effects of social media on mental health.

The education system must evolve with the society in which it operates and equip our young people with the tools necessary to navigate the digital age in a way which protects their mental health and emotional wellbeing.

Q3. Please provide any views or evidence you have on how the Convention might apply in the context of setting design standards for the processing of children’s personal data by providers of ISS (online services)

RSPH are in agreement that it is right the United Nations Convention on the Rights of the Child is invoked to set the age of a child as anyone under the age of 18 and that online services, which are likely to be accessed by children, must uphold the rights of children as set out by the Charter.

Q4. Please provide any views or evidence you think the Commissioner should take into account when explaining the meaning and coverage of these terms in the code.

In agreement with [5Rights’ response to the Age Appropriate Design Code consultation](#), RSPH believe the commissioner should take into account when explaining the meaning and coverage of these terms in the code:

- The Code must offer a high bar of data privacy by default. This would reverse current industry norms and would ensure a child’s privacy was safeguarded as standard. The default high setting must allow a child to use the service in a meaningful way and service design must not include deliberate attempts to encourage a child to open up default settings that are not in his or her “best interests”.
- Routine failure by an online service to adhere to its own published rules including; joining age, community rules, terms and conditions and privacy notices, should be considered a breach of the Code and therefore subject to the full extent of enforcement penalties under the GDPR. Until terms and conditions and privacy notices are upheld by online services, those services should not be entitled to rely on them.
- Geolocation must be off by default. Unless a geolocation is service critical (to be determined by the Information Commissioner), it should be off by default.
- Child Data Impact Assessments as standard for all existing services and products, and new services and products prior to launch. We recommend requiring online services to carry out Child Data Impact Assessment (CDIA) for all online services likely to be accessed by a child. The CDIA would address the specific needs and higher standards to which children are entitled, and place the requirement to carry out such assessments on a statutory footing.
- The Code must introduce universal reporting standards (RRP), so that the criteria, systems and likely outcomes are familiar to children. By which we mean the steps a child takes, the information offered, and outcomes of reporting should be similar and therefore become familiar to a child as they grow up. We do not mean that a site cannot use its own brand or speak in their own branded voice.
- The Code requires a commitment from government to enforcement. Unless there is a meaningful likelihood of enforcement, then the ISS are not incentivised to implement the Code in ways that are robust and effective. The ICO needs sufficient expertise and resources and, given the huge wealth of some ISS, the backing from HM Treasury to fund enforcement.

Are you:

A body representing the views or interests of children? Please specify:	<input checked="" type="checkbox"/>
A body representing the views or interests of parents? Please specify:	<input type="checkbox"/>
A child development expert? Please specify:	<input type="checkbox"/>
A provider of ISS likely to be accessed by children? Please specify:	<input type="checkbox"/>
A trade association representing ISS providers? Please specify:	<input type="checkbox"/>
An ICO employee?	<input type="checkbox"/>
Other? Please specify:	<input type="checkbox"/>