

The Children's code

A summary

YOUR DATA MATTERS

What is the Children's code?

The Children's code is a data protection code of practice for online services, such as apps, online games, and web and social media sites that are likely to be accessed by children.

- It came into force on 2 September 2020.

Why has the Children's code come into existence?

- The United Nations Convention on the Rights of the Child (UNCRC) recognises that children need special safeguards and care in all aspects of their life.
- Governments should ensure businesses operating in their countries respect children's digital rights.
- A child-friendly version of children's digital rights can be found at: https://5rightsfoundation.com/In_Our_Own_Words_Young_Peoples_Version_Online.pdf
- The UK government asked the ICO to produce the Children's code, which sets out specific protections for children's personal data.

How does the Children's code work?

- The Children's code is a set of rules designed to make the internet a safer place for children to learn, explore and play.
- The code requires services to put the best interests of the child first when they are designing and developing apps, games, connected toys and websites that are likely to be accessed by young people.

• How will the code affect children and young people?

- Online services - such as websites, games and apps - should only be collecting a minimum amount of young people's data, and they shouldn't share it. Children and young people may notice that their settings are set to private by default, geolocation services are switched off and nudge techniques are minimised.

What is the full list of code standards that organisations have to conform to?

The standards are:

- **Best interests of the child:** online services likely to be accessed by children need to be designed with the best interest of the child in mind.
- **Data protection impact assessments:** online companies should carry out an assessment of their services to make sure that children's digital rights are respected.
- **Age appropriate application:** Online companies need to think about how you can establish the age of your users, in order to correctly apply the Children's code rules.
- **Transparency:** Privacy policies must be written in clear language suited to the age of the child.
- **Detrimental use of data:** Do not use children's personal data in ways that are detrimental to their wellbeing.
- **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).
- **Default settings:** Settings must be 'high privacy' by default.

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- **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 choices over which elements they wish to activate.
- **Data sharing:** Do not disclose children's data unless strictly necessary and in the best interests of the child.
- **Geolocation:** Switch geolocation options off by default and provide an obvious sign for children when location tracking is active.
- **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.
- **Profiling:** Switch options which use profiling 'off' by default (unless you can demonstrate a compelling reason for profiling to be on by default, 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).
- **Nudge techniques:** Do not use nudge techniques to lead or encourage children to provide unnecessary personal data or weaken or turn off their privacy protections.
- **Connected toys and devices:** Connected toys or devices must conform to the code.
- **Online tools:** Provide prominent and accessible tools to help children exercise their data protection rights and report concerns.

Where to find out more about the Children's code:

Visit <https://ico.org.uk/your-data-matters/the-children-s-code-what-is-it/>

<https://ico.org.uk/for-organisations/childrens-code-hub/>

What should someone do if they spot a website or app that is not adhering to the Children's code?

The service should be contacted directly in the first instance and if the response is not adequately dealt with, any online service that is suspected of not adhering to the code should be reported to ICO at <https://ico.org.uk/make-a-complaint/>

