Bird & Bird & 6 steps to comply with the Age Appropriate Design Code

Does the Age Appropriate Design Code (AADC) concern our business?

The AADC is a code of practice issued by the Information Commissioner, the UK data protection regulator, to safeguard children's data online. It applies to most online services which are likely to be used by under 18s. Its not limited to services targeting children, or to services dealing with under 13s. It also applies to online services offered by organisations outside the UK who target users in the UK.

What does the AADC cover?

The AADC says you must design online services with "the best interests of the child" front of mind. This includes ensuring that the service is appropriate for children's developmental needs; offering choices over most processing of personal data which isn't necessary for the core service; having privacy settings which are high privacy by default; and having privacy notices which are written for children (not data protection professionals).

How to comply

1. Identify relevant services

- What are your online services? Are any online activities exempt?
  - "General audience" sites are covered if its "likely" under 18s will access them
  - Identify which sites are general audience and which are child directed: the AADC applies to both, but how you comply may differ
- Children means under 18s
- Organisations with no UK presence who target services to, or monitor behaviour of children in the UK, also have to comply. This includes organisations in the EEA.

2. Checking age

- Consider how old children visiting your sites will be.
  - The AADC protects all children, but the requirements are age-dependent
- How do you check age?
  - Risk based approach - self-declaration through to hard ID
  - Avoid collecting unnecessary ID
- If you don't know how old users are, apply the AADC standards to all users.

3. Service design

- Design the service to protect "the best interests" of the child: for example, ensure protections from inappropriate content & from excessive screen time
- Offer choices before you collect data which is not necessary for the "core" service.
  - Default settings should be high privacy by default
  - If devices have multiple users, offer choices to each user
- Build alerts to show if geo-location, tracking, parental monitoring is turned on.

4. UX

- Offer choices for any use of data which is not necessary for the core service - consider just in time data collection notices.
  - Don't nudge children to alter settings
- Use privacy notices and ToS a child can understand.
  - Use creative, just in time, ways to explain things (e.g. cartoon, graphics)
  - Consider pro-active privacy tools - "I need help"
- Do what you say - check community and content standards are met.

5. Age-appropriate

- Children needs alter over time. "Age-appropriate" means do what is appropriate for each age-group; don't treat all under-18s the same way#.
  - Distinguish 0-5s; 6-9; 10-12; 13-15; and 16-17 (or justify alternatives).
- Transition dependence away from parental choices for older children.
- Where multiple age-ranges are relevant, allow children to upscale and downscale the information they receive.

6. Accountability

- Always carry out a Data Protection Impact Assessment.
  - Tailor your DPIA to identify risks to children - not just data risks - and to show how you mitigate these risks
  - Consider consultation with parents, children and experts (large organisations and those offering services widely used by children)
- Have guidelines & training for relevant staff
- Document how you comply with the AADC or how you have decided it does not apply.

Organisations have until 2 September 2021 to comply with the AADC

For more information about complying with the AADC, contact us.

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