

Raft of tech changes to protect children as new rules come into force

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- New legislation first introduced by 5Rights Chair Beeban Kidron mandates tech companies to make the digital world safer for children and young people under 18.
- Google, Facebook and TikTok have confirmed slew of child protection changes as 2nd September deadline approaches, proving the tech sector is not beyond the law.
- This comes as polling for 5Rights finds that 90% of parents think the internet can be harmful to children, with children spending 500% more time online during covid [[source](#)].

Today new legislation comes into force which requires tech companies – such as social media, search, gaming and streaming platforms – to give children and young people specific protections for their data. The Age Appropriate Design Code (AADC) is first-of-its-kind legislation, giving children high privacy for their personal data, and instructing companies to change features that use data to expose children to risks and intrusion.

Several big tech companies have already made the changes required by the AADC, impacting their policies not just in the UK, but across their global operations.

- **Instagram** will no longer allow unknown adults to direct message under 18s
- **TikTok** users under the age of 16 will have the accounts set to private by default.
- **Google** will stop targeted advertising to under 18s, taking children out of the business model. They have also introduced safe search by default.
- **YouTube** will remove auto-play, to prevent children being fed endless videos.
- A vast number of wellbeing features offering time off and time out have been introduced across the sector.

From the 2nd of September 2021, the Information Commissioner's Office (ICO) will begin monitoring for compliance with the regulation. Companies who breach the code and put children at risk will be eligible for a fine of up to £17.5 million or 4% of their annual worldwide turnover.

Baroness Beeban Kidron, Chair of 5Rights, said:

"For years, the tech sector has neglected to protect children. This has led to a toxic digital environment with harmful content and risky behaviours amplified and promoted – it is commercial exploitation of a vulnerable population, causes widespread distress and at worst ends in tragic self-harm and loss of life.

“This new legislation recognises for the first time that the digital world, like the real world, must treat children differently – observe their rights, ensure their privacy and promote their wellbeing. It is the work of scores of individuals, campaigners and parliamentarians, in and out of government, and I thank them all for their commitment.

“Importantly we see lawmakers in the US, EU, Australia and Canada mirroring the provisions of the AADC, and many of the changes will be available to children around the world. This marks a new era of responsibility from the tech industry. It’s a great day for children and their parents and puts the UK at the front of child online protection globally.”

First piece of legislation for children’s data marks new era

Baroness Kidron, Chair of children’s digital rights charity 5Rights, introduced the AADC into the Data Protection Act 2018 to transform how digital services interact with children. Key changes include:

- **The code protects everyone under 18:** previously teenagers were treated the same as adults, but they will no longer be left vulnerable to harmful data practices.
- Companies are now responsible for ensuring that they do not use children’s data to **serve to under 18s detrimental content**. This will prevent children from being targeted with harmful content, such as that which promotes suicide or self-harm.
- **Companies can no longer claim their services are not aimed at kids.** The AADC introduces ‘likely to be accessed by children’ as the scope of the regulation, meaning the code applies to the wide range of services that children use in practice.
- The code bans ‘nudge techniques’, meaning platforms are **no longer allowed to encourage children to provide unnecessary personal data**. For example, a child’s real time location must not be made publicly available, and kids will no longer be encouraged to stream to large groups of unknown adults.
- Services must now undertake **data protection impact assessments to assess the risks of their service**.
- Children must be informed about **parental controls** and the nature of monitoring of their activities by their parent or carer.
- Digital products and services must be designed in the **best interests of children**. The code specifically states that the best interest of a child must be accounted as a primary consideration when in conflict with commercial interests.

These changes will build in a high bar of data protection to digital products and services that are likely to be accessed by children.

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NOTES TO EDITORS

About 5Rights Foundation

5Rights Foundation develops new policy, creates innovative projects and challenges received narratives to ensure governments, regulators, the tech sector and society understand, recognise and prioritise children's needs and rights in the digital world. In all of our work, a child is anyone under the age of 18, in line with the UN Convention on the Rights of the Child.

Our work is pragmatic and implementable, allowing us to work with governments, intergovernmental institutions, professional associations, academics, and young people across the globe to build the digital world that young people deserve.

Background

The [Children's Code](#) (officially, the 'Age Appropriate Design Code') is the first statutory code of practice for children's data anywhere in the world. It has the potential to completely transform the way that companies collect, share and use children's data, requiring them to offer children a high level of privacy protection by default.

Data drives many norms of the digital world, and the way children's data are collected, shared, and used impacts every aspect of their on the digital experience, and also on their wider lives. The protections the Code offers are a significant and welcome change to how children are protected and supported in the digital age. This is particularly important now, as the pandemic has brought more children online for more of the time, deepening their dependence on digital technology in more areas of their lives.

The Children's Code is binding on all online services 'likely to be accessed by children' and is enforced by the Information Commissioner. The Code's requirements are designed to be proportionate to the risks arising from a service's processing of data. Lower risk services will have lower obligations, while the expectations on higher risk services will be greater. It came into force on 2 September 2020 and there is a 12-month transition period for companies to comply.

The Data Protection Act (DPA) 2018 updated UK data protection law and implements the GDPR in the UK. An amendment to the DPA gave effect to the requirement in GDPR to offer children specific protection. That amendment became section 123 of the Act and required the Information Commissioner to introduce an Age Appropriate Design Code to set standards that make online services' use of children's data 'age appropriate'. The Code is derived from the principles in the Data Protection Act and GDPR, including data minimisation, purpose limitation, and data protection by

design and default. As such, it places no extra obligations on services which are already fully compliant with GDPR and it can easily be adopted by other states and institutions.

For more on the role 5Rights Foundation played in the creation of the Code, read [this article](#) from the New York Times.