



The California Age Appropriate Design Code

California State Assembly members Buffy Wicks (D) and Jordan Cunningham (R) have introduced the **California Age Appropriate Design Code Bill** to offer privacy and safety to Californian children online.

Data protection for children radically changes the way digital companies engage with children and offers them privacy and safety by design. The Bill is practicable and realistic, drawing as it does on the UK's Age Appropriate Design Code (AADC).

With this Bill, California has the chance to lead the way in making the digital world safe for American children.

Data protection makes children safer

Data-driven services are designed to gather and share data in ways that impact on the safety and wellbeing of children. Common features nudge children into risky behaviors, expose them to predators, recommend harmful material, and encourage compulsive behavior. These features are routinely built into a system designed by adults for use by adults, leaving millions of children struggling to cope online.

- 75% of the top social media platforms use AI to recommend children's profiles to strangers.
- Leaked Instagram documents said the platform is exacerbating body image problems for 1 in 3 teen girls. 6% of US teens link their interest in suicide directly to the platform.
- Average screentime for American teens increased by 17% in the last two years to over 8.5 hours a day.

What the Code would do

- The Code would require companies to prioritize the safety and privacy of children in the design of any digital product or service that children in California are likely to access.
- It would restrict data collection and profiling of children in ways that are detrimental to the child. This would reduce the risk of harmful content and risky connections being pushed towards Californian children.
- It would require high privacy settings by default and switching off geolocation, and prohibit the use of nudge techniques to encourage children to weaken their privacy protections.

Why would the California Code be a game changer?

At the time of the CPRA ballot initiative, 8 in 10 Californians said they wanted to see stronger action against violations of children's privacy.¹ Introducing the California AADC as part of the CPPA regime will give them the democratic outcome they voted for.

Washington has not yet found a route to bring these urgently needed protections into law. Setting out the parameters in California may help Washington leadership on this issue to resolve this impasse.

Successive Attorneys General have spoken out in favour of bringing in enforceable data protection for children. In the absence of general data protection regulation, the California Code could show the way for State-led protections for children.

The largest and most influential companies are largely based in California. A California Code could be a precursor to a global settlement on data protection for children.

What is the UK Age Appropriate Design Code (AADC)?

The AADC, on which the California Code is modelled, is a UK statutory code that offers a comprehensive set of rules for the protection of children's data. It is already being implemented by tech companies and enforced for children in the UK.² At its core are four principles:

- **A child is a person under 18**, in line with the UN Convention on the Rights of the Child.³
- **Children must be protected wherever they are online.** Services in scope are those 'likely to be accessed' by children – where the presence of a child on that service is 'more probable than not' or could be 'reasonably expected'.
- Products and services in scope of the Code must consider the privacy and protection of children, **by design and default.**
- That in the event of a conflict of interest between service and child, the **child's best interest** must be paramount.

The AADC comprises 15 standards that apply to all digital products and services, including connected toys and devices, that are likely to be accessed by children.⁴

The enforcement regime includes fines of 4% of global turnover or £17.5m, whichever is greater.⁵

What has the UK's AADC already achieved?

Since the Code passed into law, a wide range of services have made hundreds of changes to their privacy settings, including some of the biggest companies in the world. Some notable examples:⁶

- Google have made SafeSearch the default browsing mode for all under 18s.

¹ Californians for Consumer Privacy - [ICYMI: Summary of Key Findings from California Privacy Survey](#)

² Information Commissioner's Office (ICO) in the UK - [The UK Age Appropriate Design Code](#)

³ Office of the UN High Commissioner for Human Rights – [Convention on the Rights of the Child](#)

⁴ Information Commissioner's Office (ICO) in the UK – [The Code Standards](#)

⁵ Information Commissioner's Office (ICO) in the UK – [Enforcement of this code](#)

⁶ 5Rights Foundation - [Raft of tech changes to protect children as new rules come into force](#)

- YouTube have turned off autoplay for under 18s and break and bedtime reminders are turned on by default.
- TikTok and Instagram have disabled direct messages between children and adults they do not follow.
- The Google Play Store now prevents under 18s from viewing and downloading apps rated as adult-only.
- TikTok do not push notifications after 9pm to children aged 13-15 and after 10pm to 16–17-year-olds.

Children in California deserve these protections to be enforced for them, too.

How is the California Code different?

The California Age Appropriate Design Code has been adapted to reflect existing California law.

The AADC is enforced via legal action and defined penalties; the enforcement mechanism for the California Code is the Attorney General under the Unfair Competition Law.

The bill also calls for the establishment of the California Children’s Data Protection Taskforce to evaluate best practices and to provide support to businesses, with an emphasis on small and medium businesses.

State of the Union Address, President Biden

“We must hold social media platforms accountable for the national experiment they’re conducting on our children. It’s time to strengthen privacy protections, ban targeted advertising to children, and demand tech companies stop collecting personal data on our children.”⁷

US Media

- [POLITICO – Did the UK just figure out how to keep kids safe online?](#), written by Chief Technology Correspondent Mark Scott
- [The New York Times – Why Apps Suddenly Want to Protect Kids](#), written by Shira Ovide, discussing the impact of the Code on the US internet
- [The New York Times - What’s One of the Most Dangerous Toys for Kids? The Internet.](#), video by Adam Westbrook, Lucy Kind and Jonah M. Kessel, calling for the Code to be introduced in the US
- [Bloomberg - The British Baroness Who’s Taming Big Tech](#), profile written by Columnist Parmy Olson

Further information:

- [The California Age Appropriate Design Code Bill](#)
- [The UK Age Appropriate Design Code](#)
- [What traditional toys would look like if they had all the features of the digital world](#)

⁷ President Biden, State of the Union, quoted on his [Twitter account](#), 18th March 2022