

Gameforge 4D GmbH

Age Appropriate Design Code Audit Report

December 2023



Executive summary

Background & Scope

Under Data Protection Act 2018 Section 123(1), the Information Commissioner produced a code of practice on standards of age appropriate design, the Age Appropriate Design Code (AADC). The AADC applies to “relevant information society services which are likely to be accessed by children” in the UK. This includes many apps, programs, connected toys and devices, search engines, social media platforms, streaming services, online games, news or educational websites and websites offering other goods or services to users over the internet. It is not restricted to services specifically directed at children.

The AADC sets out 15 headline standards of age appropriate design that companies need to implement to ensure their services appropriately safeguard children’s personal data and process children’s personal data fairly. The AADC came into force on 2 September 2021.

More widely, the Information Commissioner is also responsible for enforcing and promoting compliance with the UK General Data Protection Regulation (UK GDPR), the Data Protection Act 2018 (DPA18) and other data protection legislation. Section 129 of the DPA18 allows the ICO to carry out consensual audits. The ICO sees auditing as a constructive process with real benefits for controllers and so aims to establish a participative approach.

Gameforge 4D GmbH – hereafter Gameforge – agreed to a consensual audit of the measures, processes, and policies they have in place to demonstrate conformance with the AADC and compliance with data protection legislation.

The purpose of the audit is to provide the ICO and Gameforge with an independent assurance of the extent to which Gameforge, within the scope of this agreed audit, is complying with the AADC and data protection legislation.

The scope areas covered by this audit are determined following a risk based analysis of Gameforge’s processing of UK children’s personal data. The scope may take into account any data protection issues or risks which are specific to Gameforge, identified from ICO intelligence or Gameforge’s own concerns, and/or any data protection issues or risks which affect their specific sector or organisations more widely. The ICO has further tailored the controls covered in each scope area to take into account the organisational structure of Gameforge, the nature and extent of Gameforge’s processing of UK children’s personal data, and to avoid duplication across scope areas. As such, the scope of this audit is unique to Gameforge.

It was agreed that the audit would focus on the following areas:

- *A: Governance, Policies, Transparency, and Rights*
- *B: DPIAs and Best Interests of Children*
- *C: Data Minimisation and Sharing*
- *D: Age Assurance*
- *E: Detrimental Use of Personal Data*
- *F: Default Settings*
- *G: Parental Controls*
- *H: Geolocation*
- *I: Profiling*
- *J: Nudge Techniques*

Audits are conducted following the Information Commissioner's data protection audit methodology. The key elements of this are a desk-based review of evidence documentation including selected policies and procedures, and virtual interviews with selected key staff.

Where opportunities were identified, recommendations have been made to facilitate conformance with AADC code standards and improve compliance with data protection legislation. In order to help Gameforge understand its obligations, we have used the following format in the report:

- Where we use "**must**", this means that the law requires Gameforge to take action to meet a legal requirement.
- Where we use "**should**", this isn't a legal requirement but is what we expect Gameforge to do to comply effectively with the law. Gameforge should follow this unless there is a good reason not to. If Gameforge takes a different approach, it must be able to demonstrate that this complies with the law.
- Where we use "**could**", this refers to an action that Gameforge may want to consider to improve its compliance or adopt good practice.

These priorities are assigned based upon the ICO's assessment of the risks involved. Gameforge's priorities and risk appetite may vary and, therefore, they should undertake their own assessments of the risks identified.

Overview of System and Data Processing

Gameforge is a video games publisher and developer that is headquartered in Karlsruhe, Germany. Gameforge was founded in 2003 and publishes around 15-20 online games, most of which are Massively Multiplayer Online Role Play Games (MMORPGs). Gameforge games are played on PC and can be accessed across the world via the user's browser, the Gameforge launcher, or popular third party platforms.

Gameforge is a member of the 'Unterhaltungssoftware Selbstkontrolle' (USK) which is Germany's self-regulation body for entertainment software. The majority of Gameforge games are rated as suitable for children aged 0-12 years, however it was reported that this is due to the absence of more adult content or high risks to children rather than active targeting of child users. Gameforge has assessed that its games are unlikely to appeal to younger children as – although its games include fantasy elements/ animation styles – gameplay involves complex high-strategy roleplay mechanics that requires users to make quick tactical calculations and optimise character development.

Gameforge does not collect any user data to confirm their ages or identify child users, and subsequently has chosen to apply high privacy and data protection safeguards to all users – including UK child users – by implementing pseudonymisation of all user account data and high security standards, and not implementing higher risk processing activities such as location tracking or profiling.

Gameforge has also adopted a privacy-by-design approach and embedded data minimisation throughout the organisation, which is subject to oversight from the Data Protection Officer and Legal team. Gameforge's ethos is to maintain the lowest privacy risks to users.

Audit Summary

Overall Assurance Rating	Overall Opinion
Reasonable	There is a reasonable level of assurance that the organisation conforms with the AADC standards and processes are in place to deliver data protection compliance. The audit has identified some scope for improvement in existing arrangements to reduce the risk of non-conformance with the AADC and subsequent non-compliance with data protection legislation.

*The assurance rating above is reflective of the remote audit methodology deployed at this time and the rating may not necessarily represent a comprehensive assessment of compliance.

Opportunities for Improvement

Privacy information must include sufficient detailed information about specific instances of processing, their purpose and lawful basis, and retention arrangements. Privacy information should be provided in a format that is age-appropriate and understandable to UK child users, supported by user testing to confirm that users are fully informed how their personal data is processed.

DPIAs should clearly record consultation with key stakeholders, feedback/approval from the management board, and change history or evidence of periodic reviews. Privacy risks identified in DPIAs should be subject to appropriate risk management oversight, and evidence that mitigating controls are fully in place and effective should be checked before processing begins and periodically thereafter.

An assessment should be undertaken to consider and document the potential ages of users, which can be achieved non-intrusively by using anonymous or aggregated data such as market research, indicative analytics from social media/streaming platforms, or optional in-game surveys.

Gameforge's approach to conforming with specific AADC code standards should be documented and regularly reviewed, specifically in regards to default settings, parental controls, geolocation, profiling, and nudge techniques.

Good Practice

Five members of Gameforge's Legal team have attained Data Protection Officer (DPO) certification. Two of them additionally have Youth Protection Officer certifications; both are formally appointed Youth Protection Officers of Gameforge and can be reached by email to assist users and parents with youth protection matters. Additionally Gameforge has an external and formally appointed DPO who is regularly consulted by the Legal Team to minimise blind spots and who can be reached by users and parents by email. This means that any member of the Legal team can complete tasks in all data protection areas which enables good business planning and continuity.

Gameforge has made two members of the Legal team who have a DPO certification key signatories to the company accounts and new/ changed contracts. This means that at least one of them must sign in advance before a second signature by a member of the management board is made in order to ensure that new or changes to personal data processing have to be reviewed by DPO certified personnel and where deemed necessary discussed with the formally appointed DPO and Youth Protection Officers.

Gameforge does not use personal data to promote or market third party products or services to users, and Gameforge online services do not include any third party advertising.

Gameforge has implemented prompts within its 'Aion' game that encourages users to take a break from continuous/ excessive play, and automatically disconnect a user after 24h of continuous play.

Gameforge process geolocation only to country level using the user IP address, which after a period of seven days is permanently redacted and hashed in Gameforge databases in such way that hash functions are changed daily and after a further period of 180 days the hash function cannot be reconstructed.

Disclaimer

The matters arising in this report are only those that came to our attention during the course of the engagement and are not necessarily a comprehensive statement of all the opportunities for improvement. The responsibility for ensuring that there are adequate risk management, governance and internal control arrangements in place rest with the management of Gameforge.

We take all reasonable care to ensure that our report is fair and accurate but cannot accept any liability to any person or organisation, including any third party, for any loss or damage suffered or costs incurred by it arising out of, or in connection with, the use of this report, however such loss or damage is caused. We cannot accept liability for loss occasioned to any person or organisation, including any third party, acting or refraining from acting as a result of any information contained in this report.

This report is solely for the use of Gameforge. The areas covered have been tailored to this engagement and, as a result, the report is not intended to be used in comparison with other ICO reports.