

Snap Inc.

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Information Commissioner,
Information Commissioner's Office,
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Dear Commissioner,

Snap response to Age Appropriate Design Code Call for Evidence

We welcome the opportunity to contribute to your Office's call for evidence on the forthcoming Age Appropriate Design Code. In designing our own app, Snapchat, we have put a great deal of thought into how we can give young people the power to engage creatively, safely and positively when online.

We remain committed to working in collaboration with both the Government and other stakeholders, such as your Office, to help develop workable solutions in this policy area and are keen to share our insights with you.

Drawing on our experience in designing Snapchat, we would like to share some insights and views that we hope you will find helpful. We would also like to flag Snapchat's minimum user age is 13, so this advice is aimed at designing apps for users aged 13-15 and 16-17.

This letter lays out our design approach, which we hope will be useful for your Office to see how we have struck the right balance between creating a fun, exciting experience and ensuring that our users can trust that we are not exposing them, or their data, to any undue risks.

Section 1 explains Snapchat's key features and how we use capabilities such as geolocation technology responsibly. This demonstrates how principles rather than rules can ensure a final design that provides a safe experience without hindering the ability to create, have fun and explore on the app.

Section 2 shows how we use design to ensure users feel supported throughout their experience on Snapchat, and how we underpin this design with a swift response and remediation process.

Section 3 provides our model for how we utilise users' data to enable the app to properly function and be a sustainable platform from a commercial perspective. Our goal with this section is to provide an example framework for what should be expected of consumer-facing apps in terms of supporting users and responsibly using their data.

Last, Section 4 urges policymakers to take a step back and reflect on how to best implement age-appropriate design. We have identified a number of opportunities in the application value chain which would benefit from further analysis, since they could be a more suitable starting point in terms of protecting young people online than new, prescriptive design requirements.

Section 1: Protecting users through design

Our starting point for all design features is the trust, safety and well-being of Snapchatters. We develop and continually improve our products by listening to our community, seeking guidance from experts and working constructively with regulators and legislators in the UK and internationally. The rules and initiatives that we build into our app's design to protect young users do have a positive impact.

New features go through an intense product review process before they are released. From the earliest stages of development, a team of product and privacy attorneys works directly with our designers and engineers to develop safe, privacy-protective features that help Snapchatters live in the moment, learn about the world, and have fun together. Our product review process is guided by a few core principles: (1) We communicate honestly and openly with Snapchatters about how we use their information; (2) Snapchatters are in control of their information and how they express themselves; (3) we design with privacy in mind; and (4) we don't stockpile private messages.

We try to design features that function identically for all Snapchatters, but our product attorneys understand that not everyone is the same and that some people — especially younger users — may require extra protection. That's why some features — like Snap Map and Our Story — are designed to work differently (or not at all) for different users.

Snapchat is designed to appeal to teen and adult audiences, and individuals under the age of 13 are not permitted to create Snapchat accounts. When registering an account, individuals are required to provide their date of birth and the registration process fails if a user is under the age of 13. We do not inform individuals that their registration failed due to their age and, on the web, we set a cookie to discourage repeated registration attempts. In all cases, we've designed our age-gating mechanisms to prevent the storage of information about under-13 individuals on our servers.

The concept of appropriate design is a foundation stone of Snapchat as a product. We built Snapchat as an antidote to the context-less communication that defines "social media" and we extend this approach to everything we do, including when it comes to design. By prioritising virality and permanence, social media drains conversations of spontaneity and emotion, and user safety can be compromised. Snap, however, is a camera company. When you open the Snapchat app, you open to the camera, which encourages users to talk in pictures, framing and experiencing the moment rather than distracting them from it with feed-based, perfect content. Snapchat is designed to be a conversation among friends that exists in the moment. Although there are transparent ways for users to save Snaps and chats, our servers are designed to delete this content by default.

Given this approach, Snapchat's design consciously encourages authentic relationships with a Snapchatter's existing social circle. Unlike the traditional social media platforms, Snapchatters do not have browsable public profiles including things like location, interests, or age. A Snapchatter's friends list isn't visible in the app and users don't see how many people view each other's Stories. And last, by default, you cannot receive messages from someone whom you haven't added as a friend on the app. Most interactions on Snapchat are between close friends.

This approach to designing an app with well-being and creativity at the forefront has created a safer place for young people to engage positively with their friends and the world around them whilst protecting them from hostile, external, unreliable content.

In addition to our core camera and messaging features, Snapchat offers other features to its users, as described below:

- **Discover:** To the right of the camera screen is the Discover section, containing curated news and information from best in class media organizations such as The Economist, National Geographic, The Daily Telegraph, and Food Network. Our partnerships with reputable media organizations, coupled with human-moderated public Stories content from popular user accounts, means Snapchat is an unattractive venue for peddlers of fake news, state-sponsored disinformation and illegal content generally. And, in keeping with Snap's age-appropriate product design, we and our publishers age-restrict content so that younger users are less likely to see content that is meant for an older audience.
- **Snap Map:** Snap Map is designed to open up a world of possibilities for our community, enabling friends to experience something new in the world everyday. Through an interactive map interface, Snap Map shows users what's happening nearby and around the world, anchored by the context of friends' Bitmojis (avatar representations of the users). Location-sharing in Snap Map is off by default. For under 16s in the EU, location data is only collected in order to provide a requested service that cannot be provided without knowledge of location (for example, requesting to use a Geofilter) and no data is retained once the service has been provided.

The first time someone uses Snap Map, there is a tutorial and they're asked to set their privacy settings, where they learn how to select who they would like to share their location with. Users have a choice to select, or exclude, specific Snapchat friends, all of their Snapchat friends or no friends - what is called "Ghost Mode".

Users can update who can see their location at any time right from the Settings gear in the Map. If users decide they would like to stop for any reason, they can simply toggle Ghost Mode on and they disappear from the Map within seconds. It is important to understand that Snapchat is not a broadcast platform, and does not give users the option to share their location publicly with a full contact list of people they may not know.

In this policy space, there will always be calls to introduce more curbs and barriers to protect young users. It is our belief, however, that any further externally-directed restrictions would do little to improve the protection of young people from harmful material as on Snapchat they are

served content that is either curated by Snapchat, curated by trusted media partners, or is directly from their friends via the app.

When designing an app, it is most effective to be guided by principles on how users are able to interact with the app, creating pathways that ensure that they are carried through the process of establishing appropriate privacy settings and making sure they are always aware of what information they are sharing and with whom.

We believe that privacy is essential to empowering self-expression and that's why our features are designed to put Snapchatters in control of who they share things with, how they share them, and how long they can be seen. At Snap, this means product attorneys review and test the user experience during feature development to provide recommendations about how we can most effectively communicate the different ways we process Snapchatters' information and the controls available to limit collection and sharing of this information. Our default is to minimize the information we store about Snapchatters and to provide Snapchatters with control over who sees their content.

These principles also help us to create a finite environment whereby uncurated content, unknown third parties and other users are unlikely to reach young people (or anyone else) using Snapchat. We appreciate this is not the case for many other consumer facing applications.

Section 2: Supporting users through design

Our app is designed to be easy to use and enjoyed, but it is also designed to help users know what is and isn't acceptable and how to ask for help if they need it. The safety of our community is our top priority and we clearly illustrate the types of content which are not acceptable in our [Community Guidelines](#) and [Terms of Service](#).

If users come across something that makes them uncomfortable, we have a dedicated Trust & Safety team that works around the clock to lead investigations, review reports and enforce our policies. In nearly all cases, they respond to reports and concerns within 24 hours, the vast majority within a handful of hours. When Snapchatters violate our rules, we remove the offending content and may terminate the account.

Additionally, we have worked hard to make it easier for users to report harassment, bullying and other safety concerns right in the app. To report abuse on Snapchat, users can press and hold on the open content until a flag button appears in the bottom left corner which alerts us to their concerns. This report will capture the Snap or Story reported and allow us to more fully assess the situation and take appropriate action.

We also work closely with many public authorities, including law enforcement agencies, and expert not-for-profit organisations like the IWF and UK Safer Internet Centre, to make sure we are making Snapchat a safe and enjoyable environment for our users. Our Safety Advisory Board, comprising world class online safety professionals from the US and UK, convenes regularly and advises on improvements we can make both to our products and processes.

User feedback tells us that our measures help to make Snapchat a safe and positive environment, and for us, this indicates that we have struck the right balance when it comes to investing in product innovation and safety.

As a small and scaling business, our resources are already prioritised to support product innovation and safety. Designing and retrofitting additional requirements, that would have little or no impact on the well being of our user community, would prove a burdensome and retrograde step.

Section 3: Being a responsible platform

It is, of course, essential that regulation ensures that apps are using their users' data responsibly. At the same time, there should be sufficient flexibility allowed in how data protection rules are implemented by companies. The principles-based approach of the GDPR provides sufficient flexibility and we would urge against any undermining of the delicate balance of interests carefully struck during GDPR negotiations.

From the outset, Snap's privacy principles have aligned with those of the GDPR. As a result, Snap's preparation for the GDPR was less about implementing new compliance measures and more about enhancing our existing privacy programme. The GDPR's principles-based approach allows us to remain in compliance by continually improving our products in ways that make sense for our unique audience and platform. For example, rather than relying solely on a long-form privacy policy to provide Snapchatters with transparency, we were able to enhance user transparency by developing a series of privacy-related Snaps in Discover as well as short, plain-language privacy notices that can be easily read in our app. We believe that a principles-based approach grants us the flexibility to leverage our design resources to develop engaging privacy and safety-enhancing features that are embraced (rather than ignored) by our audience. Inflexible, prescriptive regulation can directly impact user experience whilst adding no additional protection to young users, as well as negatively affecting the long-term economic development of the sector.

There is a dual responsibility we face: regulators have a responsibility to strike the right balance with the weight and design of regulation; companies have a responsibility to interpret and implement those regulations, using their technological capabilities, to ensure their services do not put young users' well-being at risk.

Section 4: Taking a holistic approach to promoting existing opportunities

We firmly believe the key to developing workable policy solutions in this area is to address the widest possible community of stakeholders and focus on the earliest possible stages in the value chain. Before we consider creating new rules, we should ensure much better use is being made of the tools, programmes, and initiatives that are already available in the market to create a safer environment. It is not the case today.

A holistic approach to enhancing young people's online safety would address the whole value chain and identify and allocate responsibilities to the various stakeholders, based on where changes to their specific design features can have the most impact. Access to, and use of,

applications requires the user to pass through at least four technology “layers” before reaching the app itself: the mobile operator, the hardware, the operating system and the app store.

Children, by and large, do not buy their own phones. At the point of purchase, the purchaser (usually the parent or carer) should be guided through the options to configure, in an age appropriate manner, the phone’s safety parameters using the operating system tools provided, including linking to a family account controlled by a parent/carers for younger children.

Similarly, children, by and large, do not sign up for mobile data subscriptions. At the point of purchase, small changes to the purchase flow could be designed so that the purchaser would be guided through the options to configure, in an age appropriate manner, both the phone’s safety parameters using the operating system tools, as well as the mobile network operators’ own tools, such as age gates, white/black lists and parental filters.

A user’s first interaction with an app store is another key pinch point through which all users must pass before they can install apps on their phones. There are only two app stores, run by the two operating system providers - Apple and Android. Introducing the two companies’ comprehensive family suites of safety and wellbeing tools - age gates, screen time limiters, downtime setting, monitoring app downloads and in app purchases, white/black lists, etc - when signing up to the app stores would catch any new users who somehow fell through the first two points-of-purchase gates.

Finally, at the app layer, it is incumbent upon app providers to continue to improve the safety and security of their applications, particularly those orientated towards younger people. Given there are more than 2.5 million apps in each of the Android and Apple stores, it is unrealistic to expect all apps to adhere to a UK code of conduct, whether for design principles or service provision. Any expectations placed on app providers should be tempered with the knowledge that the majority of app providers are not UK-based, have no UK operations, and do not consider themselves to be under the UK’s jurisdiction. Putting a mandatory heavy burden on a few good corporate citizens risks creating a competitive imbalance. We support continuing the positive voluntary progress the good actors are making in cooperation with UK Government and UK internet safety not-for-profit organisations.

I hope this letter is a useful contribution to your call for evidence as you look to consider an Age Appropriate Design Code. In closing, I would like to restate Snap’s willingness to continue to work with both you and HM Government more widely on this matter. Please do not hesitate to contact me if we can provide any further information or you would like to discuss any or all of the above points.

Yours sincerely,

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