

[REDACTED]

From: [REDACTED]
Sent: 21 September 2018 19:48
To: ChildrenandtheGDPR
Subject: Letter to the Information Commissioner

To: Ms. Elizabeth Denham,
Information Commissioner

Dear Commissioner Denham,

My name is [REDACTED] and I am the [REDACTED] at the Center for Humane Technology. We are a non-profit organization comprised of former technology insiders whose goal it is to raise awareness about the harms being caused by technology products and advocate for both product and policy solutions. We have been involved in a number of recent efforts to that effect; for example, [REDACTED]

I am writing to you to share some of my thoughts with you regarding the Age Appropriate Design Code. Here are a few principles I think are particularly important to include in the Code:

Data minimization - with respect to children, preventing unnecessary data collection is particularly important, as it is unreasonable to expect children to be able to manage their data after collection has already occurred, or to understand the risks involved. I would welcome any measures taken in the Code that would preempt disproportionate or unfair data collection in the case of children.

ISS responsibility for understanding who is using their applications - a recurring problem with technology companies is their reluctance to take responsibility for activity on their platforms. It is important that the Code reflect a responsibility for application developers to understand when children are using their applications, and be held accountable to a reasonable standard of understanding of who their users are.

Privacy protective defaults - ensuring that developers collecting data default to privacy protective settings is important, because children shouldn't be expected to understand these settings nor be able to make informed choices about their privacy. [REDACTED]

[REDACTED] I am aware that system design often follows norms that bias towards collecting data rather than protecting privacy, and this is the result of business decisions rather than technical necessity.

Certain practices are inappropriate when used on children and should be off-limits - some data collection practices and design techniques are simply inappropriate for children and should not be permitted. For example, the use of geolocation data for commercial purposes is not appropriate, nor are manipulative design techniques (aka "dark patterns") or other tactics intended to change behavior and drive repeat usage.

Notice and controls appropriate to the age and level of understanding of the user - children have very different needs and understanding at different ages, and those differences should be reflected in the notice and controls that are shown to applications targeted at children in each age range.

Require a ratings system for application privacy - parents and children need a simple way to understand the level of safety an application provides, and requiring a privacy ratings score is a powerful way to provide that information in an easily-digestible way.

There are no technical limitations that would prevent application developers from implementing changes to comply with the requirements outlined above. Nor should adding these stipulations into the Code stifle innovation. On the contrary, creating common sense standards for children will ensure that the many developers interested in accessing the large market of children who use technology products will do so in a thoughtful and safe manner. My experience in the technology industry has taught me that only robust enforcement will ensure the safety of users. Rules in and of themselves are not enough - the enforcement of the Code needs to create the expectation that developers follow the spirit and not just the letter of the law.

Finally, I welcome the opportunity to work with the Information Commissioner's Office to help craft the Code, if that is of interest.

Sincerely,



Center for Humane Technology