ICO consultation: ‘Likely to be accessed’ in the context of the Children’s code

**Age assurance:** Adult-only sites likely to be accessed by children

Start date: 24 March 2022

End date: 19 May 2022



ICO consultation on the draft guidance for ‘Likely to be accessed’ in the context of the Children’s code

In September 2022, we clarified [our position](https://ico.org.uk/about-the-ico/media-centre/news-and-blogs/2022/09/children-are-better-protected-online-in-2022-than-they-were-in-2021/) that adult-only services are in scope of the Children’s code if they are likely to be accessed by children. To support [Information Society Service](https://ico.org.uk/for-organisations/guide-to-data-protection/ico-codes-of-practice/age-appropriate-design-a-code-of-practice-for-online-services/services-covered-by-this-code/#code2) providers (ISS) to assess whether children are likely to access their service, we have developed the following guidance:

* [FAQs](https://ico.org.uk/for-organisations/childrens-code-hub/likely-to-be-accessed-by-children/)
* [List of factors](https://cms.ico.org.uk/for-organisations/childrens-code-hub/likely-to-be-accessed-by-children/#factors)
* [Case studies](https://cms.ico.org.uk/for-organisations/childrens-code-hub/likely-to-be-accessed-by-children/#case-studies)

We are seeking your feedback on the supporting guidance documents on ‘likely to be accessed’ in the context of the Children’s code and the accompanying [impact assessment](https://ico.org.uk/media/about-the-ico/consultations/4024635/summary-of-the-likely-to-be-accessed-guidance-impact-assessment.pdf).

Please read this document alongside the Children’s code section on [services covered by the code](https://ico.org.uk/for-organisations/guide-to-data-protection/ico-codes-of-practice/age-appropriate-design-a-code-of-practice-for-online-services/services-covered-by-this-code/).

The consultation will remain open until **19 May 2023**. The ICO welcomes feedback on the specific questions set out below.

Please complete our online survey: [**survey link**](https://online1.snapsurveys.com/dtpqhk)

Or download this document and email to: [ageassurance@ico.org.uk](mailto:ageassurance@ico.org.uk)

Or print off this document and post to:

Age Assurance

Information Commissioner’s Office

Wycliffe House

Water Lane

Wilmslow

Cheshire

SK9 5AF

If you have any general queries about this consultation or would like further information, please email [ageassurance@ico.org.uk](mailto:ageassurance@ico.org.uk)

**Privacy statement**

For this consultation, we may publish a summary of the responses but will not publish the actual responses received from organisations or individuals.

Should we receive an FOI request for your response we will need to consider whether we make it available. However, at this point, we would always seek to consult with you for your views on the disclosure of this information before any decision is made.

For more information about what we do with personal data please see our [privacy notice](https://ico.org.uk/global/privacy-notice/responding-to-our-consultation-requests-and-surveys/).

Questions

We are seeking feedback on our FAQs, list of factors, and case studies, which seek to support ISS to determine when their service is likely to be accessed by children, including ISS that are not aimed at children. We are also seeking feedback on our impact assessment.

Your feedback to the following questions will help shape our guidance as we develop its final version. Please let us know if you have any other feedback in the general comments boxes.

**Section 1: FAQs and list of factors**

**Q1.** To what extent do you agree that the FAQs provide helpful guidance for providers of ISS to assess whether children are likely to access their service? If you think that it is not helpful, please explain why specifically and what you think we should change in the comments box.

Strongly agree

Agree

Disagree

Strongly disagree

Unsure/don’t know

Comments

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**Q2.** To what extent do you think that the list of non-exhaustive factors would be practical for providers of ISS to consider when they are assessing whether children will access their service? If you think that the list of factors is not practical, please explain why specifically and what you think we should change in the comments box.

Strongly agree

Agree

Disagree

Strongly disagree

Unsure/don’t know

Comments

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**Q3.** Are there any other considerations that you think should be added to the list of factors? If yes, please explain what factors you think should be included in the comments box below.

Yes

No

Unsure/don’t know

Comments

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**Q4.** To what extent do you agree that the definition of a ‘significant number of children’ helps to clarify its meaning? If you think that it is not helpful, please explain why specifically and what you think we should change in the comments box.

Strongly agree

Agree

Disagree

Strongly disagree

Unsure/don’t know

Comments

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**Q5.** Is there anything else you would like to tell us about the FAQs and list of factors?

Comments

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**Section 2: Case studies**

**Q6.** To what extent do you agree that the case studies provide helpful examples of providers of ISS considering whether children are likely to access their service? If you think that the case studies are not helpful, please explain why specifically and what you think we should change in the comments box.

Strongly agree

Agree

Disagree

Strongly disagree

Unsure/don’t know

Comments

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**Q7.** Are there any other sectors you would like us to develop a case study for, beyond those which we have currently drafted? If yes, please explain why in the comments box.

Comments

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**Q8.** Is there anything else you would like to tell us about the case studies?

Comments

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**Section 3: Impact assessment**

The following questions are about our impact assessment. Some of the questions may not be relevant to you or your organisation so please skip these as necessary, or as indicated in the descriptions.

**Impact assessment summary table**

We are seeking views on our impact assessment summary table, which was provided as supporting evidence for the consultation. This sets out a high-level overview of the types of impacts that we have considered. We will be developing these further into a more detailed assessment of impacts as we move towards publication of the guidance.

**Q9.** To what extent do you agree that the impact assessment summary table adequately scopes the main affected groups and associated impacts?

Strongly agree

Agree

Disagree

Strongly disagree

Unsure/don’t know

If disagree, strongly disagree or unsure/don’t know, please provide examples of any affected groups or details of impacts you think we have missed or require further consideration.

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**Q10.** Can you provide us with any further evidence for us to consider in our impact assessment.

Yes

No

If yes, please could you provide the impact evidence or a link to it in the box below, or contact details where we can reach you to discuss further.

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**Impacts on your organisation**

These questions are specifically for respondents that are acting on behalf of an organisation. If you are not acting on behalf of an organisation, please skip straight to the ‘About you’ section.

**Q11.** Who in your organisation needs to read the guidance? (Please provide job titles or roles, not people’s names)

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**Q12.** To what extent (if at all) do data protection issues affect strategic or business decisions within your organisation?

Data protection is a major feature in most of our decision making

Data protection is a major feature but only in specific circumstances

Data protection is a relatively minor feature in decision making

Data protection does not feature in decision making

Unsure/don’t know

**Q13:** Do you think the guidance set out in this document presents additional: (select one option)

cost(s) or burden(s) to your organisation

benefit(s) to your organisation

both

neither

Unsure/don’t know

**[MOVE TO Q13 IF ANY OF THE FIRST THREE OPTIONS ARE SELECTED, OTHERWISE SKIP TO THE “ABOUT YOU” SECTION]**

**Q14.** Could you please describe the types of additional costs or benefits you might incur?

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**Q15.** Can you provide an estimate of the costs or benefits you are likely to incur and briefly how you have calculated these?

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**Q16.** Please provide any further comments or suggestions you may have about how the guidance might impact your organisation.

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**Section 4: About you**

**Q17.** What is your name?

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**Q18.** If applicable, what is the name of your organisation and your role?

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**Q19.** Are you acting: (Please select)

in a private capacity (eg someone providing their views as a member of the public)?

in a professional capacity?

on behalf of an organisation?

other

If other, please specify.

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**Q20.** Are you a: (Please select most appropriate)

Provider of an Information Society Service. If so please state which sector in the box below (e.g. gaming, pornography, online dating, social media etc)

Member of the public

Technology provider

Representative group/charity/think tank

Civil society - children's safety

Civil society - privacy

Commissioner

Academic

Trade body

Other

If other, please specify. If you are an ISS, please state which sector.

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**Q21.** How would you describe your organisation?

​​☐​ 0 to 9 members of staff

​​☐​ 10 to 249 members of staff

​​☐​ 250 to 499 members of staff

☐​ 500 or more members of staff

​​☐​ Not applicable or not sure

**Further consultation**

**Q22.** Would you be happy for us to contact you about our work relating to Age Assurance and the Children’s Code?

Yes

No

If yes, please provide the best contact details.

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**Thank you for taking the time to respond to our questions.**