

Information Commissioner's Office

Consultation:

Age Appropriate Design code

Start date: 15 April 2019

End date: 31 May 2019

Introduction

The Information Commissioner is seeking feedback on her draft code of practice [Age appropriate design](#) - a code of practice for online services likely to be accessed by children (the code).

The code will provide guidance on the design standards that the Commissioner will expect providers of online 'Information Society Services' (ISS), which process personal data and are likely to be accessed by children, to meet.

The code is now out for public consultation and will remain open until 31 May 2019. The Information Commissioner welcomes feedback on the specific questions set out below.

Please send us your comments by 31 May 2019.

Download this document and email to:

ageappropriatedesign@ico.org.uk

Print off this document and post to:

Age Appropriate Design code consultation
Policy Engagement Department
Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire SK9 5AF

If you would like further information on the consultation please telephone 0303 123 1113 and ask to speak to the Policy Engagement Department about the Age Appropriate Design code or email ageappropriatedesign@ico.org.uk

Privacy statement

For this consultation, we will publish all responses except for those where the respondent indicates that they are an individual acting in a private capacity (e.g. a member of the public or a parent). All responses from organisations and individuals responding in a professional capacity (e.g. academics, child development experts, sole traders, child minders, education professionals) will be published. We will remove email addresses and telephone numbers from these responses but apart from this, we will publish them in full.

For more information about what we do with personal data, please see our [privacy notice](#).

Section 1: Your views

Q1. Is the '**About this code**' section of the code clearly communicated?

Yes

ACT | The App Association appreciates the ICO's description of the intent of this code and how it should be used. We support ICO's efforts to provide non-binding and technology neutral guidance to assist those offering information society services.

Q2. Is the '**Services covered by this code**' section of the code clearly communicated?

No

We appreciate ICO's discussion of the scope of the term 'information society services' and the applicability of UK law in the context of protecting children. However, we believe that the ICO's discussion of the services covered by this code is abstract and of limited utility, particularly for small business digital economy innovators who do not have large budgets for legal compliance. We strongly urge ICO to provide more precise language (more precise than, for example, "Essentially this means") and to provide numerous examples of information society services that ICO believes are subject to relevant laws and this code, as well as those that fall outside of this scope.

The App Association also requests the the ICO address where liability begins and ends in the context of third parties (e.g., platforms, plug-in

creators, and analytics providers) in this section. Such third parties may have no idea as to whether the innovation they provide is being used in a way that would give rise to information society services under this code. The App Association requests that, when a third party is not clearly informed that the product or service it is providing is intended to be an information society service, it shall not face liability under the Data Protection Act 2018 or the GDPR in the UK. Without this important clarification, it would force such third parties to take severe steps to prevent liability exposure, unfairly raising the costs of development for small business software service providers. ICO should communicate this clarification in a new additional subsection.

Standards of age-appropriate design

Please provide your views on the sections of the code covering each of the 16 draft standards

1. Best interests of the child: The best interests of the child should be a primary consideration when you design and develop online services likely to be accessed by a child.

2. Age-appropriate application: Consider the age range of your audience and the needs of children of different ages. Apply the standards in this code to all users, unless you have robust age-verification mechanisms to distinguish adults from children.

3. Transparency: The privacy information you provide to users, and other published terms, policies and community standards, must be concise, prominent and in clear language suited to the age of the child. Provide additional specific 'bite-sized' explanations about how you use personal data at the point that use is activated.

4. Detrimental use of data: Do not use children's personal data in ways that have been shown to be detrimental to their wellbeing, or that go

against industry codes of practice, other regulatory provisions or Government advice.

5. Policies and community standards: Uphold your own published terms, policies and community standards (including but not limited to privacy policies, age restriction, behaviour rules and content policies).

6. Default settings: Settings must be 'high privacy' by default (unless you can demonstrate a compelling reason for a different default setting, taking account of the best interests of the child).

7. Data minimisation: Collect and retain only the minimum amount of personal data necessary to provide the elements of your service in which a child is actively and knowingly engaged. Give children separate choices over which elements they wish to activate.

8. Data sharing: Do not disclose children's data unless you can demonstrate a compelling reason to do so, taking account of the best interests of the child.

9. Geolocation: Switch geolocation options off by default (unless you can demonstrate a compelling reason for geolocation, taking account of the best interests of the child), and provide an obvious sign for children when location tracking is active. Options which make a child's location visible to others must default back to off at the end of each session.

10. Parental controls: If you provide parental controls give the child age appropriate information about this. If your online service allows a parent or carer to monitor their child's online activity or track their location, provide an obvious sign to the child when they are being monitored.

11. Profiling: Switch options based on profiling off by default (unless you can demonstrate a compelling reason for profiling, taking account of the best interests of the child). Only allow profiling if you have appropriate measures in place to protect the child from any harmful effects (in particular, being fed content that is detrimental to their health or wellbeing).

12. Nudge techniques: Do not use nudge techniques to lead or encourage children to provide unnecessary personal data, weaken or turn off privacy protections, or extend use.

13. Connected toys and devices: If you provide a connected toy or device ensure you include effective tools to enable compliance with this code

14. Online tools: Provide prominent and accessible tools to help children exercise their data protection rights and report concerns.

15. Data protection impact assessments: Undertake a DPIA specifically to assess and mitigate risks to children who are likely to access your service, taking into account differing ages, capacities and development needs. Ensure that your DPIA builds in compliance with this code.

16. Governance and accountability: Ensure you have policies and procedures in place which demonstrate how you comply with data protection obligations, including data protection training for all staff involved in the design and development of online services likely to be accessed by children. Ensure that your policies, procedures and terms of service demonstrate compliance with the provisions of this code

Q3. Have we communicated our expectations for this standard clearly?

1. Best interests of the child
Yes
2. Age-appropriate application
Yes
3. Transparency
Yes
4. Detrimental use of data
No We understand that illegal use of data would be detrimental, but request clarity as to the meaning of "any use of data that is obviously detrimental to children's physical or mental health and wellbeing." Without further

detail as to this proposal, we cannot determine a standard of behavior. We suggest that ICO delete this language, or alternatively change it to say "any use of data reasonably understood to be detrimental to children's physical or mental health and wellbeing."

5. Policies and community standards

Yes

6. Default settings

No

ICO recommends that the default position "for each individual privacy setting should be privacy enhancing or 'high privacy'." ACT | The App Association believes this recommendation is consistent with the approach that its members take with regard to information society services generally, and particularly for children. However, we are left to wonder exactly how the quoted term 'high privacy' is defined by ICO (as compared to 'low privacy' and 'medium privacy'). We request that ICO provide an adequate explanation of the term 'high privacy' (contrasted with 'low' and 'medium' privacy) or alternatively that ICO delete this phrasing from its code.

7. Data minimisation

Yes

8. Data sharing

Yes

9. Geolocation

Yes

10. Parental controls

No

11. Profiling

Yes

12. Nudge techniques

Yes

13. Connected toys and devices

Yes

14. Online tools

Yes

15. Data protection impact assessments

Yes

16. Governance and accountability

Yes

Q4. Do you have any examples that you think could be used to illustrate the approach we are advocating for this standard?

1. Best interests of the child

Yes

For this standard, we strongly recommend including numerous detailed use cases of information society services showing what the ICO believes is appropriate as well as inappropriate. Such an approach will make the code's guidance much more actionable to stakeholders, particularly small business innovators who do not have extensive budgets for compliance projects.

2. Age-appropriate application

Yes

For this standard, we strongly recommend including numerous detailed use cases of information society services showing what the ICO believes is appropriate as well as inappropriate. Such an approach will make the code's guidance much more actionable to stakeholders, particularly small business innovators who do not have extensive budgets for compliance projects.

3. Transparency

Yes

For this standard, we strongly recommend including numerous detailed use cases of information society services showing what the ICO believes is appropriate as well as inappropriate. Such an approach will make the code's guidance much more actionable to stakeholders, particularly small business innovators who do not have extensive budgets for compliance projects.

4. Detrimental use of data

Yes

For this standard, we strongly recommend including numerous detailed use cases of information society services showing what the ICO believes is appropriate as well as inappropriate. Such an approach will make the code's guidance much more actionable to stakeholders, particularly small business innovators who do not have extensive budgets for compliance projects.

5. Policies and community standards

Yes

For this standard, we strongly recommend including numerous detailed use cases of information society services showing what the ICO believes is appropriate as well as inappropriate. Such an approach will make the code's guidance much more actionable to stakeholders, particularly small business innovators who do not have extensive budgets for compliance projects.

6. Default settings:

Yes

For this standard, we strongly recommend including numerous detailed use cases of information society services showing what the ICO believes is appropriate as well as inappropriate. Such an approach will make the code's guidance much more actionable to stakeholders, particularly small business innovators who do not have extensive budgets for compliance projects.

7. Data minimisation

Yes

For this standard, we strongly recommend including numerous detailed use cases of information society services showing what the ICO believes is appropriate as well as inappropriate. Such an approach will make the code's guidance much more actionable to stakeholders, particularly small business innovators who do not have extensive budgets for compliance projects.

8. Data sharing

Yes

For this standard, we strongly recommend including numerous detailed use cases of information society services showing what the ICO believes is appropriate as well as inappropriate. Such an approach will make the code's guidance much more actionable to stakeholders, particularly small business innovators who do not have extensive budgets for compliance projects.

9. Geolocation

Yes

For this standard, we strongly recommend including numerous detailed use cases of information society services showing what the ICO believes is appropriate as well as inappropriate. Such an approach will make the code's guidance much more actionable to stakeholders, particularly small business innovators who do not have extensive budgets for compliance projects.

10. Parental controls

Yes

For this standard, we strongly recommend including numerous detailed use cases of information society services showing what the ICO believes is appropriate as well as inappropriate. Such an approach will make the code's guidance much more actionable to stakeholders, particularly small business innovators who do not have extensive budgets for compliance projects.

11. Profiling

Yes

For this standard, we strongly recommend including numerous detailed use cases of information society services showing what the ICO believes is appropriate as well as inappropriate. Such an approach will make the code's guidance much more actionable to stakeholders, particularly small business innovators who do not have extensive budgets for compliance projects.

12. Nudge techniques

Yes

For this standard, we strongly recommend including numerous detailed use cases of information society services showing what the ICO believes is appropriate as well as inappropriate. Such an approach will make the code's guidance much more actionable to stakeholders, particularly small business innovators who do not have extensive budgets for compliance projects.

13. Connected toys and devices

Yes

For this standard, we strongly recommend including numerous detailed use cases of information society services showing what the ICO believes is appropriate as well as inappropriate. Such an approach will make the code's guidance much more actionable to stakeholders, particularly small business innovators who do not have extensive budgets for compliance projects.

14. Online tools

Yes

For this standard, we strongly recommend including numerous detailed use cases of information society services showing what the ICO believes is appropriate as well as inappropriate. Such an approach will make the code's guidance much more actionable to stakeholders, particularly small business innovators who do not have extensive budgets for compliance projects.

15. Data protection impact assessments

Yes

For this standard, we strongly recommend including numerous detailed use cases of information society services showing what the ICO believes is appropriate as well as inappropriate. Such an approach will make the code's guidance much more actionable to stakeholders, particularly small business innovators who do not have extensive budgets for compliance projects.

16. Governance and accountability

Yes

For this standard, we strongly recommend including numerous detailed use cases of information society services showing what the ICO believes is appropriate as well as inappropriate. Such an approach will make the code's guidance much more actionable to stakeholders, particularly small business innovators who do not have extensive budgets for compliance projects.

Q5. Do you think this standard gives rise to any unwarranted or unintended consequences?

1. Best interests of the child

No

ACT | The App Association appreciates considering the "best interests of the child" throughout the lifecycle of an information society service.

2. Age-appropriate application

No

ACT | The App Association members take the privacy and security of children very seriously and seek to exceed legal requirements due to a commitment to a safe experience for children (and their parents) online and through apps. We appreciate ICO's recommendation that "robust age-verification...will provide the clearest evidence" of what ages are intended to use an information society service.

3. Transparency

No

ACT | The App Association is fully committed to being clear, open, and honest with users about what they can expect when they access an online service. We appreciate the ICO's proposed guidance as to clearly communicating necessary information to end users including children.

4. Detrimental use of data

Yes

ACT | The App Association does not believe ICO is warranted in prohibiting "'sticky' features include mechanisms such as reward loops, continuous scrolling, notifications and auto-play features which encourage users to continue playing a game, watching video content or otherwise staying online" because the ICO has not yet developed a view as to these mechanisms and their relationship to childrens' health and wellbeing. ICO should base its regulations and guidance on comprehensive evidence-based analyses; to suggest that a developer should not do something until ICO gives it express permission when such an activity may be in compliance with UK laws and the GDPR would freeze the use of innovative features that may very well advance the ICO's interests (e.g., transparency) without justification. Further, should the ICO's logic be applied more broadly, it would create an unnecessarily rigid environment for information society services. We strongly encourage ICO to withdraw its recommendation against utilizing such mechanisms in its code.

5. Policies and community standards

No

ACT | The App Association supports ICO's recommendation for adherence to published terms and conditions and policies, as well as to actively enforce those published terms and condition and policies.

6. Default settings

Yes

ICO recommends that a developer "should reset existing user settings as soon as is practicable, and in any case within [x] months of this code coming into force." ACT | The App Association believes that this recommendation does not give due credit to (1) developers that work hard to clearly communicate settings, tiers, etc. to users that can be relied upon or (2) end users who review their choices and make informed decisions. A default reset of settings would largely serve as an inconvenience to end users and a disruption of the trust they may have chosen to place in a information society service, potentially reducing a developer's user base for no reason. We recommend that ICO withdraw this recommendation from its code.

7. Data minimisation

No

8. Data sharing

No

9. Geolocation

Yes

ICO recommends that "any option which make the child's location visible to others is subject to a privacy setting which reverts to 'off' every after each session," unless "a compelling reason to do otherwise taking into account the best interests of the child" can be demonstrated. If a parent makes an informed decision to permit an app to geo-track their child, we see no purpose in reverting the setting to prohibit such tracking after each use. A default reset of settings for the sake of resetting settings would largely serve as an inconvenience to end users and a disruption of the trust they may have chosen to place in a information society service, potentially reducing a developer's user base for no reason. We recommend that ICO clarify that a parent's informed consent to permit geo-tracking by an information society service addressed by this code be a clear demonstration of a compelling reasons to permit geo-tracking as an exception to its recommendation.

10. Parental controls

Yes

ACT | The App Association questions why ICO would include such a provision in its code when a parent may wish to monitor their child's activity without "age appropriate resources to explain the service to the child so that they are aware that their activity is being monitored by their parents, or their location tracked." Some parents may indeed wish to communicate this information to their child, but others may not. With parents making legal decisions for their children, we do not understand why ICO would mandate such disclosure and promote a one-size-fits-all approach. Further, ICO provides no specific legal basis for such a

requirement. The net effect of this ICO policy will be to introduce unnecessary (and at times unwanted) features into information society services. We therefore request that ICO revise this recommendation to permit the parent of a child to communicate desired information related to activity monitoring and location tracking.

11. Profiling

No

If YES, then please provide your reasons for this view.

12. Nudge techniques

Yes

ACT | The App Association agrees that nudging techniques to lead children to make poor privacy decisions. However, ICO also recommends that nudging techniques be used to encourage "pro-privacy" decisions. There is confusion as to where the line is between where using nudging techniques will be appropriate or not under the ICO's guidance, leaving this interpretation open to wide interpretation. We request further detail as to when and how this code envisions nudging techniques being used (ideally, in a two-columned chart, one column giving examples of appropriate uses and the other providing examples of inappropriate uses).

13. Connected toys and devices

No

14. Online tools

No

15. Data protection impact assessments

No

16. Governance and accountability

Yes

Many small business innovators do not have extensive resources to put into attaining certifications. ACT | The App Association agrees that attaining certifications to GDPR compliance addressed in Article 42 of the GDPR can assist in providing assurances to third parties of compliance, but we urge ICO to recognise and acknowledge that where certifications may be expensive for small businesses, they are not required as there are other means to demonstrate compliance with UK law and the GDPR.

Q6. Do you envisage any feasibility challenges to online services delivering this standard?

1. Best interests of the child
No
2. Age-appropriate application
No
3. Transparency
No
4. Detrimental use of data
Yes ACT The App Association does not believe ICO is warranted in prohibiting "'sticky' features include mechanisms such as reward loops, continuous scrolling, notifications and auto-play features which encourage users to continue playing a game, watching video content or otherwise staying online" because the ICO has not yet developed a view as to these mechanisms and their relationship to childrens' health and wellbeing. ICO should base its regulations and guidance on comprehensive evidence-based analyses; to suggest that a developer should not do something until ICO gives it express permission when such an activity may be in compliance with UK laws and the GDPR would freeze the use of innovative features that may very well advance the ICO's interests (e.g., transparency) without justification. Further, should the ICO's logic be applied more broadly, it would create an unnecessarily rigid environment for information society services. We strongly encourage ICO to withdraw its recommendation against utilizing such mechanisms in its code.
5. Policies and community standards
No
6. Default settings
Yes ICO recommends that a developer "should reset existing user settings as soon as is practicable, and in any case within [x] months of this code coming into force." ACT The App Association believes that this recommendation does not give due credit to (1) developers that work

hard to clearly communicate settings, tiers, etc. to users that can be relied upon or (2) end users who review their choices and make informed decisions. A default reset of settings would largely serve as an inconvenience to end users and a disruption of the trust they may have chosen to place in a information society service, potentially reducing a developer's user base for no reason. We recommend that ICO withdraw this recommendation from its code.

7. Data minimisation

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8. Data sharing

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9. Geolocation

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10. Parental controls

Yes

ACT | The App Association questions why ICO would include such a provision in its code when a parent may wish to monitor their child's activity without "age appropriate resources to explain the service to the child so that they are aware that their activity is being monitored by their parents, or their location tracked." Some parents may indeed wish to communicate this information to their child, but others may not. With parents making legal decisions for their children, we do not understand why ICO would mandate such disclosure and promote a one-size-fits-all approach. Further, ICO provides no specific legal basis for such a requirement. The net effect of this ICO policy will be to introduce unnecessary (and at times unwanted) features into information society services. We therefore request that ICO revise this recommendation to

permit the parent of a child to communicate desired information related to activity monitoring and location tracking.

11. Profiling

No

12. Nudge techniques

Yes

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13. Connected toys and devices

No

14. Online tools

No

15. Data protection impact assessments

No

16. Governance and accountability

Yes

Many small business innovators do not have extensive resources to put into attaining certifications. ACT | The App Association agrees that attaining certifications to GDPR compliance addressed in Article 42 of the GDPR can assist in providing assurances to third parties of compliance, but we urge ICO to recognise and acknowledge that where certifications may be expensive for small businesses, they are not required as there are other means to demonstrate compliance with UK law and the GDPR.

Q7. Do you think this standard requires a transition period of any longer than 3 months after the code come into force?

1. Best interests of the child

Yes

Smaller businesses do not necessarily have dedicated resources set aside for compliance projects such as the type of project that would be needed to align with this ICO code. To provide these smaller businesses with adequate time to make changes to their information society services to align with this ICO code, we request a minimum of 12 months to ease legal compliance costs and to allocate internal programming resources.

2. Age-appropriate application

Yes

Smaller businesses do not necessarily have dedicated resources set aside for compliance projects such as the type of project that would be needed to align with this ICO code. To provide these smaller businesses with adequate time to make changes to their information society services to align with this ICO code, we request a minimum of 12 months to ease legal compliance costs and to allocate internal programming resources.

3. Transparency

Yes

Smaller businesses do not necessarily have dedicated resources set aside for compliance projects such as the type of project that would be needed to align with this ICO code. To provide these smaller businesses with adequate time to make changes to their information society services to align with this ICO code, we request a minimum of 12 months to ease legal compliance costs and to allocate internal programming resources.

4. Detrimental use of data

Yes

Smaller businesses do not necessarily have dedicated resources set aside for compliance projects such as the type of project that would be needed to align with this ICO code. To provide these smaller businesses with adequate time to make changes to their information society services to align with this ICO code, we request a minimum of 12 months to ease legal compliance costs and to allocate internal programming resources.

5. Policies and community standards

Yes

Smaller businesses do not necessarily have dedicated resources set aside for compliance projects such as the type of project that would be needed to align with this ICO code. To provide these smaller businesses with adequate time to make changes to their information society services to align with this ICO code, we request a minimum of 12 months to ease legal compliance costs and to allocate internal programming resources.

6. Default settings

Yes

Smaller businesses do not necessarily have dedicated resources set aside for compliance projects such as the type of project that would be needed to align with this ICO code. To provide these smaller businesses with adequate time to make changes to their information society services to align with this ICO code, we request a minimum of 12 months to ease legal compliance costs and to allocate internal programming resources.

7. Data minimisation

Yes

Smaller businesses do not necessarily have dedicated resources set aside for compliance projects such as the type of project that would be needed to align with this ICO code. To provide these smaller businesses with adequate time to make changes to their information society services to align with this ICO code, we request a minimum of 12 months to ease legal compliance costs and to allocate internal programming resources.

8. Data sharing

Yes

Smaller businesses do not necessarily have dedicated resources set aside for compliance projects such as the type of project that would be needed to align with this ICO code. To provide these smaller businesses with adequate time to make changes to their information society services to align with this ICO code, we request a minimum of 12 months to ease legal compliance costs and to allocate internal programming resources.

9. Geolocation

Yes

Smaller businesses do not necessarily have dedicated resources set aside for compliance projects such as the type of project that would be needed to align with this ICO code. To provide these smaller businesses with adequate time to make changes to their information society services to align with this ICO code, we request a minimum of 12

months to ease legal compliance costs and to allocate internal programming resources.

10. Parental controls

Yes

Smaller businesses do not necessarily have dedicated resources set aside for compliance projects such as the type of project that would be needed to align with this ICO code. To provide these smaller businesses with adequate time to make changes to their information society services to align with this ICO code, we request a minimum of 12 months to ease legal compliance costs and to allocate internal programming resources.

11. Profiling

Yes

Smaller businesses do not necessarily have dedicated resources set aside for compliance projects such as the type of project that would be needed to align with this ICO code. To provide these smaller businesses with adequate time to make changes to their information society services to align with this ICO code, we request a minimum of 12 months to ease legal compliance costs and to allocate internal programming resources.

12. Nudge techniques

Yes

Smaller businesses do not necessarily have dedicated resources set aside for compliance projects such as the type of project that would be needed to align with this ICO code. To provide these smaller businesses with adequate time to make changes to their information society services to align with this ICO code, we request a minimum of 12 months to ease legal compliance costs and to allocate internal programming resources.

13. Connected toys and devices

Yes

Smaller businesses do not necessarily have dedicated resources set aside for compliance projects such as the type of project that would be needed to align with this ICO code. To provide these smaller businesses with adequate time to make changes to their information society services to align with this ICO code, we request a minimum of 12 months to ease legal compliance costs and to allocate internal programming resources.

14. Online tools

Yes

Smaller businesses do not necessarily have dedicated resources set aside for compliance projects such as the type of project that would be needed to align with this ICO code. To provide these smaller businesses

with adequate time to make changes to their information society services to align with this ICO code, we request a minimum of 12 months to ease legal compliance costs and to allocate internal programming resources.

15. Data protection impact assessments

Yes

Smaller businesses do not necessarily have dedicated resources set aside for compliance projects such as the type of project that would be needed to align with this ICO code. To provide these smaller businesses with adequate time to make changes to their information society services to align with this ICO code, we request a minimum of 12 months to ease legal compliance costs and to allocate internal programming resources.

16. Governance and accountability

Yes

Smaller businesses do not necessarily have dedicated resources set aside for compliance projects such as the type of project that would be needed to align with this ICO code. To provide these smaller businesses with adequate time to make changes to their information society services to align with this ICO code, we request a minimum of 12 months to ease legal compliance costs and to allocate internal programming resources.

Q8. Do you know of any online resources that you think could be usefully linked to from this section of the code?

1. Best interests of the child

No

2. Age-appropriate application

No

3. Transparency

No

4. Detrimental use of data

No

5. Policies and community standards

No

6. Default settings

No

7. Data minimisation

No

8. Data sharing

No

9. Geolocation

No

10. Parental controls

No

11. Profiling

No

12. Nudge techniques

No

13. Connected toys and devices

No

14. Online tools

No

15. Data protection impact assessments

No

16. Governance and accountability

No

Q9. Is the '**Enforcement of this code**' section clearly communicated?

Yes

Q10. Is the '**Glossary**' section of the code clearly communicated?

Yes

Q11. Are there any key terms missing from the '**Glossary**' section?

No

Q12. Is the '**Annex A: Age and developmental stages**' section of the code clearly communicated?

Yes

Q13. Is there any information you think needs to be changed in the '**Annex A: Age and developmental stages**' section of the code?

No

Q14. Do you know of any online resources that you think could be usefully linked to from **the 'Annex A: Age and developmental stages'** section of the code?

No

Q15. Is the '**Annex B: Lawful basis for processing**' section of the code clearly communicated?

Yes

Q16. Is this '**Annex C: Data Protection Impact Assessments**' section of the code clearly communicated?

Yes

Q17. Do you think any issues raised by the code would benefit from further (post publication) work, research or innovation?

Yes

ACT | The App Association's members are working hard to change the very nature of our children's lives through smart device applications that help them learn, explore, and communicate. With thousands of parent developers, our members understand most clearly the need to protect children in the mobile and internet environment. There is no group of people with stronger knowledge and the frontline experience to understand that privacy and innovation are not in conflict. What can create conflict is well-meaning regulation that errs on the side of proscribing innovation in the name of protecting privacy. We strongly urge ICO to ensure that its regulations and its code do not discourage or cast out any new innovations that may enable improved and streamlined information society services while protecting children's privacy. We urge ICO to take a "do no harm" to new and innovative information society services in its efforts to develop this code in furthering applicable UK law and the GDPR.

We also request that this ICO code discuss and account for Trans-Atlantic data flows by clearly explaining this code's (and UK law's and the GDPR's) relationship to the EU-US Privacy Shield.

Section 2: About you

Are you:

<p>A body representing the views or interests of children? Please specify:</p>	<input type="checkbox"/>
<p>A body representing the views or interests of parents? Please specify:</p>	<input type="checkbox"/>
<p>A child development expert? Please specify:</p>	<input type="checkbox"/>
<p>An Academic? Please specify:</p>	<input type="checkbox"/>
<p>An individual acting in another professional capacity? Please specify:</p>	<input type="checkbox"/>
<p>A provider of an ISS likely to be accessed by children? Please specify:</p>	<input type="checkbox"/>
<p>A trade association representing ISS providers? Please specify: ACT The App Association represents thousands of small business software application development companies and technology firms that create the software apps used on mobile devices and in enterprise systems around the globe. Alongside the world's rapid embrace of mobile</p>	<input checked="" type="checkbox"/>

<p>technology, our members have been creating innovative solutions that power the internet of things (IoT) across modalities and segments of the economy. Today, the App Association’s members provide the touchpoint for the cross-sectoral IoT. Our members are working hard to change the very nature of our children’s lives through smart device applications that help them learn, explore, and communicate. With thousands of parent developers, our members understand most clearly the need to protect children in the mobile and internet environment. There is no group of people with stronger knowledge and the frontline experience to understand that privacy and innovation are not in conflict. Please visit https://actonline.org/.</p>	
<p>An individual acting in a private capacity (e.g. someone providing their views as a member of the public of the public or a parent)?</p>	<input type="checkbox"/>
<p>An ICO employee?</p>	<input type="checkbox"/>
<p>Other? Please specify:</p>	<input type="checkbox"/>

Thank you for responding to this consultation.

We value your input.