



Elizabeth Denham CBE
UK Information Commissioner
Information Commissioner's Office
Wycliffe House, Water Lane, Wilmslow
Cheshire, SK9 5AF

Friday 31 May 2019

Dear Elizabeth,

We are writing to you about the impact of the proposed Age Appropriate Design Code on tech startups.

As the representative organisations for tech startups in the UK and beyond, we are extremely concerned about the potential for the code to stifle competition, damage consumers, and destroy smaller tech businesses.

It is clear to us that the code takes **far too broad** an interpretation of what "likely to be accessed by children" means. It has no regard for the intended audience of a service, the type of content or service, the likely share of the audience that is children, or the size of the business that is delivering the service.

In practice, it is not a code covering what is likely to be accessed by children, but instead is a code covering anything that could possibly be accessed by children.

These are not the same thing.

As a result, any online service which might have even a small number of children using it will effectively have three options:

1. Apply the code for all users as a default (i.e. treat all users including adults as children - limiting their services)
2. Develop multiple different products - including several for the different age bands people under the age of 18 and an 'adult' version as well as collecting age verification data for all adult users way for users to confirm their age
3. Implement an age-gate and bar younger users from accessing the service altogether, and collect age verification data for all adult users

For most startups (including any with geolocation or nudges as standard), option one would render most business models irreparably damaged and option two would require costly

additional development for new services (for users aged under 18 that would be in most cases a tiny proportion of revenue).

This will make age-gating the default option for startups.

This will not be in the interests of consumers or startups for two reasons. First, it will mean a vast increase in data collection from all kinds of providers of online services - who would be required to seek age verification from all their users. Second, it will close off access to a huge number of startup services to those under the age of 18, and create an internet for children designed largely by tech giants with the resources to build separate products for adults and those under the age of 18.

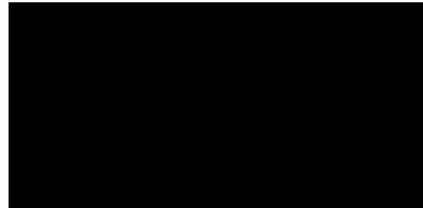
The unintended impact of the code could be a killer blow to the startup competitors to global tech giants and to consumers using their services. For startups in the UK, it would be a serious obstacle to growth. And just as importantly, it would make entrepreneurs seeking to scale to the UK think twice about their choice.

We urge you to seriously reconsider the critical impact the code could have on competition in digital markets and ensure that the ability of startups from the UK and beyond to compete fairly is retained.

Yours,



Dom Hallas
Executive Director, Coadec



Lenard Koschwitz
Director, Allied for Startups