

Age Appropriate Design Code of Practice consultation. Written submission from Jenny Afia on behalf of Schillings Partners.

1. We welcome this consultation, and congratulate you on the draft Age Appropriate Design Code of Practice. The document contains some long overdue, practical steps to protect children.

Our background

2. Jenny Afia is the co-author, along with Baroness Kidron, of a report entitled “Disrupted Childhood: The Cost of Persuasive Design” which addressed the impact of persuasive design strategies on children. She is also a member of the Children Commissioner’s Task Force on Children and the Internet, as part of which Schillings helped re-write Instagram’s Terms and Conditions so children could understand them better. Jenny has also provided evidence to the House of Lords Select Committee on Regulating the Internet.
3. Schillings is a multi-disciplinary law firm specialising in protecting individuals from arbitrary interference with their privacy and attacks upon their honour and reputation. The bulk of our cases involve online platforms / ISS in one form or another.
4. Our clients tend to be successful individuals, able to afford the best representation. Even with such advantages, it can be difficult to protect them from online threats. We really worry about the experience for those who do not have extensive resources, particularly children.

Section 14: Online Tools should allow children to report and automatically remove distressing content from their profile / timeline etc.

5. The Code will hugely improve the position for children online.
6. The only point we would like to see given further attention is the need for speed when removing distressing content.
7. In our experience, platforms can be slow to remove offending content, even when the content breaches their terms and conditions. Compared with the pace at which content spreads across the internet this is highly unsatisfactory.

8. Most platforms do not have dedicated 'legal' email addresses where complaints can be sent to or phone numbers to speak to people. Unlike when dealing with, for example, newspapers it is extremely difficult to find a 'human' to talk to about an issue. The experience feels like dealing with a brick wall built by an algorithm.
9. There is no transparency regarding who has considered a complaint and the decision making process. This is a stark contrast to publishers/broadcasters like BBC. The major online platforms evidently have the resources to arbitrate on complaints in a transparent. For example, a high-profile client of ours was the subject of an impersonation account on Instagram. This is a clear breach of Instagram's Terms of Use, yet our complaint was repeatedly rejected and erroneously categorised as an IP complaint. It was only on the fourth occasion that the profile was finally removed.
10. Each platform requires you to use their specific online reporting tool to make a complaint, which can be difficult to use and particularly problematic if you are not a user (for example Instagram does not allow you to flag a concern about content unless you have an account).
11. Whilst successful complaints can result in a user's account being deleted, this is often inadequate as another account can be set up extremely easily using different personal details. We would like to see sites take further steps to prevent future breaches, for example blocking any accounts set up in future on the same IP address.
12. We have specific ideas on how best to ensure swift removal of distressing content which we would be happy to discuss. In particular, when it comes to children, content which has been reported should be removed immediately whilst the ISS investigates the position. This is different to the current position where the content remains online during the often long period when the ISS considers what to do.
13. Beyond that practical change, at this point we don't want to be too prescriptive as are sure other ideas are being discussed.
14. The general point is that time should be of the essence when removing distressing content.

Jenny Afia

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