

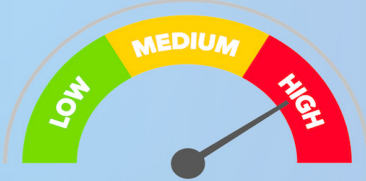


Children's Digital Rights Charity Alleges Systematic Breaches of the UK's Age-Appropriate Design Code

Charity, 5Rights, has submitted research into dozens of tech companies, including mobile games companies, to the ICO

Regulator: The Information Commissioner's Office

RISK BAROMETER:



JURISDICTION RELEVANCE:

United Kingdom

TIMELINE:

Unclear

WHAT YOU SHOULD KNOW:

- Children's digital rights charity, [5Rights](#), has, of its own initiative, submitted to the Information Commissioner's Office (ICO) research into dozens of tech companies, alleging that they are systematically endangering children online and breaching the UK's [Age-Appropriate Design Code](#) (AADC) - which came into force in September.¹
- The research was carried out in July and August 2021, testing products and services to identify gaps in compliance with the standards set out in the AADC. Although it has not yet been made publicly available, an accompanying [letter](#) sent to Elizabeth Denham, the outgoing UK Information Commissioner, provides detail.
- The letter highlights three areas of concern that the 'ICO should review as a matter of urgency:' 1) compliance must not become a 'pick and mix' approach; 2) companies are taking insufficient action; and 3) the AADC is being interpreted as introducing a handful of safety measures, rather than requiring a 'holistic re-design' of systems and services.
- Notably, gaming companies are mentioned as a potential source of poor compliance, in particular for a) mis-advertising age ratings, and b) in-app purchases that are 'age-inappropriate financial pressures' via exhortations to purchase, pay walls and time-limited

features.

- Furthermore, 12 common issues identified in the research are highlighted – including insufficient age assurance; use of dark patterns and nudges; and, excessive data sharing with third parties.
- With this submission, 5Rights wishes to encourage the ICO to investigate the 'systematic nature of these apparent breaches and publish guidance to set out expectations for all companies on these matters.'

MOST TELLING:

'Any product or service 'likely to be accessed' by a child is in scope and there should be no free pass for those that are cynically hiding behind others. With that in mind, I would ask that the ICO look at gaming companies to ensure that their services meet the standards of the Code.'²

DELANY & CO HOT TAKE:

The letter is revealing for several reasons. First, the uncertainty complaint, well after the enforcement deadline is shared with industry. Second, certain interest groups clearly have a disproportionate focus on how the AADC applies to games. Finally, the letter coincides with the ICO announcing a 'call for evidence' on age assurance - the ideal on which the AADC was initially predicated.

Endnote [1] <https://ico.org.uk/media/for-organisations/guide-to-data-protection/key-data-protection-themes/age-appropriate-design-a-code-of-practice-for-online-services-2-1.pdf>
[2] https://5rightsfoundation.com/uploads/Letter_5RightsFoundation-BreachesoftheAgeAppropriateDesignCode.pdf