The Children's Code – is this a new era for children online?

By Al Mik

Last week saw the coming into effect of the Age Appropriate Design Code. Also known as the 'Children's Code', it is the first statutory Code of practice for children's data protection in the world. This first-of-its-kind legislation gives children high privacy for their personal data and instructs companies to change features that use data to expose children to risks data. The introduction of the Code sits squarely with the aim of the Digital Futures Commission, especially our proposal for Playful by Design, the work on governance of education data, and provides a valuable framework for our future work on guidance for innovators in children's best interests.

This new legislation recognises for the first time that the digital world, like the real world, must treat children differently – observe their rights, ensure their privacy and promote their wellbeing.

As you might expect, a lot of the attention has been focused on a number of the big tech companies as Google, Facebook and TikTok all confirmed a slew of child protection changes as of the 2nd September deadline approached. It might not have been obvious from these headlines, but the Code is further reaching than just big tech and applies to information society services likely to be accessed by children, which means apps, programmes, search engines, online marketplaces, news or educational websites, and online games. There's now a legal requirement that digital products and services must be designed in the best interests of children. The Code specifically states that the best interest of a child must be accounted as a primary consideration when in conflict with commercial interests.

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Too often regulation is viewed as something which will restrict or remove aspects of the digital environment. But as the Digital Futures Commission can attest, it should be about so much more if it is to unlock digital innovation in the interests of children and young people.

It's at the heart of our thinking around Playful by Design, which we teased earlier in the summer. Building a positive vision of free play in a digital world is particularly important because the very idea of digital play has become controversial, gathering disparaging or downright hostile judgements from policymakers and the public.

In the world of gaming, there is already some thinking about what good looks like, and we recently interviewed Jo Twist, CEO of UKIE (The Association for UK Interactive Entertainment), about some of the levers available to promote children's rights in the digital environment.

The Code is to be overseen by the Information Commissioner's Office, which is in fact already responsible for protecting children's data rights, but without the tools that the Code provides. We've previously profiled their role in discussions around education data and the governance vacuum that exists.

When it comes to regulation, there are always voices arguing it will lead to a reduction of innovation, but Playful by Design has shown that we need to do more to create environments that protect the best interests of children and young people and enable their participation in a digital world.

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Originally posted on https://digitalfuturescommission.org.uk/ on September 6, 2021 .