children's charities' coalition on internet safety

Comments on the regulatory proposals regarding the consumer "Internet of Things"

The internet began its life as a small "adults-only" environment populated exclusively by scientists and technologists. There was a high level of trust and reciprocity of interest among the early pioneers. In a famous Ted Talk, given in 2013, Danny Hillis brandishes a booklet published in 1982. It is a slender volume containing the names, addresses and telephone numbers of everybody in the world (literally) who had an email account. There were two other Dannys listed. Hillis knew them both.

At some point in the early to mid-1990s, following the release of the first web browsers, the internet began its long march towards the mass market. Yet in some influential circles much contemporary discussion about the devices and services which connect to or use the internet remains rooted in the idea that all users are fully competent, literate, numerate adults who could have been one of the three Dannys. If they aren't, they *ought* to be and it is somebody else's, everybody else's, responsibility to deal with the consequences of that unfortunate fact.

Any attempt to accommodate the presence of a "non-Danny" is regarded as introducing an imperfection, an irritating, resented departure from the purity of the original idea.

However, in 2015 for the first time it was documented that children make up 1 in 3 of all human users of the internet. It hovers around 1 in 5 in the richer countries such as the UK but soars to approximately 1 in 2 in many lower income nations. Children are now an important, substantial and ever-present constituency in cyberspace. By extension they are also a significant body of users of devices that connect to or use the internet. Too big to overlook or regard as being of marginal concern.

It is important to establish a new narrative, one that proceeds from a recognition that, among other important things, the internet now functions as a consumer product or service which is intimately and unavoidably enmeshed in family life and therefore in the lives of children.

Being in consumer markets brings with it a set of expectations that are far from being met at the moment. To the extent adults have different or additional rights or needs in relation to the internet as compared to children then, of course, they should be provided for. What is important, though, is to get away from the practice which to a large degree has existed hitherto where the position of children as users of a device or service is only thought about following a calamity of some kind.

Every technology company needs to adjust the way it thinks before *"putting it out there"*. Back in the 1990s Professor Ross Anderson of Cambridge University's Computer Laboratory said (page 2) a typical attitude was *"ship it Tuesday, fix it by version 3"*. Whatever view one took of that then it surely has no place in a world where children are known to be present at scale. Yet it persists, finding a more modern echo in the famous dictum of Mark Zuckerberg *"move fast and break things"*, or his updated version*, "the fast shall inherit the earth"*. These are metaphors which give businesses permission to be careless and, in respect of children, they rest on the assumption that the burden for policing their products is shared equally or to a substantial degree with parents and teachers. The legal or economic incentives to be careful have been absent up to now. On the contrary, the legal protections provided by platform immunity and the economic incentives provided by capitalising on "network effects" point in exactly the opposite direction

The ICO's draft Code of Practice on Age Appropriate Design, taken together with the contemporaneous consultation on Online Harms and now this consultation on the "Internet of Things" seem to point the way towards a better kind of internet where children are never an afterthought. That is how it should be.

We welcome the fact that the consultative document specifically highlights connected toys and baby monitors. We would suggest that the scope ought to be extended to cover any and all artefacts likely to be used by or be regularly in proximity to children. This is because of their capacity to generate inferred data e.g. geolocation information.

Every app, service or device should be set to the highest level of security, safety and privacy by default. Parents, carers or children themselves should not have to jump through hoops to make something as privacy respecting or as safe as it is possible for it to be.

We know from research that the default settings of any device or app are hugely important not least because inertia, ignorance or a lack of confidence or literacy mean that a great many users will never change the defaults.

We also know from research e.g. from the Norwegian Consumer Council that difficult to understand or difficult to find settings can "nudge" or trap people in ways which encourage greater disclosure of data. This can expose children to greater risks of harm. These nudge techniques are designed to enhance the profitability of the business. They are not designed with the best interests of the child in mind or with the privacy rights of the child in mind. They are therefore unacceptable.

In addition, at the initial sign up or default stage it should be fully transparent to the parent and the child what the full cost implications are of engaging with the app, service or device. This is to avoid drawing a child or a family into a service which only becomes truly usable or enjoyable, or which can only be completed, if significant additional sums of money are expended.

The absence of a screen or some other child friendly user interface, could inhibit or restrict aspects of children's rights e.g. by making it difficult or impossible for children themselves to update, change or control the settings.

We are not sure where the new "Centre for Data Ethics and Innovation" fits into the overall picture painted in the consultation documents. We mention this because we note, with regret, that in the Centre's work programme for 2019/20 none of the following words appear: child, children, young. That does not mean the Centre does not intend to engage with this dimension, but it would be useful if, at an early opportunity, it could be made clear how and when it might. The ethical dimensions of children's interactions or relationships with connectable devices are far from being trivial. We would expect the Centre and policy in this area generally to support strongly the precautionary principle.

It will therefore be important for businesses selling connectable devices for use by children or likely to be used regularly in proximity to children to be able to show they have carried out a data processing impact assessment. Firms should also understand that when they think about data processing this is not a narrow construct which can be viewed simply or solely in terms of how one, mechanically, collects, processes and stores data. Those are critical considerations, but the uses to which the data are put and the consequences of that use in terms of its impact on the quality of children's lives is what lies at the heart of the matter.

Some clarification on how individual trades associations are to engage with drafting best practice codes and impact assessment tools which take account of the position of children would be extremely useful.

We welcome the initiative to regulate this space with legislatively based regulations. While self-certification of compliance with the standards appears to have strong support, it must be accompanied by a system of regular, independent checks which will reassure the public that the system is working well. In that context Option C seems to us to be likely to be the most child-friendly but we recognise that a close alignment with an international standard will be important, Brexit notwithstanding.

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