

Helen Dixon
Commissioner for Data Protection
Data Protection Commission
Children's Policy Unit
21 Fitzwilliam Square South
D02 RD28
Ireland

By email: childrensconsultation@dataprotection.ie.

31 March 2021

Dear Ms Dixon,

Consultation response: Children Front and Centre: Fundamentals for a Child-Oriented Approach to Data Processing

Thank you for the opportunity to respond to this consultation on what is an excellent and detailed document which makes a complex subject very clear.

The Age Check Certification Scheme (ACCS) is an independent 3rd party Certification Scheme, based in the UK which has developed a speciality in testing that age check systems work, such as age verification or age estimation and that information services deploy age appropriate design.

I also chair the UK Government's Expert Panel on Age Restrictions (which comes under the auspices of the BEIS Office for Product Safety & Standards), but I am writing today in my capacity as Chief Executive of the Age Check Certification Scheme.

Age Appropriate Design Certification Scheme

We welcome this document and in particular its compatibility with the UK ICO's Age Appropriate Design Code. ACCS has been working with the UK Information Commissioner closely over the past year to establish the Age Appropriate Design Certification Scheme, formally as the first approved GDPR certification scheme under Article 42 (of now UK GDPR). We are aiming to launch this scheme this Summer in time for the UK Age Appropriate Design Code coming into force in September.

There is more information at [Age Appropriate Design - Age Check Certification Scheme \(accscheme.com\)](https://accscheme.com).

Since the United Kingdom left the European Union, we have been exploring establishing our European Certification operations in Dublin, with an intention to invite you to consider our scheme, aligned to your Age Appropriate Design policies as an IE-based certification scheme, with applicable EU DP seals under Article 42 of GDPR. This will help us to establish Age Check Certification and Age Appropriate Design Certification across not only the Irish market, but as part of our plans across the European Union. This will be an

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important step towards effective co-regulation, allowing for earned recognition of ISS which have been audited against GDPR in general and the final guidance you issue on the processing of children's data.

We also plan to extend our assurance services to other sectors across the EU which may be designing codes of conduct of the sort envisioned by section 32 of the 2018 Act.

We would be very keen to work with your office in the same collaborative manner as we have worked with the ICO in the UK.

Parental consent

Parental consent is a relatively new area being developed by the age verification sector. there has been very little attention paid to compliance with the digital age of consent beyond superficial affirmation being requested from new users that they're old enough to access any particular Information Society Service (ISS).

We have recognised the urgent need for standards to govern the process of parental consent. Indeed, we have begun to draft an ETSI standard for the European Commission, through a pilot project it is funding to deliver European infrastructure for both age verification and parental consent. Subject to finalising the grant agreement, our consortium will to deliver this project (see www.euCONSENT.eu) and our role is to develop the standards required of suppliers who connect to this new network.

At present, the standards will need to recognise the different ages which have been set by member states but we note the activity around standardising this age across the EU.

We will develop a standard which allows for different levels of assurance so services can apply the requirement for parental consent in proportion to the nature of the risk of harm arising from the processing of children's data.

This will require examination of the extent to which consent has been properly obtained from the legally responsible adult who may or may not be a natural parent of the child. This is an extremely complex challenge but we benefit from advice of leading children's rights advocates and academics such as Professor Sonia Livingstone, Professor Simone Van Der Hoff and John Carr OBE who are part of the consortium.

Age verification mechanisms

Fortunately, robust standards already exist for age verification. BSI PAS 1296:2018 currently identifies best practice for age-checking. We are leading the process to build from this document into an ISO standard, and the proposal to do so comes before the relevant ISO committee next month. These ISO Standards will be looking to establish the framework and standards for age assurance processes, conformity assessment and interoperability.

Online age verification is already widely in operation and we provide rigorous testing of the wide range of solutions including both age verification and age estimation. for example, we have developed a standard by which facial analysis estimation solutions can be measured for accuracy, including addressing the important need for them to work without discriminating against some skin tones or other protected characteristics

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Internet of Toys Certification

Our activity hasn't stopped with just Age Assurance and Age Appropriate Design, we have also been commissioned by the UK Department for Digital, Culture, Media and Sport to build a Certification Scheme for Connected Toys and Devices. This dovetails with the UK AADC, together with the ETSI 303 645 standards for connected devices.

We would urge you to consider the interaction between a child-orientated approach to data protection and the role played by connected devices likely to be used by children. The certification scheme that we have worked on draws parallels and extensively between the two. The EU's plans to implement the ETSI 303 645 standards through an extension of scope to the Radio Equipment Directive leaves a potentially significant gap that the Framework you have draft should seek to address. We would be pleased to work with you on this to describe what we have done to help to bridge that gap.

There is more information at [About Us \(iotoys.org.uk\)](http://iotoys.org.uk)

We trust this response is helpful. We would be very pleased to assist you further with the development of certification of the features set out in your draft framework. Indeed, as soon as we have completed the UK ICO processes in the next few weeks, a very early discussion with your office was our next move. Do not hesitate to get in touch if you have any further questions or we can provide advice in any way.

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