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Protecting children online: response to the call for evidence

Executive summary

Technology offers immense potential to enhance children’s learning, creativity and social engagement, preparing them for the future. However, the digital world also presents risks, making child protection a shared responsibility among the digital industry, families, educators and policymakers. Whilst the digital industry bears a unique obligation to ensure safe and age-appropriate online experiences, all stakeholders play crucial roles in creating a secure digital environment.

Child protection should not equate to restricting access to valuable knowledge, culture and society when children are mature enough to participate. Instead, the focus should be on enabling access with appropriate safeguards to ensure safety without stifling opportunities.

We welcome the European Commission’s upcoming guidelines aimed at assisting online platforms in implementing proportionate measures to protect minors’ privacy, safety and security.¹ The guidelines should:

- ▶ Strengthen the single market by clarifying the interplay between the Digital Services Act (DSA) and other relevant legislation;²
- ▶ Promote a risk-based approach that allows flexibility for online platforms to implement appropriate measures tailored to their services;
- ▶ Support a risk-based EU-wide harmonised framework for age assurance and verification, ensuring consistent protection for minors across all Member States whilst providing legal certainty on data protection;
- ▶ Consider where parental controls and screen time reminders may be effective, recognising the need for a flexible, risk-based approach.

¹ https://ec.europa.eu/info/law/better-regulation/have-your-say/initiatives/14352-Protection-of-minors-guidelines_en.

² Regulation (EU) 2022/2065.

Adopting these recommendations in the guidelines will ensure that children across Europe enjoy a safer, more consistent online experience without compromising their ability to benefit from the digital world.

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Reinforcing the single market

As debates intensify and divergent legislative proposals emerge across different Member States, establishing timely, EU-wide guidance is essential to prevent fragmentation.³

The guidelines should clarify the relationship between national initiatives and the DSA to minimise divergent interpretations. They should also clearly outline compliance expectations and relevant indicators to ensure the rules' consistent application. The absence of guidance will create a patchwork of experiences for children across Europe and increase the burden on platforms trying to comply with the obligations.

In particular, the guidelines must clarify the relationship and overlap between the DSA and:

- ▶ The Audiovisual Media Services Directive around age verification and parental controls;⁴
- ▶ The linkage with the General Data Protection Regulation and other privacy frameworks when it comes to defining rules on age assurance and age verification;⁵ and
- ▶ How initiatives such as the digital wallet under the European Digital Identity Regulation fit into the debate.⁶

To ensure that the guidelines are proportionate and effective, they must consider the wide variety of online platforms captured by the DSA, and ensure that the guidance is tailored to services' nature and risk profile and providers' technical and contractual capabilities.

They must also avoid duplicating requirements – for example, requiring additional risk assessments – and ensure sufficient flexibility for platforms to introduce the most appropriate technical and non-technical mechanisms to address risks to minors on their services.



Age assurance and verification

The upcoming guidelines present an opportunity for the Commission to encourage an EU-wide harmonised framework for age assurance and verification, ensuring consistent protection for minors across all Member States.

³ Examples include France, Germany, Italy and Spain.

⁴ Directive (EU) 2018/1808.

⁵ Regulation (EU) 2016/679 and Directive 2002/58/EC.

⁶ Regulation (EU) 2024/1183.

To be effective, the guidance should involve EU- and industry-wide solutions, ensuring that all relevant digital services adhere to a risk-based approach and that every young person in the EU enjoys the same level of protection. Any technical solutions should undergo careful testing, industry feedback and phased rollout.

Understanding a user's age is key to providing age-appropriate experiences, but it requires thoughtful solutions to balance privacy considerations and effectiveness appropriately. Age assurance techniques can range from declaration to inference and verification.

The methods employed should balance the need to protect children with users' right to privacy and to access information and services. There should be the potential for anonymous or pseudonymous experiences. The tools should be hard to circumvent, minimise the additional data being collected or processed, and have sufficiently reliable results. There should also be meaningful user transparency and appeal tools.

When asking users to verify their age, it is essential to offer a variety of privacy-preserving tools, as not everyone has access to formal documentation or feels comfortable sharing this information online.



Parental controls

Where appropriate, empowering parents and guardians with the tools and knowledge to protect their families from potential risk can be valuable. These tools put parents and guardians in control of the content and experience their children can access, giving them the flexibility to choose what is suitable, taking into account different maturity levels and developmental abilities.

Parental controls can be implemented through various solutions. Where introduced, these should address issues such as privacy, consent and transparency, ensuring that parental controls are used ethically and effectively. They must also balance the need for child protection with the child's right to free expression and access to information.



Screen time reminders and controls

Screen time reminders and controls can be valuable for promoting healthy digital habits for children. Many digital services already offer the option for users to tailor and restrict their experience as they wish. Furthermore, many solutions are available from third parties to monitor various usage parameters, including time. These reminders can help individuals, including children, manage their screen time effectively and avoid excessive use.

FOR MORE INFORMATION, PLEASE CONTACT:



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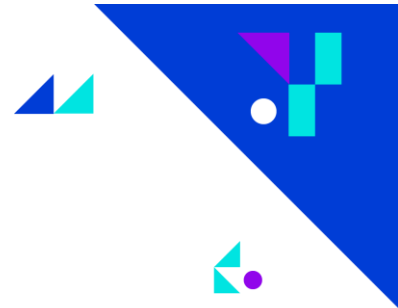
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