

Competition and Markets Authority
Victoria House
Southampton Row
London WC1B 4AD

29 July 2019

Dear CMA,

Re: Online platforms and digital advertising

We welcome the CMA's interest in the impact of data collection practices on consumers. 5Rights has unique experience and expertise in this area, specifically in relation to children's data and the broader issues that the study covers.

In our experience, children are often over-associated with issues of *safety* online, but under-represented when considering technology's broader impact. We therefore would urge the CMA to include children as a distinct group in the course of this market study, looking at their specific experiences and needs. Parents are overwhelmingly in favour of regulation to protect children and their data online,¹ as are the children we work with through our ground-breaking data literacy programmes. Children consistently articulate the need for 'fair terms' in their digital engagement, greater accountability and transparency from the services they use, and more protection of their data by design and default. We would be happy to pass on the observations and experiences that children share with us, or to arrange for the CMA to discuss these issues with them directly.

The CMA will be aware of the Information Commissioner's work on the Age Appropriate Design Code, due to become law in the autumn. 5Rights Foundation Chair, Baroness Kidron, introduced the requirement for the Code as part of the Data Protection Act 2018, and we have fed into its development extensively over the past few months. The Code will start to address many of the issues raised in the Statement of Scope, including default settings, the presentation and fairness of T&Cs, the manipulation of child users through persuasive design/nudge techniques, and questions relating to children's meaningful consent to data processing.

Our work with the Institute of Electrical and Electronics Engineers (IEEE) builds on the principles set out in the Code to develop a *Universal Standard for an Age Appropriate Digital Services Terms*. The standard will offer online service providers a methodology to establish their arrangements when the user is a child, thereby ensuring that the child user's experience

¹ [Parents views on the regulation of internet services](#), YouGov (5Rights), June 2019

is age-appropriate. Together, these policies and practices are the first step in creating a digital environment that offers children safety, privacy, transparency, and fairness by design and default. I have attached the submission 5Rights made to the ICO last year and our report *Disrupted Childhood*, which details the use and impact of persuasive design on children and provides evidence of relevance to the CMA's market study.

We would be happy to meet with you to discuss our findings, and to update you on our work with IEEE as it progresses.

Finally, we are currently completing a paper on Adtech and its impact on children, as well as a longer report on children's data in the digital environment. We can share both of these documents with you later in the year.

We look forward to engaging with you over the course of the market study.

Yours sincerely,

Poppy Wood

Head of External Engagement – 5Rights Foundation