

# NUFFIELD COUNCIL ON BIOETHICS

## Response to the ICO's draft code of practice for age appropriate design for online services

May 2019

### Introductory remarks

- 1 The [Nuffield Council on Bioethics](#) welcomes the ICO's draft code on age appropriate design for providers of information society services (ISS) likely to be accessed by children. It reflects an important step in addressing potential harms to young people whose lives are significantly influenced by their online presence.
- 2 We would like to focus on three of the 16 proposed standards set out in the ICO's [draft code of practice](#):
  - **Standards 1 and 2**, on best interests, and age-appropriate application
  - **Standard 11**, on profiling

### Background

- 3 In June 2017, the Nuffield Council published a report of a two-year inquiry on [Cosmetic procedures: ethical issues](#). Our report examined how cosmetic procedures are supplied in a UK context but also, importantly, what drives demand for those procedures. As part of this exploration of factors that might influence demand, the role of the internet – particularly social media sites – was highlighted as a key issue. We therefore made recommendations that sought to encourage online providers to tackle rising levels of body dissatisfaction and anxiety about appearance in young people. For information, these included:

*“We recommend that the social media industry (including Facebook / Instagram, Snapchat, Twitter, and YouTube) collaborate to establish and fund an independent programme of work, in order to understand better how social media contributes to appearance anxiety, and how this can be minimised; and to take action accordingly.”*

### Standards 1 and 2: best interests and age-appropriate design

- 4 We have focused on these two standards jointly, as we suggest that – in the context of our responses – their aims are closely aligned.

- 5 Included in the provisions of Standard 1 is a requirement that ISS providers should consider how to support and protect the health, wellbeing, and physical, psychological and emotional development of children. We note also that the draft code extends to apps that process personal data and are likely to be accessed by children in the UK.
- 6 One example of apps which we feel that the ICO should examine specifically when this code is introduced are those which encourage children to ‘play’ at cosmetic procedures. In our report, we note that apps designed for children as young as nine that encourage them to ‘play’ at having cosmetic surgery makeovers is clearly inappropriate and irresponsible. We suggest that Standard 4’s focus on age-appropriate design that takes into account the best interests of children could contribute positively to addressing this important issue, in addressing its ultimate aim in ensuring that “online services likely to be accessed by children are appropriate for their used and meet their development needs.”
- 7 On a related point set out in Standard 1 – the importance of recognising “the evolving capacity of the child to form their own view, and give due weight to that view” – we strongly endorse the ICO’s stance. In an earlier report from the Nuffield Council on [research with children and young people](#), we similarly highlight the importance of children’s developing capacity and autonomous agency. As the ICO indicates, this is a key tenet for online providers to recognise.

### **Standard 11: profiling**

- 8 In our cosmetic procedures report, we suggest that there are increasing concerns with respect to the degree of preoccupation and distress experienced as a result of the perceived gap between personal appearance and prevailing appearance ideals. In under 18s, concerns about physical appearance have even been [reported](#) in children as young as three. The role of the ICO in pushing against this culture of appearance anxiety among young people through addressing default profiling, and encouraging ISS providers to avoid ‘feeding’ content detrimental to children’s health and wellbeing, is therefore timely and important.

### **Conclusion**

- 9 We would be happy to provide the ICO with further feedback on the issues raised above, or other points related to the Nuffield Council’s work.

### **Contact**

Hugh Whittall  
Director, Nuffield Council on Bioethics  
[hwhittall@nuffieldbioethics.org](mailto:hwhittall@nuffieldbioethics.org)