



Digital Age of Consent Consultation Submission by the Toy Industries of Europe

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Toy Industries of Europe (TIE)¹ represents the interests of the reputable toy manufacturers at the European level. Our focus has traditionally been on the physical safety of toys. However, play is changing and our members are increasingly developing toys and services that extend the play experience into the online space.

It is important for us that our longstanding commitment and reputation for making sure toys and play are safe for children in the physical world are replicated in the digital one. This means designing products and services with children's privacy and safety in mind. In some cases, our members do collect personal data. When doing so they abide by all regulations in this area and act responsibly in the processing of data.

With this in mind, TIE welcomes the inclusion of specific rules for children's privacy in the new General Data Protection Regulation. However, we continue to question the effectiveness of parental consent as a way to achieve the objective of improved protection for children in the online environment. We therefore urge that any resulting mechanisms are developed in the most pragmatic and workable way possible.

We agree that parents and care-givers have an important role to play in privacy-related decisions concerning their children. In some cases, a simple parental notification is likely to be sufficient, whilst for others verified consent will be necessary.

As a sector whose products are designed with children in mind, we are keenly aware of how their skills and interests are evolving. While safeguards have to be put in place for all age groups, depending on their vulnerability, media literacy and tech-savviness, a formal parental consent requirement should not be requested for data collection of children aged 13 and above.

Requiring young people that are older than 13 years of age to ask for parental consent is counterproductive as a safety measure, and may unduly constrain young people's access to internet services specifically designed for them. It is unfortunate that no consultation of children themselves was undertaken during the development of the Regulation.

By 13 years old, children are increasingly technologically savvy, sometimes even more than their own parents and care-givers. As a result, such a measure may expose children to greater safety risks. For example, in the case whereby they are frustrated by not being able to access age-oriented content,

¹ Toy industries of Europe was founded in Toy Industries of Europe (TIE) was founded in 1991 to represent the interests of its members to EU policymakers in Brussels and further afield. We provide information for stakeholders, members and policymakers and provide a neutral platform for discussion and exchange. Members include national toy associations, multinational corporations and affiliates.

older children with the technological know-how will be pushed towards ‘adult’ websites, to avoid needing to wait for parental consent. Or else, as already found for age restricted social media sites², they will look for a way around parental consent by lying about their age to create fake profiles or accounts on platforms. This means that the platforms treat them as if they were older³, for example by serving them inappropriate content or advertising aimed at over 16’s.

Parents and care-givers have an important role to play in children’s online privacy, but 13 is the right cut-off age at which children should need to seek their parents’ formal consent. This is also the appropriate age in the eyes of the European Commission, the European Parliament, the Article 29 Working Party and the EDPS.

Finally, considering the global nature of the internet, efforts should also be made to promote harmonisation and interoperability as much as possible. The only existing and truly enforced parental consent system is in the US (Children Online Privacy Protection Act – COPPA), where the age is set at 13 and under. Taking into consideration the influence this standard has had on websites operating around the world, the age threshold should be similar in the EU.

With these points in mind, we strongly encourage Ireland to be the first of many EU countries to implement a pragmatic, proportionate, workable and ultimately safer standard for children’s online data protection, and to set the age threshold for parental consent at age 13.

² [Livingstone, Ólafsson and Staksrud: Social Networking, Age and Privacy, April 2011](#)

³ For example, if a child of 13 lies about their age and says they are 17 to create a profile on an online platform, when they are 14 the platform will consider them to be 18, and they will be served content and advertising that is appropriate for adults.