

Written evidence submitted by The LEGO Group (OSB62)

Submission to the Public Bill Committee on the Online Safety Bill

Introduction

In this submission we are pleased to outline The LEGO Group's views on the UK Online Safety Bill, introduced in March 2022. We welcome the Bill and its focus on prioritising the safety of children. In addition, we believe that the expectation on regulated services must go beyond purely the avoidance of risk of harm and give consideration to the positive benefits that technology has for children's development and overall well-being.

We are pleased to take this opportunity to propose what we believe are non-controversial but much needed amendments to the Bill which would support children's well-being. These amendments concern:

- Part 3 Chapter 2, Clause 11, Subsection (9)
- Schedule 4, Section 4 (a)

The LEGO Group

At the LEGO Group, children are our role models, and our mission is to "inspire and develop the builders of tomorrow". We understand that through our play experiences – both offline and online – we have an impact on the lives of the millions of children that we engage with around the world. As such, we have a clear responsibility to ensure that wherever we engage with them, the impact is positive, that we protect and uphold the rights of children, and that we foster their well-being.

Our engagement with UK Government on online safety and children's well-being is longstanding; having worked closely with DCMS, the Home Office and the ICO among others. Additionally, we partner closely with UNICEF at a global level, recently launching a collaborative research effort that focuses on digital experiences that can positively influence aspects of child well-being.

The LEGO Group's views on the UK Online Safety Bill

We welcome the Online Safety Bill and the UK Government's objective to increase accountability of the online environment to safeguard users, particularly children. There is global consensus around the complexity of the digital environment and the collective responsibility of all governments and stakeholders to "ensure that children can benefit from digital opportunities and protect them from online harm" (2019 UK Government response to the drafting process of the UN General Comment 25 on Children's rights in the digital environment¹). The response goes further to state "Research shows that while there are risks for children online, there are also benefits for children from using online technologies, such as greater opportunities for socialisation and communication. This is something that we would like to be kept in mind when drafting the General Comment".

This broader recognition has equally been noted by the G20², the G7³, legislative developments across Australia, EU, and the USA including President Biden's⁴ recent public call to prioritise the safety as well as well-being of children ("The President believes not only that we should have far stronger protections for children's data and privacy, but that the platforms and other interactive digital service providers should be required to prioritize and ensure the health, safety and well-being of children and young people above profit and revenue in the design of their products and services"). Furthermore, the EU and the US have recently set out a Transatlantic vision for cooperation via the EU – US Trade and Technology Council⁵ which states "Going beyond the immediate priority of making sure minors and children are protected online, the United States and the European Union also recognize the need to promote a positive environment online that is designed with minors and children in mind and that actively fosters their well-being and opportunities".

¹ [OHCHR | General comment No. 25 \(2021\) on children's rights in relation to the digital environment](#)

² [1628084642-declaration-of-g20-digital-ministers-2021final.pdf \(innovazione.gov.it\)](#) [We stress the shared responsibility of different stakeholders, especially the providers of digital services and products, including governments, companies, parents, guardians, civil society, educators, representative groups and children themselves, in creating a digital environment that both empowers and protects children]

³ [G7 Digital and Technology Ministerial Declaration.docx \(publishing.service.gov.uk\)](#) [... in line with the upcoming OECD Recommendation on the Protection of Children in the Digital Environment]

⁴ [FACT SHEET: President Biden to Announce Strategy to Address Our National Mental Health Crisis, As Part of Unity Agenda in his First State of the Union | The White House](#)

⁵ [U.S.-EU Joint Statement of the Trade and Technology Council \(commerce.gov\)](#)

Risk of harm online continues to evolve and with the speed of innovation new risks will emerge or existing ones will change in nature and scale. Building upon this understanding and recognising the importance of developing a proportionate and forward-looking approach to children’s participation online, the OECD amended its Recommendation on Children in the Digital Environment⁶ to *“assist governments and other actors in implementing coherent policies and procedures, which can address the delicate trade-off between enabling the opportunities that the digital environment can bring to children and protecting them from the risks”*.

We believe that if the Online Safety Bill is to fully deliver for children, it needs to lay the foundations for further collaboration that explores and codifies the benefits that technology can provide to children’s well-being (such as increased competence, social connectedness, empowerment, and sense of belonging). This means ensuring that services must, as part of their proportionality assessment for minimising the risk of harm, consider the impact of mitigation measures on children’s ability to access the benefits from a service.

Laying a future foundation for realising the benefits of technology for children is not a new principle in the Bill, as the Bill already acknowledges the importance of respecting countervailing duties, such as the right to freedom of expression. As drafted, the Bill instructs regulated services to *“have regard to the importance of protecting the rights of users and interested persons”* and give due consideration to benefits such as freedom of expression *“when deciding on, and implementing, safety measures and policies”* to comply with the regime. Our recommendation is to extend this principle by instructing regulated services to include the benefits of digital technology to children’s well-being for the purposes of determining a proportionate approach to the mitigation and management of the risk of harm to children online.

There is increasing research into understanding the impact of digital technology and digital transformation on the well-being of children that would enable this to be an enforceable component of a services duty of care. The recent child-informed well-being framework⁷ for children developed by UNICEF and Western Sydney University and funded by the LEGO Foundation could be one such tool.

As outlined above, this approach is aligned with global consensus on children’s participation, empowerment and protection in the online environment, including the OECD Recommendation on Children in the Digital Environment⁸ (*“Measures taken by Actors to protect children in the digital environment should: a) Be proportionate to the risks, evidence-based, effective, balanced, and formulated with a view of maximising the opportunities and benefits for children in the digital environment; [...]”*).

If not clearly mandated by the regime to address benefits to children, there is a risk that service providers will, in the pursuit of eradication of risk, disproportionately limit children’s access to services, or functionality of certain services, potentially preventing access to benefits for their well-being.

Proposed amendments

We consider that the recommendation outlined above can be achieved through the inclusion of a minor, but valuable, amendment to the text of the Bill. We have proposed a couple of recommendations for how this could be achieved.

The first proposed amendment (relevant to Part 2 Chapter 2, Clause 11 Subsection (9)) refers to the **online safety duties protecting children** and including consideration of the benefits for children’s well-being of said services within the process of determining a proportionate approach to achieve that duty.

The second proposed amendment (relevant to Schedule 4 Section 4 (a)) refers to the **online safety objectives which the measure described in Ofcom’s codes of practice must be compatible with**. Here we suggest incorporating a reference that the benefits of the service to children’s well-being should be taken into account as part of a consideration of their different needs at different ages.

I. Amendment to Part 3 Chapter 2, Clause 11, Subsection (9)

⁶ [OECD Legal Instruments](#)

⁷ [Responsible Innovation in Technology for Children: Digital technology, play and child well-being \(unicef-irc.org\)](#)

⁸ [OECD Legal Instruments](#)

(9) In determining what is proportionate for the purpose of this section, the following factors, in particular, are relevant –

- (a) all the findings of the most recent children’s risk assessment (including as to levels of risk and as to nature, and severity, of potential harm to children); ~~and~~
- (b) the size and capacity of the provider of a service, ~~and~~
- (c) ~~the benefits of the service to children’s well-being~~

II. Amendment to Schedule 4, Section 4 (a)

(vii) the different needs of children at different ages, ~~including the benefits of the service to their well-being,~~ are taken into account,

The LEGO Group’s engagement with policymakers in the UK and globally

We were pleased to have our safety by design approach through the launch of our LEGO Life app referenced positively by the UK Government in the full government response to the Online Harms White Paper. Additionally, it was included as a case study of good practice in the “Tackling Child Sexual Abuse Strategy” published by the Home Office in January 2021. In March 2021, the LEGO Group was invited as a headline speaker at the world’s first Expo event on Safety Tech organised by DCMS and were honoured to further contribute to the G7 Future of Tech Forum hosted by the UK in November 2021 on the topic “Why User Safety Matters?”.

Building upon our inclusive, child-centric design of online experiences, the Information Commissioner’s Office also recognised the LEGO Group cookie video for children as a “transparency champion” relating to compliance with the Age-Appropriate Design Code. Our character “Captain Safety” takes children through a journey to understand more about data privacy policy and cookies in order to stay safe and have fun online.

Globally, the LEGO Group has a long-standing partnership with UNICEF to jointly promote the Children’s Rights and Business Principles – a 10-point charter that sets out actions companies can take to respect and support children’s rights – and to integrate children’s rights considerations across our operations. In 2016, together with UNICEF we developed an industry-first Digital Child Safety Policy to secure the safety and well-being of children interacting with LEGO digital products including through robust content moderation policies, escalation processes and regular self-assessment.

Most recently, along with UNICEF we launched our “Responsible Innovation in Technology for Children⁹” (RITEC) research project. Funded by the LEGO Foundation and launched in April 2022, this international collaboration will explore how businesses and policymakers can create a digital world that prioritises the well-being of children. The first-phase report reveals a newly developed well-being framework for children. Made up of eight child-centric well-being outcomes, the framework is a first step towards helping tech developers and policymakers develop a collective understanding of how digital experiences can positively influence aspects of child well-being. The overall ambition of the project is to inform the design of digital products and services used by children, as well as the laws that govern them.

Conclusion

At the LEGO Group, we acknowledge our responsibility to protect the rights and foster the well-being of the millions of children we engage with around the world. We also recognise that children represent a vulnerable group in society and that the same technology brings with it a risk of harm. As such, all children require enhanced and proportionate protections to ensure that technology works in their best interest.

By framing our approach to technology in the context of children’s rights and well-being we believe we can enable children to access the benefits of technology within an environment that is both nurturing and grounded on a firm foundation of safety and privacy. This, we believe, is a sustainable model for innovating with technology which begins with the prevention of harm, but extends to supporting and empowering children, unlocking benefits such as unleashing their creativity, learning, curating empathy and building social connections.

⁹ [Responsible Innovation in Technology for Children: Digital technology, play and child well-being \(unicef-irc.org\)](https://www.unicef-irc.org/)

We consider the Online Safety Bill presents a unique and timely opportunity to give due consideration to the benefits to the well-being of children alongside the critical requirement to protect children online. We believe that doing so in the manner proposed above is in keeping with other principles in the Bill which recognise countervailing benefits. Our recommendation is to extend this principle to include the benefits of digital technology to children's well-being.

June 2022.