Written evidence submitted by The LEGO Group (OSB0146)

Introduction

The LEGO Group welcomes the opportunity to contribute to this call for evidence. 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 this impact is positive and that we protect and uphold the rights of children and foster their wellbeing whenever and wherever we engage with them.

The LEGO Group has had a decades long presence in the UK, with a significant employee presence in Slough and London hubs. We have over 1,200 employees in the UK, and this includes 18 LEGO Retail Stores across the country, with more investments being made.

Globally, we have 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 wellbeing of children interacting with LEGO digital products including through robust content moderation policies, escalation processes and regular self-assessment. We were pleased to have our safety by design approach, through the launch of the LEGO Life app, referenced in the full government response to the Online Harms White Paper. We also joined forces with DQ Institute, a world leading think tank on digital citizenship and online child safety to help children develop the skills necessary to thrive in a digital world.

Digital technology plays an increasingly important role in children's lives, from play and education to expression and social connection. This has been heightened during the COVID-19 pandemic. However, the online world has not been built for children, and in large parts, is not fit for children. Consequently, there is a collective responsibility to design and implement a digital transformation that respects and protects children's rights and wellbeing. A critical component of this is ensuring that the **best interests of children are the primary consideration for effective online safety regulation**.

We therefore welcome the Online Safety Bill and the UK Government's objective to increase accountability of the online environment to better protect children. In this submission we have set out our reflections on considerations for the Joint Committee to further strengthen the protection, as well as empowerment of children online.

Recommendations

1. The interplay of **safety and empowerment of children online** is critical and aligned with international approach to children's rights online

There is a global consensus that the digital environment must be shaped and designed to both protect as well as empower children online. In August 2021, G20 ministers included for the first time among the priorities of the G20 Digital Economy the protection and empowerment of children in the digital environment. They particularly stressed the "shared responsibility of different stakeholders, especially the providers of digital services and products, in creating a digital environment that both empowers and protects children". These were built upon the OECD Recommendation on Children in the Digital Environment amended in May 2021. There are similar initiatives and legislative frameworks developed in the EU[1], Australia, USA, as well as recognised by the recent UN General Comment 25[2].

Delivering safe experiences is, without question, a critical part of protecting children's rights and supporting their wellbeing. However, we believe that if we are to deliver a digital environment built in the best interests of children, we cannot look at safety and protection in isolation from the benefits of technology to enable children's development and to empower them online. As recently noted by the G20 Digital Ministers, measures to protect children online must "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"[3].

As such, the UK Online Safety Bill should align with international approach to children's rights online and recognise more clearly the value of digital technology and data to empower children, complementary to the risk assessment approach. Some concrete recommendations are:

1.1. The UK Online Safety legislative framework and Ofcom's role should be strengthened regarding stimulation and assessment of **positive, child-centric digital innovation**.

By embedding such a horizontal innovation principle in the online safety framework, the Government will provide the foundation for Ofcom to develop and monitor compliance with codes of conduct that will enable and incentivise innovations that treat children's safety, privacy and protection as non-negotiable, and also demonstrates the considerable advantages of technology to the realisation of children's best interests.

1.2. Recognition and promotion of **safety and privacy by design frameworks** for development of online services is of paramount importance for a sustainable approach to protecting children online.

At the LEGO Group, we recognise the importance of embedding safety into our experiences from the design stage and we support the Australian e-Safety Commissioner definition of safety-by-design as an *initiative that encourages organisations to put user safety and rights at the centre of the design, development and release of online products and services. We support the conclusion of the Commissioner that it should be proactive, preventative and culture focused*. We therefore welcome the introduction of a standardised set of requirements for products and services that are

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likely to be accessed by children and would welcome Ofcom's upcoming codes of conduct to be designed in coordination with the approach and tools provided by the Australian e-Safety Commissioner[4] when it comes to safety by design standards.

1.3. Safety is one element of children's wellbeing online, representing one of the basic standards that <u>must</u> be respected in the design of online experiences.

In addition to protection online, children need to be able to use their imagination, express their creativity and explore learning opportunities in online spaces. At the LEGO Group, quality digital play has become a cornerstone of our 2032 Brand Vision, and we aspire to become a world-leader in delivering responsible digital engagement with children as we believe that digital technology has tremendous potential to support the development of 21st century skills and children's growth more broadly through quality digital play experiences.

Building on 1.1. and the horizontal innovation principle, the Bill's provisions should be formulated so that recommendations and obligations pertaining to safety requirements are assessed according to the impact that they have on other children rights, including their right to play. The Bill should empower Ofcom to protect and promote child-centric **innovation in digital technology, such as emerging frameworks for digital play, and playful by design**, amongst other innovation frameworks that demonstrably support children's rights and foster their wellbeing.

We therefore recommend requirements in the Bill be broadened and the Risk Assessment provisions, and subsequent mitigating actions also be required to recognise the application of emerging child-centric innovation frameworks to the design of an experience and the impact of mitigating actions on the value to the child. As such, the framework will not only address the risk of harm with adequate risk mitigation measures, but it will also incentivise organisations to facilitate children's agency, motivation, creativity and participation online. Ofcom's mandate should require them to incorporate this holistic approach into relevant codes of conduct and closely monitor how companies build a better digital world for children through the "assessments" conducted by companies[5].

2. Media literacy and user education are important elements of safeguarding and empowering children.

At the LEGO Group and through our "**Digital Citizenship**" programme, we empower children, as well as parents, guardians and carers to become more aware of children's rights in the digital environment. We help equip them with the **skills required** to manage the risk and embrace the benefits technology offers and to effectively administer their online

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[4] "Safety by Design" tools developed for and with inputs from companies to build safe by design products and services. The LEGO Group was honoured to contribute to the development of these tools as an advocate for positive digital innovation, a type of innovation that protects children's rights from the design stage and hopes that it will inspire the development of better digital experiences that are safe and fun for children.

5 The EU Digital Services Act requires 'very large online platforms' to conduct risk / impact assessments that will also include "any negative effects for the exercise of the fundamental rights [...] and the rights of the child"

engagement and identity in a respectful, ethical, responsible and positive way. We welcome the government's Online Media Literacy Strategy and support the Bill's recognition of Ofcom's role to prepare guidance for Media Literacy (clause 103). We recommend strengthening this duty to reflect additional expertise and investment to co-create and consult with children and broaden the scope to reflect a "digital citizenship" approach to the Media Literacy guidance for adults and children alike.

3. Definition of harm should be built upon a child rights framework

In response to the "Content in Scope" questions raised by this Committee, it is our opinion that should a more concrete definition of harm be provided in the Bill, this should be built upon a child rights framework and existing global definitions. We recommend strong coordination with the UN Convention on the Rights of the Child (and the UN General Comment 25) in order to establish harm and risk of harm to children's rights. This framework will also account for the different needs of different children, considering their age and evolving capacities, as well as seek to ensure equity and inclusion.

4. Consistency with online safety initiatives across the globe

The nature of the digital environment means that shaping a digital landscape that protects children's rights and fosters their wellbeing online is a global effort. Digital technology operates across geographical boundaries and, as such, the approach to the Bill should recognise the need for the UK government to ensure international coordination and cooperation. Requirements should, where possible, look to be harmonised with initiatives in other countries, with best practice being recognised and shared frameworks being developed to enable international comparable indicators and assessments on children's engagement with the digital environment. This will aid in minimising disproportionate complexity to international business.

The government's Plan for Digital Regulation[6] recognises the importance of international considerations and the necessity to take account of the impact of regulations and standards developed by other nations. We welcome the UK government's leadership in this area.

5. Children must be consulted and included in designing and implementing a safe and empowering digital environment for them

Co-creating and consulting with children is part of how we work at the LEGO Group. When we work with children, we tap into the most incredible insights, imagination and frank dialogue. Children's views and opinions must be captured in Ofcom's ongoing mechanisms for user advocacy, enabling the regulator to build a full understanding of the impact of online services on children from children. Furthermore, children are likely to experience the digital environment in many different ways depending on their vulnerabilities, evolving capacities as well as socio economic background. It is important for the regulator to secure an ongoing advisory exchange with children capturing the diversity of children's experiences

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[6] Setting out a new approach to for the way the UK government govern tech in the UK with a stated principle to 'exploit opportunities and address challenges in the international arena" https://www.gov.uk/government/publications/digital-regulation-driving-growth-and-unlocking-innovation/digital-regulation-driving-growth-and-unlocking-innovation

in an inclusive and meaningful manner. Consideration should also be given towards whether companies engaging with children should be encouraged, as part of the product and service development, to consult with children and parents. Support should be provided to facilitate this and opportunities for company exchange of information on this should be explored.

Conclusion

At the LEGO Group we welcome the publication of the draft Online Safety Bill and efforts by the UK government to better protect children online. There are significant benefits for children from being online but it must be acknowledged that a safe, nurturing environment for children is critical to their ability to access those benefits, realize their rights and to flourish in a digital era. The proposed risk assessments are the critical step to address the current online space which children experience. However, we also see an opportunity for the Online Safety Bill to be futureproofed and create the foundation for a more holistic approach by which digital services likely to be accessed by children positively contribute to their development and empower them from the design stage.

The recommendations made in this submission highlight the potential for the Bill to enable children to access and realize the full benefits of the constantly evolving digital environment. To help inform this, the LEGO Group and in collaboration with the LEGO Foundation are together investing in collaborative research to deepen our collective understanding of digital play and children's wellbeing in a digital era, as well as the relationship between the two. We look forward to sharing our findings and to continue promoting and implementing a digital environment for children that is built with children and that brings this reality to the UK's objectives of creating a digital environment that benefits everyone.

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