



Department for
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Rt Hon Damian Hinds MP
damian.hinds.mp@parliament.uk
[Sent via email]

Dear Damian

GDPR age of consent and parental controls

Thank you for your speech during the Westminster Hall debate of Ellen Roome's petition which took place on Monday 13 January 2025. I am writing to respond in greater detail to your question concerning children under 16 switching off parental controls on online services.

You had asked whether existing legislation allows for parental controls to be switched off by a child once they reach the age of 13, if anything needed to be done to clarify the situation around switching off parental controls, and whether a change was needed in primary legislation.

As you noted in your speech, under Article 8 of the UK GDPR, the age at which children can provide their own consent for their personal data to be processed by Information Society Services (such as social media platforms and other relevant online services) is 13 years old. At this point, parental authority is not required for the processing to be lawful under the UK GDPR. For children younger than 13, organisations must make reasonable efforts to verify that consent is given by the holder of parental responsibility over the child, taking into consideration available technology.

The previous Government set the age of consent at 13 for the purposes of Article 8 of the UK GDPR following a call for views exercise. You can find a copy of the previous Government's response [here](#).

Under the Online Safety Act, service providers that have age restrictions need to specify in their terms of service what measures they use to enforce that age restriction and apply these terms consistently.

The Information Commissioner's Age Appropriate Design Code (AADC) sets out how parental controls can support parents in protecting and promoting the best interests of the child, whilst also ensuring a child's data is processed in accordance with the UK GDPR and a child's right to privacy. The AADC sets out that a service should provide age-appropriate information to the child about how the parental controls work. If the parental controls include monitoring or tracking of the child, the service should provide clear and obvious signs for the child when parental monitoring or tracking is active. Where parental controls are made available and managed by user-to-user services themselves, they hold the responsibility for the effective operation of these tools and set the terms on which they provide safeguards.



As was noted by several speakers during the petition debate on Monday 13 January, it is important to protect children's right to privacy and maintain their access to beneficial online services, where the risks of harm have been minimised. The Online Safety Act is designed to protect children online, whilst complementing privacy legislation, and regulations which protect children's privacy.

The Act places duties on all user-to-user and search services to conduct a child safety risk assessment and provide measures to mitigate against risks of children encountering harmful content. For the most harmful content on user-to-user services, there is a requirement to use highly effective age assurance to prevent children from encountering content including pornography, eating disorder and suicide content – this is known as primary priority content under the Act. Ofcom's draft Children's Safety Codes, published in May 2024, state that in addition to the Act's measures above, parental controls are a user support measure that can help mitigate against identified risks of harmful content.

In a letter to parliamentarians on 17 October Ofcom's CEO, Dame Melanie Dawes, stressed that Ofcom's codes are iterative. She noted that Ofcom is seeking to strike a balance between speed and comprehensiveness with its initial codes. Ofcom have stated that they will conduct further research on how parental controls can support child safety online and use this to inform future iterations of the Children's Safety Codes.

We look forward to working with Ofcom as the evidence and technology in this area develops.

A copy of this letter will be deposited in the Libraries of both Houses.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Feryal Clark', is centered on the page.

Feryal Clark MP
Parliamentary Under Secretary of State at the
Department for Science, Innovation & Technology