



Data Protection Act 2018

2018 CHAPTER 12

PART 5

THE INFORMATION COMMISSIONER

Codes of practice

123 Age-appropriate design code

- (1) The Commissioner must prepare a code of practice which contains such guidance as the Commissioner considers appropriate on standards of age-appropriate design of relevant information society services which are likely to be accessed by children.
- (2) Where a code under this section is in force, the Commissioner may prepare amendments of the code or a replacement code.
- (3) Before preparing a code or amendments under this section, the Commissioner must consult the Secretary of State and such other persons as the Commissioner considers appropriate, including—
 - (a) children,
 - (b) parents,
 - (c) persons who appear to the Commissioner to represent the interests of children,
 - (d) child development experts, and
 - (e) trade associations.
- (4) In preparing a code or amendments under this section, the Commissioner must have regard—
 - (a) to the fact that children have different needs at different ages, and
 - (b) to the United Kingdom's obligations under the United Nations Convention on the Rights of the Child.
- (5) A code under this section may include transitional provision or savings.

Changes to legislation: Data Protection Act 2018, Section 123 is up to date with all changes known to be in force on or before 29 December 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

(6) Any transitional provision included in the first code under this section must cease to have effect before the end of the period of 12 months beginning when the code comes into force.

(7) In this section—

“age-appropriate design” means the design of services so that they are appropriate for use by, and meet the development needs of, children;

“information society services” has the same meaning as in the [F1UK GDPR], but does not include preventive or counselling services;

“relevant information society services” means information society services which involve the processing of personal data to which the [F1UK GDPR] applies;

“standards of age-appropriate design of relevant information society services” means such standards of age-appropriate design of such services as appear to the Commissioner to be desirable having regard to the best interests of children;

“trade association” includes a body representing controllers or processors;

“the United Nations Convention on the Rights of the Child” means the Convention on the Rights of the Child adopted by the General Assembly of the United Nations on 20 November 1989 (including any Protocols to that Convention which are in force in relation to the United Kingdom), subject to any reservations, objections or interpretative declarations by the United Kingdom for the time being in force.

Textual Amendments

F1 Words in s. 123(7) substituted (31.12.2020) by [The Data Protection, Privacy and Electronic Communications \(Amendments etc\) \(EU Exit\) Regulations 2019 \(S.I. 2019/419\)](#), reg. 1(2), [Sch. 2 para. 53](#) (with reg. 5); 2020 c. 1, Sch. 5 para. 1(1)

Commencement Information

I1 S. 123 in force at 23.7.2018 by [S.I. 2018/625](#), [reg. 3\(a\)](#)

Changes to legislation:

Data Protection Act 2018, Section 123 is up to date with all changes known to be in force on or before 29 December 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.

[View outstanding changes](#)

Changes and effects yet to be applied to :

- s. 13A inserted by [2024 c. 21 s. 31\(4\)](#)
- Sch. 3 para. 8(1)(y) added by [2022 c. 18 \(N.I.\) Sch. 3 para. 78\(3\)](#)

Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 13A inserted by [2024 c. 21 s. 31\(4\)](#)
- Sch. 3 para. 8(1)(y) added by [2022 c. 18 \(N.I.\) Sch. 3 para. 78\(3\)](#)