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Feedback of

ACT | The App Association
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Rue Belliard 40,
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to the

European Commission

regarding its

**DSA – Guidelines to enforce the protection of
minors online**

ACT | The App Association's feedback to the European Commission's DSA – Guidelines to enforce the protection of minors online

I. Introduction

ACT | The App Association (hereafter 'App Association') welcomes the opportunity to submit comments to the European Commission's consultation on the Digital Services Act (DSA) – Guidelines to enforce the protection of minors online.

The App Association is a policy trade association for the **small business technology developer community**. Our members are entrepreneurs, innovators, and independent developers within the global app ecosystem that engage with verticals across every industry. We work with and for our members to promote a policy environment that rewards and inspires innovation while providing resources that help them raise capital, create jobs, and continue to build incredible technology. Today, the ecosystem the App Association represents—which we call the app economy—is valued at approximately €830 billion globally and is responsible for more than 1.3 million jobs in the European Union (EU).¹

The App Association has consistently advocated for clear developer guidelines concerning minors in the digital environment, and we intend to work closely with the European Commission in their efforts to develop guidelines under the Digital Services Act (DSA) aimed at ensuring a safer, more transparent online experience for young users.

II. Age Verification and Risk-Based Approach

Trustworthiness and safety are integral for the success of innovators in the mobile app economy, especially for smaller tech companies that may not have substantial name recognition. The prioritisation of strong health, safety, and privacy protections is even more important for vulnerable populations like children, serving as a key component to developing consumer trust in the tech-driven products and services our members provide.

According to the App Association's research, 85 percent of parents have concerns about their children's digital privacy.² PricewaterhouseCoopers (PwC) says that kids aged 8 to 18 spend an average of 7.5 hours in front of a screen for entertainment each day.³ With this high amount of screen time for children, in combination with the high percentage of parental concerns held with respect to their children's privacy, one would assume that parents would actively take steps to address their children's screen time, such as enabling parental control settings on their children's

¹ See <https://actonline.org/wp-content/uploads/Deloitte-The-App-Economy-in-the-EU-2020.pdf>.

² Morgan Reed, Developers and COPPA: Their Real-World Experience, F.T.C. COPPA WORKSHOP, https://www.ftc.gov/system/files/documents/public_events/1535372/slides-coppa-workshop-10-7-19.pdf (October 7, 2019).

³<https://www.cdc.gov/nccdphp/dnpao/multimedia/infographics/getmoving.html>

devices to make sure they do not have access to inappropriate information and reading privacy policies that the child may not understand due to their age and lack of life experience.

The research demonstrates that while parents often say they care deeply about their children's privacy, their actions highlight the difficulties of balancing ease of use with complying with complex regulatory environments. Indeed, many parents would prefer that app developers provide applications that help their child learn how to read, understand multiplication tables, or provide entertainment that align with parents' expectations about how their child's information will be used.

The Commission's effort to issue guidelines should prioritise the protection of minors online, as these guidelines align with the principles of the DSA to ensure a safer and more transparent digital environment. However, we encourage the Commission to ensure that the guidelines offer sufficient flexibility for small and medium-sized enterprises (SMEs) to comply without imposing disproportionate burdens, particularly regarding the implementation of complex technical solutions for content moderation and age verification.

While large online platforms have the resources to implement complex systems for content moderation, age verification, and algorithmic transparency, SMEs often do not. The guidelines should reflect this reality by introducing scalable compliance mechanisms. Smaller developers must be able to meet these obligations without facing technical or financial challenges that could disproportionately hinder their ability to innovate or compete in the market.

The App Association strongly supports the risk-based approach outlined in the Call for Evidence. It is essential to tailor the safety measures to the nature and risk level of each platform. Additionally, we support the Commission's efforts to establish age verification mechanisms, but caution that these systems must be both proportionate and privacy-preserving. Strict age verification requirements can lead to excessive data collection, which may inadvertently expose minors to new privacy risks. Forcing platforms to collect more personal information about children could lead to severe privacy breaches and misuse of sensitive data, making kids more vulnerable instead of safer. We strongly advocate for solutions that minimise excessive data collection while still ensuring compliance with the DSA's objectives.

Our members, particularly SMEs, often operate through mobile platforms where data-sharing arrangements with service providers are already in place. Any new age assurance rules should consider three things: the technical limitations and existing structures that app developers rely on, the feasibility of age verification without necessitating invasive or disproportionate compliance measures, and most importantly, that the rules actually work for parents, not just lawyers.

We encourage the Commission to promote a range of flexible methods for age verification, such as text-based authentication, knowledge-based authentication, or facial recognition technology. Already used for two-factor authentication across a range of contexts, some of these options are widely used modalities that can and should be relied upon. These options would help ensure that SMEs can comply with the new rules without resorting to costly or burdensome verification systems that could hinder innovation or user experience.

III. Cross-Jurisdictional Harmonisation

As many of our members operate across multiple jurisdictions, we urge the European Commission to align its guidelines with other international regulatory frameworks, such as the UK’s Online Safety Bill and the U.S.’s Children’s Online Privacy Protection Act (COPPA). Harmonising the DSA’s guidelines with international standards will make it easier for developers to comply across borders, streamlining the compliance process and reducing the overall cost for SMEs.

By ensuring that the DSA’s guidelines are consistent with best practices globally, the Commission can help smaller developers avoid having to navigate conflicting rules in different jurisdictions. This will promote a more cohesive, international approach to protecting minors online.

IV. Maintaining Innovation and Privacy

The App Association believes that any new guidelines, especially those involving the use of children’s data, should follow the principle of data minimisation. Forcing platforms to collect more personal data than is necessary for age assurance undermines the privacy rights of minors and contradicts broader privacy goals, which emphasise reducing data collection.

Many SMEs already provide tools like parental controls that enable parents to monitor and control their children’s activities without the need for excessive data collection. We support broadening the use of these tools, offering them as an alternative to more invasive verification mechanisms.

V. Conclusion

The App Association is committed to supporting a regulatory environment that protects minors online while encouraging innovation and avoiding unnecessary burdens on SMEs. We look forward to collaborating with the European Commission to ensure the guidelines effectively address the protection of minors and engagement with parents in a way that is both practical and privacy conscious.

Sincerely,



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