

Children and Digital Marketing

Industry Toolkit

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Disclaimer: This toolkit branches out from discussions with industry representatives and key experts on digital marketing and children, following the publication of UNICEF’s discussion paper on children and digital marketing. The toolkit is a working document, and the content is expected to change over time. The current version reflects research in progress and represents the best available knowledge, while it does not always reflect an official UNICEF position.

As the toolkit is intended to provide the most relevant guidance, UNICEF is also interested in receiving case studies and examples of practices on how companies have addressed and followed up on the recommendations it offers. Examples of business experience or general feedback to improve this toolkit is welcome and can be submitted to <csr@unicef.org>.

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Key definitions

advertising – This toolkit uses ‘advertising’ and ‘marketing’ interchangeably to refer to the act of promoting or selling services or products. UNICEF recognizes that advertising is a subset of marketing and that the range of marketing techniques referred to might not all be defined as advertising in the conventional sense. The term ‘advertising’ is not intended to designate a narrower set of activities but simply to increase the readability and broad appeal of the toolkit.

children – As set by the Convention on the Rights of the Child, a ‘child’ is anyone under 18 years old. UNICEF believes all children are entitled to the full protection of their rights defined in the Convention.

In many digital policies and legislation, a child is considered to be any individual less than 13 or 16 years old. But UNICEF strongly encourages the industry to define ‘children’ as aged 18 and below and to establish protection mechanisms that reflect the needs of all children.

not appropriate for children – Generally speaking, UNICEF defines advertising as ‘not appropriate for children’ when it promotes products or services that are not suitable for children; that are unhealthy as defined by the World Health Organization and other independent bodies (e.g., foods and beverages that are high in fat,

sugar or salt); that are harmful/illegal for children to consume or access (e.g., alcohol, tobacco, gambling products); or when it contains content that undermines children’s rights (e.g., gender stereotypes or negative body images). That being said, the focus of this toolkit is on the means and methods of advertising, rather than the content.

websites, applications or services directed at or used by children – To define the proper scope of the guidance provided in this toolkit, UNICEF takes the position that certain protections and responsibilities apply to advertisers, ad tech companies and publishers that serve advertising and marketing materials to children via websites, applications or services directed at or used by children. In this regard, determining whether a site is ‘directed at’ children relies on an analysis of the content, images and themes of a site. ‘Used by’ children refers to sites where children make up a significant portion of the audience. While the current industry standard for defining the primary viewing audience is 25 per cent, UNICEF encourages advertising actors to identify thresholds that take into consideration the absolute number of children. In both circumstances, actual knowledge by an actor that a site is directed at or used by children is not required.

Introduction to the toolkit

The children and digital marketing toolkit for industry emerges out of the process of research and consultation that led to publication of the UNICEF discussion paper *Children and Digital Marketing: Rights, risks and opportunities*, in July 2018.¹ The discussion paper described how the pervasive presence of advertising online can impede children's ability to express themselves, develop opinions and access pluralistic material free from marketing content. It also scrutinized the implications of data-driven advertising in regard to children's right to privacy and the protection of personal data.

As described in the discussion paper, when the commercial intent of advertising is obscured from children – either through the use of stealth or social means, or because children are not adequately equipped with the cognitive abilities or media literacy to identify advertising – the ramifications for children's rights may be serious. Some innovative forms of advertising aim to subliminally influence children, including when they are engaged in games or learning, at a time when their critical faculties and decision-making processes are compromised. When such practices are underpinned by covert data collection for the purpose of profiling child consumers, this puts children at further risk.

1. United Nations Children's Fund, 'Children and Digital Marketing: Rights, risks and opportunities', Discussion Paper, UNICEF, Geneva, July 2018, available at <www.unicef.org/csr/ict_paper-series.html>.

The objective of the discussion paper was to elaborate the roles and responsibilities of private sector actors across the digital marketing value chain, including: advertisers and agencies, advertising technology ('ad tech') companies and data brokers, and publishers and ad networks. Additionally, the paper acknowledged the challenges faced by companies and the barriers to progress on protecting children's rights in the context of digital advertising, including piecemeal regulatory environments, financial disincentives and technical obstacles. It concluded by outlining opportunities for companies to make and promote positive change.

The purpose of the current toolkit is to help companies focus their efforts on concrete improvements to secure children's rights in the digital domain. By articulating questions for consideration, contextual factors and recommendations as they relate to advertisers and agencies, ad tech companies and data brokers, and publishers and ad networks, **this toolkit aims to provide detailed advice for companies committed to considering the experiences of children along the digital marketing value chain.**

Broadly speaking, the toolkit for industry begins from a perspective that the companies selling or marketing products to children online, or facilitating marketing to children online, have a responsibility to consider how children are affected by all aspects of their operations, including digital marketing. This responsibility includes mitigating and avoiding the adverse impacts of digital advertising on children's right to privacy, protection of personal data, freedom of expression, right to health, and protection from economic exploitation.

Companies marketing to children online should take into account children's human rights when designing, procuring, buying and executing digital marketing, and when selling advertising inventory and making decisions about the timing, placement, context and form of digital marketing. Companies also have a responsibility to provide redress for children who experience human rights violations, and to provide educational resources for children and their parents.

The companies that sell or market, or facilitate the sale or marketing of, products online that are not suitable for children; that are unhealthy as defined by the World Health Organization or other independent bodies (e.g., foods and beverages that are high in fat, sugar or salt); or that are harmful/illegal for children to consume or access (e.g., alcohol, tobacco, gambling products) – have a responsibility to integrate children's rights considerations into all aspects of their corporate policies and operations.

They should avoid adverse impacts on children's rights online by, among other things, ensuring that they do not advertise on websites, applications or services directed at or used by children. Such companies also have an obligation to ensure they are able to remedy complaints raised by and on behalf of children regarding infringements of their human rights.

For companies that want to follow through on understanding their responsibilities and applying respect and support for children's rights in their practices, the toolkit tables offer detailed questions for consideration, background on the context and recommendations, in two parts:

1. Means of advertising
(timing, placement, context, form)
2. Methods of advertising
(use of personal data)

Within each table, the topics are grouped in relationship to advertisers and agencies, ad tech companies and data brokers, and publishers and ad networks.





1

Means of advertising (timing, placement, context, form)

Companies have a duty to factor considerations for children into all aspects of their corporate policies and operations. When it comes to digital marketing, this means that companies should consider any potentially adverse impacts on children's rights when making decisions about the timing, placement, context and form of digital marketing.

Timing – Advertising on child-directed sites and sites that children are likely to access should be suitable for children at all times. On sites and services not directed at or used by children, particular care should be taken during the hours when children are more likely to be online to avoid advertising that is not appropriate for children.

Placement – Advertising directed at children should not be placed adjacent to or on websites containing content that is not suitable for children. Websites directed at or used by children should not contain advertising that is inappropriate.

Context – Advertising placed in branded environments or online games must be properly identified as such, and children should be informed about the commercial nature of the environment or game.

Form – Digital content that features influencers who are promoting a product should always be identified as advertising in a way that is clear and recognizable by children. Tactics such as neuromarketing and sentiment analysis should not be deployed vis-à-vis children.

The following pages show questions for companies to consider and the context in which they should examine the impact of advertising means on children’s human rights are outlined below, along with recommendations related to each question.

Advertisers and advertising agencies		
Questions for consideration	Context	Recommendations
Does your company sell or market products that are not suitable for children, are unhealthy, or are harmful/illegal for children to consume or access?	Advertisers, brands and agencies that sell or market, or facilitate the sale or marketing of products online that fall within three categories – they are not suitable for children; they are unhealthy as defined by the World Health Organization or other independent bodies (e.g., foods and beverages that are high in fat, sugar or salt); or they are harmful/illegal for children to consume or access (e.g., alcohol, tobacco, gambling products) – have a responsibility to integrate children’s rights considerations into all aspects of their corporate policies and operations.	Companies marketing products that are not suitable for children, are unhealthy for children, or are harmful/illegal for children to consume or access should not advertise on websites, applications or services directed at or used by children.
Does your company produce or procure digital marketing that involves influencers?	Digital marketing directed at children should be transparent, truthful and identified clearly as advertising. The use of influencers – individuals with a considerable online presence, such as those who create video channels that have millions of subscribers – to promote a product, brand or service in exchange for financial or in-kind compensation, can be particularly persuasive for children. Recognizable faces are also influential, given that children respond strongly to familiar characters from their favourite books, television series or movies, as well as celebrities and sports stars.	Advertisers need to ensure that children are not misled or deceived when viewing influencer content. Advertising featuring influencers should always be identified as advertising in a means that is recognizable and understandable by children. Advertisers should consider images, logos or pop-up boxes to signal influencer content and should educate children about the commercial underpinnings of influencer marketing. Influencers with under-18 audiences should not be used for products that are not suitable for children, are unhealthy for children, or are harmful/illegal for children to consume or access.
Does your company deploy games or branded environments to advertise to children?	Games and branded environments are used by advertisers to engage consumers across media and devices, linking advertising on television, movies, in restaurants and shops, and online. Children are enticed to obtain a code by purchasing a product, for example, which will enable them access to an online game or universe where they can win prizes or points to acquire more products or access to more games. Such elaborate forms of digital marketing raise children’s rights concerns across a number of different paths. Their commercial intent may be obscured for children, who believe they are simply participating in a game or competition. Moreover, most online branded environments and games enable advertisers to collect, analyse and monetize children’s personal data. Children’s right to privacy is at risk because they do not always understand the value exchange that takes place when they hand over their personal data or have the capacity to provide informed consent for data collection. When children’s personal data are monetized in ways they do not understand or cannot consent to, they are put at risk of economic exploitation by advertisers.	Advertisers should not collect children’s data for any purposes other than basic site functionality, should not retain data, and should never collect and use/resell such data for the purposes of targeted, behavioural marketing. They should ensure that advertising placed in branded environments or online games is properly identified as such and children are informed about the commercial nature of the environment or game. Specifically, advertising content should be labelled with disclosures that are interruptive, prominent, understandable by children and link to media literacy materials. Advertisers of products that are not suitable for children, are unhealthy for children, or are harmful/illegal for children to consume or access should not create online games.

Questions for consideration	Context	Recommendations
<p>Does your company produce or procure viral marketing campaigns?</p>	<p>Viral marketing campaigns are prevalent on social media networks, which are often age-gated, theoretically excluding children under age 13. Nevertheless, many children below that age limit use social media networks, alongside children between age 13 and 18.</p> <p>From a child's rights perspective, viral marketing is a concern because it incentivizes the collection of personal data. To ensure that marketers gain the greatest reach for their campaigns, they identify and target influential social media users and pay for greater social media exposure to certain demographics. This puts children at risk of greater personal data collection and scrutiny.</p> <p>In addition, viral marketing campaigns co-opt children as consumers and turn them into unwitting advertisers. They may become participants in a marketing campaign without understanding the implications and trade-offs of doing so.</p>	<p>Advertisers should not procure viral marketing campaigns targeted at children, and viral marketing should not be used on social media sites directed at or used by children.</p> <p>Viral marketing campaigns should be clearly advertised as advertising material in a manner that children understand. Advertisers should not rely on age-gating mechanisms that are known to be ineffective, such as on social media platforms, but should take into account the likely audience of the content across all platforms. Viral marketing should not be used for products that are not suitable for children, are unhealthy for children, or are harmful/illegal for children to consume or access.</p>
<p>Does your company use sponsored search results as a form of digital marketing?</p>	<p>Sponsored search results are not easily identifiable by children as marketing, and need to be flagged in a way that is easy to recognize and understand. Making sponsored search results identifiable by children is particularly important, given that children turn to major search engines for 'true and accurate information' and are unable to correctly identify sponsored links as advertising most of the time.²</p>	<p>Advertisers have a responsibility to ensure that children's right to access information and diverse media is not undermined by opaque practices regarding paid-for search results, and that children of all ages are able to identify sponsored search results. This may require advertisers have requirements that search engines use innovative measures to identify sponsored search results, such as pop-up boxes and prompts.</p>
<p>Does your company advertise children's products or services on age-gated websites?</p>	<p>Age-gated websites restrict children below a certain age from accessing the site. Some age-gated websites permit children above the age of 13, for example, but not below. Advertising on age-gated websites does not absolve advertisers of responsibility to children of any age.</p> <p>Many children who are 10–13 years old have social media profiles on age-gated websites. Companies must be aware that children of all ages use such websites, despite the age restrictions.</p>	<p>Until advertisers can be satisfied that age-gated sites are effectively excluding younger children (through, for example, age verification mechanisms) they should assume younger children are exposed to any advertising material served on such sites and take steps to change advertising practices accordingly.</p> <p>Equally, advertising to older children on age-gated websites must take into account children's human rights and comply with the guidance and considerations outlined throughout this toolkit, for example, by avoiding behavioural targeting of children (see Part 2, page 14). Finally, when advertising on age-gated sites, such as social media, the content should not address children directly because this encourages them to participate in such sites and to lie about their age to access the content.</p>

2. Ofcom, *Children and Parents: Media use and attitudes report*, Ofcom, November 2016, p. 9, available at <www.ofcom.org.uk/research-and-data/media-literacy-research/children/children-parents-nov16>.

Questions for consideration	Context	Recommendations
<p>Does your company procure neuromarketing or sentiment analysis as part of its digital marketing strategy?</p>	<p>The use of such tools as eye tracking to measure subconscious levels of brain activity and sentiment analysis to identify and track consumers' emotions, in order to improve the effectiveness and targeting of digital marketing raises grave concerns from the perspective of children's rights. Such techniques observe children in order to derive intelligence about how to better market to children, threatening to expose them to economic exploitation.</p> <p>These tools involve the collection and analysis of children's personal data, often without their informed consent and inevitably without their full understanding, depending on their evolving capacities. The use of invasive techniques such as requests for photographs and webcam access are particularly troubling, given that images constitute sensitive information that should only be processed by data controllers with explicit and informed consent of the data subject.</p>	<p>In all cases, sentiment analysis and neuromarketing raise concerns for children's human rights. Advertisers should not deploy such tactics vis-à-vis children under any circumstances.</p>
<p>Does your company produce or procure digital marketing that features children?</p>	<p>Advertising for products that are not suitable for children, are unhealthy for children, or are harmful/illegal for children to consume or access should never feature children. Where children are featured in advertising materials for products designed for children, such advertising should be fair, transparent, truthful and portray children in accordance with their evolving capacities. Children should not be portrayed in inappropriate clothing, make-up, situations or behaviours.</p>	<p>Advertisers should ensure that when advertising featuring children appears on websites, applications and services it is consistent with children's rights, including that advertising content is suitable for children, and that ads are timed and placed in a context suitable for children.³</p>
<p>Do your marketing materials include any direct appeal to children to persuade their parents or other adults to buy products for them?</p>	<p>Digital marketing should not undermine the authority or influence that parents have to guide and educate their children.</p>	<p>In all circumstances, marketing that includes any direct appeal to children and young people to persuade their parents or other adults to buy products for them should not be used.</p>

3. See, for example: International Chamber of Commerce, 'ICC Advertising and Marketing Communications Code', ICC, Paris, 2018, article 18, pp. 12–13, available at <<https://iccwbo.org/publication/icc-advertising-and-marketing-communications-code>>.

Ad tech companies and data brokers

Questions for consideration	Context	Recommendations
Does your company enable advertisers or publishers to target children?	<p>Behavioural or targeted marketing incentivizes corporate surveillance of Internet users and consumers in order to serve individuals with tailored advertising based on their web activity. This type of marketing involves the collection of both personal data and non-personal data to generate a profile of the user and make inferences about their purchasing preferences.</p> <p>Such techniques raise numerous concerns from the perspective of children's rights. For example, obtaining genuinely informed and unambiguous consent from younger children is not possible, given the obscure nature of behavioural targeting and the difficulty in communicating it in simple language. For older children, and even for parents, there remains a power imbalance between content providers and advertisers, and the consumers who may not have the information or capacities to make informed decisions.</p>	<p>Because advertisers and publishers must maintain a zero-data environment for children – and they should not target children with behavioural marketing – ad tech companies and data brokers should not facilitate the behavioural targeting of children or the creation of advertising segments for children.</p> <p>The industry should therefore find solutions to facilitate appropriate advertising for children, in which no data are collected. There are recent developments that aim to provide digital advertising solutions that are child-safe and enable zero-data approaches. UNICEF encourages advertising actors to pursue opportunities to adopt this type of technology in their digital marketing activities.</p>
Does your company enable advertisers or publishers to target sites where children make up a certain percentage of the audience?	<p>Ad tech companies involved in placing advertising on child-directed sites should not enable advertisers to target children based on profiling of their online behaviour. It is understandable, that advertisers might want to use sites that children access but which are not specifically child-directed. But enabling the targeting of such sites incentivizes the data collection regarding site demographics and requires profiling site users in order to determine whether they are children. This raises additional concerns from the perspective of children's privacy.</p>	<p>It is recommended that ad tech companies do not enable advertisers to target sites that children access where this requires the acquisition of additional personal data on children.</p>
Does your company enable advertisers or publishers to choose certain times of day to market to children?	<p>Children are more likely to be online during specific hours, such as before 10:00 p.m. Therefore, broadcasting regulations in many countries restrict the publication of advertising not suitable for children during daytime hours, and prohibit the interruption of children's programming with advertisements.</p>	<p>Children's publishers should pursue zero-data advertising solutions that will serve only appropriate advertising for this audience. Ad tech companies should deploy a broadcasting approach online, ensuring that advertising that is not suitable for children is not served on websites during the hours children are likely to be online, and that children's programming should not be interrupted by advertising.</p>

Publishers and ad networks		
Questions for consideration	Context	Recommendations
Does your company serve advertising directed at children?	Publishers that serve advertising directed at children on websites not exclusively directed at children have an obligation to integrate children's rights considerations into all aspects of their corporate policies and operations. This includes ensuring that marketing directed at children is placed adjacent to child-appropriate content and is displayed in a child-appropriate format.	Publishers serving advertising directed at children should ensure it is always placed adjacent to or in the context of content that is appropriate for children.
Does your platform permit the use of sponsored search results a form of digital marketing?	Sponsored search results are not easily identified by children as a form of marketing, and need to be signposted in a manner that is easy to recognize and understand. Making sponsored search results recognizable for children is particularly important, given that children turn to major search engines for 'true and accurate information' and are unable to correctly identify sponsored links as advertising most of the time. ⁴	Publishers have a responsibility to ensure that children's right to access information and diverse media is not undermined by opaque practices regarding paid-for search results, and should ensure children of all ages are able to identify sponsored search results. This may mean that search engines put in place innovative measures to identify sponsored search results, such as pop-up boxes and prompts.
Does your company permit the use of child influencers or of adult influencers in advertising for children's products or services?	<p>Digital marketing directed at children should be fair, transparent, truthful and identified clearly as advertising. The use of influencers – individuals with a considerable online presence, such as those who create video channels that have millions of subscribers – to promote a product, brand or service in exchange for financial or in-kind compensation, can be persuasive for children, whether or not they realize.</p> <p>Recognizable faces are also influential, given that children respond strongly to familiar characters from their favourite books, television series or movies, as well as celebrities and sports stars. Depending on their age and maturity, many children cannot easily perceive or understand the commercial influences that shape influencers' product or service recommendations.</p>	<p>Advertising directed at children should always be identified as advertising. This includes the use of influencers or viral marketing campaigns, and all such advertising should be properly labelled with words, images or logos to signal influencer content.</p> <p>It also encompasses taking care to protect children's rights on all types of platforms. Advertising directed at children and placed on popular video sharing channels, for example, should only be used if the producers have qualified through content certification programmes and adhere to the video sharing service code of conduct.</p> <p>Publishers and the operators of social media sites should not permit viral marketing campaigns targeted at children, and should ensure such campaigns are clearly labelled as advertising material in a way that children can easily understand.</p>

4. Ofcom, *Children and Parents: Media use and attitudes report*, Ofcom, November 2016, p. 9, available at <www.ofcom.org.uk/research-and-data/media-literacy-research/children/children-parents-nov16>.

Questions for consideration	Context	Recommendations
<p>How does your company permit advertisers to have oversight and control over where and to whom their advertising is served?</p>	<p>Advertisers and publishers are jointly responsible for ensuring children’s human rights are respected in the digital advertising ecosystem. Whereas publishers have the ultimate control over the timing, placement, context and form of advertising, it is the brand and reputation of advertisers that is at risk when problematic decisions are made. This is especially sensitive in the context of advertising directed at children or on child-directed websites.</p>	<p>In addition to ensuring that children’s rights are taken into consideration when making decisions about the timing, placement, context and form of digital advertising to children, publishers should also put in place mechanisms to ensure that advertisers are able to monitor how advertising is being served to children.</p> <p>Steps that publishers should take include ensuring there is a regular human audit of the processes for serving advertisements to verify that the guidelines in this toolkit are being adhered to.</p>
<p>Does your company operate an age-gated website?</p>	<p>An age-gated website restricts children below a certain age from accessing the site. Some age-gated websites permit children above the age of 13, for example, but not below. Advertising on age-gated websites does not absolve advertisers of responsibility to children of any age.</p> <p>Many children who are 10–13 years old have social media profiles on age-gated websites. Companies must be aware that children of all ages use such websites, despite the age restrictions.</p>	<p>Publishers should enforce age gates through effective mechanisms, and should rectify any situation when they are aware that children below the age gate are using their sites. If publishers are unable to guarantee that their age-gated site is effectively excluding children (through, for example, the institution of age verification mechanisms) they should assume younger children are exposed to any advertising material served on such sites and take steps to change advertising practices accordingly.</p> <p>Equally, advertising to older children on age-gated websites must take into account children’s human rights and comply with the guidance and considerations outlined throughout this toolkit, for example, by avoiding behavioural targeting of children (see Part 2, page 14). Finally, when advertising on age-gated sites, such as social media, the content should not address children directly because this encourages them to participate in such sites and to lie about their age to access the content.</p>



Methods of advertising (use of personal data)

Children's right to privacy and the protection of their personal data are closely tied to their dignity, autonomy and ability to develop free from adverse influences. Most children are unlikely to have the capacity to provide informed consent to the processing of their personal data. Enabling parental consent to substitute for children's consent may be one way of ensuring children's rights are protected, but given the shortfall in digital literacy for adults, particularly in emerging markets and developing countries, parents' consent may not always be an effective way to protect the privacy rights of children.

Even older children may struggle to understand the implications of permitting cookies or other personal data collection, and privacy policies and terms of service are often opaquely written and incontestable, leaving them with the impression that there is no choice but to provide the personal data requested in order to use the service. Platforms, services and products that are contingent on the provision of personal data unfairly induce teenagers and older children to forfeit their data protection rights.

Children's personal data must always be acquired lawfully, and in a manner consistent with children's rights. Generally, obtaining consent by the child or their parents or guardians for data processing, which provides some control over how their personal information is used and

shared, is a good way to ensure that rights are respected. Under the European Union's General Data Protection Regulation – which is widely being applied online – consent should be freely given, specific, informed and unambiguous, and requires a clear, affirmative act to authorize the processing of personal data (GDPR, Recital 32). In addition, consent must be sought for data processing unless there is a legally defined reason to process personal information without permission (GDPR, article 6).

In respect to children, advertising actors should implement a zero-data policy. Companies should not conduct behavioural advertising, which is based on the collection of personal data from children. Ideally, this should be applied to children under 18 but at the very least to children under 16 years old.

Questions for companies to consider and the context in which they should examine the impact of advertising methods on children's human rights are outlined below, along with recommendations related to each question.

Advertisers and advertising agencies

Questions for consideration	Context	Recommendations
Does your company have a responsible marketing policy that extends protection to children's personal data?	<p>Responsible marketing policies should cover the full ambit of children's rights issues. In particular, companies' policies should create protections on obtaining and using children's data as part of corporate marketing. Obtaining children's consent increases the likelihood that children are aware of the processing of their personal data and empowered to exercise their rights.</p> <p>In general, advertisers should obtain consent from the child, or a parent or guardian. As requesting consent for data processing gives children control over how their personal information is used and shared. Under the GDPR, consent should be un-coerced, specific, informed and unambiguous, and requires a clear, affirmative act to authorize the processing of personal data (Recital 32). Unless there is a legally defined reason to process personal information without permission, this consent must be requested before data are processed (GDPR, article 6).</p>	<p>All advertising actors should develop a responsible marketing policy – and that policy should extend to protections for children's personal data. Such protections should relate to how advertisers collect children's personal data (including cookie data and device identifiers) on the brand's own websites, through advertising and via data management platforms. Children's personal data must always be acquired lawfully and in a manner consistent with their human rights.</p>
Does your company use targeted and/or behavioural marketing to advertise to children?	<p>Behavioural or targeted marketing incentivizes corporate surveillance of Internet users and consumers in order to serve individuals with tailored advertising based on their web activity. This type of marketing involves the collection of both personal data and non-personal data to generate a profile of the user and make inferences about their purchasing preferences.</p> <p>Such techniques raise numerous concerns from the perspective of children's rights, For example, obtaining genuinely informed and unambiguous consent from children is difficult, given the obscure nature of behavioural targeting and the difficulty in communicating it in simple language. Even for older children, and even for parents, there remains a power imbalance between content providers and advertisers, and the consumers who may not have the information or capacities to make informed decisions.</p>	<p>Companies should refrain from using targeted or behavioural marketing to advertise to children – and should generally avoid profiling children for marketing purposes. Companies should also inform children of their right to object to direct marketing and educate children on how to protect their personal data.</p>

Questions for consideration	Context	Recommendations
<p>Does your company acquire children’s personal data, including cookies and device identifiers, either through websites your company runs, customer information or cookies, or through ad tech companies or data brokers?</p>	<p>A company’s responsible marketing policy should address under what circumstances advertisers will acquire or buy children’s personal data from data brokers or share this data across subsidiary companies.</p>	<p>In all cases that involve handling personal data pertaining to children, companies should ensure it has been acquired lawfully (which generally means with the unambiguous, specific and informed consent of the child or their parent), and is being used lawfully, both with regard to the laws of the jurisdiction in which the data were acquired and the laws of the jurisdiction in which it is being used.</p> <p>Companies purchasing children’s personal data from third parties must notify the child (or their parent or guardian) as soon as is reasonably practical that their personal data have been acquired, and inform them how it will be used (GDPR, articles 12, 14).</p>
<p>Does your company produce or procure advertising that induces children to provide personal data in exchange for access to games, products or services?</p>	<p>The provision of personal data as a requirement for using a website, platform, product, service or application may incentivize children to reveal more personal data than necessary, and run counter to the voluntary nature of consent.</p>	<p>Websites directed at or used by children must not require children to provide personal data, including cookie data and device identifiers, to participate in games, or access products or services.</p>
<p>Does your company enable children to request the erasure of their personal data where it is no longer necessary?</p>	<p>Any company collecting children’s personal data, including cookie data and device identifiers, needs to ensure there are mechanisms in place for children to request the erasure of their personal data under certain circumstance (GDPR, article 17(1)(f)).</p>	<p>Simplified and expeditious mechanisms for children and their parents or guardians to request the deletion of personal data should be made available and must be easily accessible and useable by children.</p>

Ad tech companies and data brokers

Questions for consideration	Context	Recommendations
Does your company acquire children’s personal data, either through tracking technologies such as cookies or through purchasing data?	The acquisition of children’s personal data involves an intrusion into their privacy that must be conducted on a lawful basis and in accordance with specific rules. Although there are other legal bases for processing data, obtaining children’s consent increases the likelihood that they are aware that their personal data are being processed and empowered to exercise their rights.	It is best practice for companies purchasing children’s personal data from third parties to notify the child (or their parent or guardian) as soon as is reasonably practical that their personal data have been acquired, and inform them how it will be used (GDPR, articles 12, 14).
Does your company sell, broker or share children’s personal data with advertisers or publishers?	The onward sale or sharing of children’s personal data creates risks that data will be used in ways or for purposes not made clear to the child when the data were first collected.	Companies that sell, broker or share children’s personal data must always do so lawfully, and ideally with consent. Seeking children’s, or their parents’ or guardians’, consent for any onward sale or disclosure of personal data gives children greater control over who can access their personal data.
Does your company enable the segmentation of children, i.e., the targeting of children in certain categories?	Because the segmentation of children facilitates the serving of behavioural or targeted advertising to children, it raises a number of concerns for children’s rights, particularly as it incentivizes the collection and storage of children’s personal data.	Segmentation of children that is based on their browsing behaviour or other personal information should not be permitted or provided by ad tech companies. Any segmentation for advertising purposes should be based on context, e.g., the content of the site or app on which the ad is served, which cannot be tied to a specific user.
Does your company enable children to request the erasure of their personal data where it is no longer necessary?	Any company collecting children’s personal data, including cookie data and device identifiers, needs to ensure there are mechanisms in place for children to request the erasure of their personal data in certain circumstances (GDPR, article 17(1)(f)).	Simplified and expeditious mechanisms for children and their parents or guardians to request the deletion of personal data should be made available and must be easily accessible and useable by children.

Publishers and ad networks		
Questions for consideration	Context	Recommendations
Does your company ensure that children are not required to provide personal data in exchange for accessing a website or service?	Access to a service, game, application or website should not be made conditional on the provision of personal data that are not necessary providing the service (GDPR, article 7(4)). Conditioning the use of a website, platform, product, service or application on the provision of personal data may incentivize children to reveal more personal data than necessary and run counter to the voluntary nature of consent.	Companies should not require children to provide personal data, including cookie data and device identifiers, to participate in games or access products and services.
Does your company permit targeted and/or behavioural marketing on websites directed at children?	Behavioural or targeted marketing incentivizes corporate surveillance of Internet users and consumers in order to serve individuals with tailored advertising based on their web activity. This type of marketing involves the collection of both personal data and non-personal data in order to generate a profile the user and make inferences about their purchasing preferences. Such techniques raise numerous concerns from the perspective of children's rights. For example, obtaining genuinely informed and unambiguous consent from children is difficult, given the obscure nature of behavioural targeting and the difficulty in communicating it in simple language. Even for older children, and even parents, there remains a power imbalance between content providers and advertisers, and the consumers who may not have the information or capacities to make informed decisions.	Companies should not use targeted or behavioural marketing to advertise to children – and should generally avoid profiling children for marketing purposes. Companies should also inform children of their right to object to direct marketing and educate children on how to protect their personal data.
Does your company permit third-party tracking cookies on your websites?	When websites, platforms, products, services or applications facilitate the collection of children's personal data by other actors, it is important that children or their parents understand and consent to the full scope of data collection involved. In addition, it may be important for companies to ensure that any third parties collecting data through their website, platform, product, service or application respect the company's practices regarding children.	Companies that permit the onward disclosure of personal data to third parties should ensure that they are not processing or sharing the personal data (including technical identifiers) relating to children and must inform any partners of their obligations.
Does your company enable children to understand and change their advertising preferences on your websites?	Children can be empowered to express and protect themselves online by having full control over their online profiles, including who can access information, and how their content and behavioural data can be used for advertising purposes. Children are able to express and protect themselves online more fully when they can easily access and adjust their settings from a range of devices.	Companies should provide mechanisms to enable children to easily access and adjust their advertising preferences from multiple devices. Where children seek to change settings in a way that would make information on their profiles more easily accessible for advertising purposes, additional prompts could help children understand the implications of sharing information with advertising actors and reconfirm their intention to do so.

Questions for consideration	Context	Recommendations
<p>Does your company enable children to opt out of targeted and/or behavioural marketing?</p>	<p>As explained above, targeted or behavioural marketing creates a number of risks to children's rights and should be avoided by advertising actors.</p>	<p>Companies should refrain from using targeted/behavioural marketing to advertise to children. In the event that publishers permit behavioural targeting on their website, application or service – including websites not directed at or used by children – there should provision for children to signal their intention to opt out of profiling.</p>
<p>How does your company ensure that children are informed of their rights as a data subject?</p>	<p>Empowering and protecting children's human rights in the digital space requires ensuring children and their parents know and understand how personal data are used by advertisers and publishers, and are equipped with the knowledge and tools to exercise their personal data rights. These rights include the right to object to data processing, to know what information about them is being processed and to request the deletion of personal data.</p>	<p>Publishers and ad networks should provide information resources and education for children to understand the exchange that takes place with regard to advertising on websites, applications and services, and should ensure such resources are available in a form and language digestible by children.</p>
<p>Does your company enable children to request the erasure of their personal data where it is no longer necessary?</p>	<p>Any company collecting children's personal data, including cookie data and device identifiers, needs to ensure there are mechanisms in place for children to request the erasure of their personal data under certain circumstance (GDPR, article 17(1)(f)).</p>	<p>Simplified and expeditious mechanisms for children and their parents or guardians to request the deletion of personal data should be made available and must be easily accessible and useable by children.</p>

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