

COUNCIL**Meeting of the Council at Ministerial Level, 31 May-1 June 2021****OECD GUIDELINES FOR DIGITAL SERVICE PROVIDERS****JT03476982**

OECD Guidelines for Digital Service Providers

The following Guidelines were drafted in the context of the development of the OECD revised Recommendation of the Council on Children in the Digital Environment [[OECD/LEGAL/0389](#)] (hereafter, the “Recommendation”). They seek to complement the Recommendation and should be read in conjunction with it. They aim to support Digital Service Providers, when they take actions that may directly or indirectly affect children in the digital environment, in determining how best to protect and respect the rights, safety, and interests of children, recognising that girls, children belonging to racial, ethnic and religious minorities, children with disabilities, and others belonging to disadvantaged groups may require additional support and protection. While Digital Service Providers are called upon to respect the Guidelines as a whole, the specific measures individual Digital Service Providers take may vary significantly, taking into account factors such as the national legal and regulatory context in which they operate, as well as the differences in their roles and the risk profiles associated with the services and products they provide, to which the measures they take should be proportionate.

1. Child Safety by Design

In designing and delivering services that are for children or where it is reasonably foreseeable that they will be accessed or used by children, Digital Service Providers should take a precautionary approach and to this end:

- a) Pay due regard to providing a safe and beneficial digital environment for children through the design, development, deployment, and operation of such products and services, including through taking a safety-by-design approach to address risks;
- b) Regularly take steps necessary to prevent children from accessing services and content that should not be accessible to them, and that could be detrimental to their health and well-being or undermine any of their rights, and continue to review the efficacy of those measures and improve them where necessary;
- c) Regularly review and update practices to take into account changes to technology, changes in use, and consequent changes in risks for children; and
- d) Where laws or policies require that age-based restrictions be in place to prevent children below certain ages accessing a service, put in place restrictions that are proportionate to risk, privacy-preserving and respected.

2. Information Provision and Transparency

In providing information to children and their parents, guardians, or carers regarding services for children, or where it is reasonably foreseeable that they will be accessed or used by children, Digital Service Providers should provide information that is concise, intelligible, easily accessible, and formulated in clear, plain, and age-appropriate language. This includes but is not limited to information regarding privacy settings, data retention, terms of service, policies, and community standards.

3. Privacy, Data Protection, and Commercial Use

If providing digital services that are for children, or where it is reasonably foreseeable children will access or use them, and that collect, process, share, and use personal data, Digital Service Providers should:

- a) Provide children, and their parents, guardians, and carers, with information on the way that their personal data is collected, disclosed, made available, or otherwise used in language that is concise, intelligible, easily accessible, and set out in a clear and age-appropriate manner;
- b) Limit the collection of personal data and its subsequent use or disclosure to third parties to the fulfilment of the provision of the service in the child's best interests;
- c) Not use children's data in ways evidence indicates is detrimental to their wellbeing; and
- d) Unless there is a compelling reason to do so and there are appropriate measures in place to protect children from harmful effects, not allow the profiling of children or automated decision-making, including on e-learning platforms.

4. Governance and Accountability

Digital Service Providers should have policies and procedures in place to promote the best interests of all children accessing their services. Digital Service Providers should be able to demonstrate compliance with any domestic policies, regulations, or laws in place to safeguard the rights of children in the digital environment.