



children's charities' coalition on internet safety

Online Transactions By Children
report of a seminar
27th February, 2006

The seminar was chaired by John Carr of CHIS. Powerpoint presentations were made by Brandon Cook, Lead Officer, Age Restricted Sales, Trading Standards Institute, Dave Evans, Senior Guidance and Promotion Manager, Information Commissioner's Office and Robert Dirskovski, Head of Interactive Media, Direct Marketing Association. About thirty people attended representing a range of different interests: governmental and regulatory, from online retailing and the wider internet industry, law enforcement and child protection.

Brandon and Dave said they were happy for their Powerpoint presentations to be circulated to anyone who wanted them. Robert directed people to <http://www.cap.org.uk/cap/codes>

It was established that, to the extent that analogies with the Gillick principle apply at all, we need to be mindful of the fact that the Gillick case established a subjective test, not an objective test. In other words in relation to each and every sale of any product or service to a child, the vendor is required to determine whether or not that particular child understands, or is capable of understanding, the nature of the transaction.

The same applies equally where no sale or commercial transaction is involved e.g. where it is a request for information of some kind and that request involves supplying personal data.

It is sometimes hard enough to make such an assessment in a real life situation e.g. in a shop, but it is not at all obvious how you do it in an online environment. To complicate matters further, the accepted best practice with children aged 11 or below is that you may not, or ought not, even ask them a question of any kind without having first obtained parental consent to putting the question. How does one do that in an online environment?

Then there is the separate question of the sale of age restricted goods and services, some of which e.g. gambling, knives, tobacco and alcohol, raise issues of compliance with the law, and others which raise issues around best practice. So far only the gambling industry and the mobile phone industry seem to have made significant moves to put appropriate systems in place. This shows that it can be done, but it also shows that others need to follow their lead.