[ES] Approval of draft Organic Law on the Protection of Minors in Digital Environments

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On 4 June 2024, the Spanish Council of Ministers approved the *Anteproyecto de la Ley Orgánica de Protección de los Menores en los Entornos Digitales* (draft Organic Law on the Protection of Minors in Digital Environments).

According to Félix Bolaños, Minister for the Presidency, Parliamentary Relations and Democratic Memory, the law aims to guarantee the rights of minors, in particular the fundamental rights enshrined in Articles 18 and 20 of the Spanish Constitution, i.e. the right to honour, personal and family privacy and one's own image.

The law begins by raising the minimum age at which consent to the processing of personal data can be given from 14 to 16 years. Children under 16 will still be able to open a social media account if their parents give permission.

The law puts Spain on the same footing as 10 other EU countries where the minimum age is also 16.

In response to the dangers posed by deepfakes, the law also amends the Spanish Penal Code by adding Article 173 bis, which makes it a criminal offence to disseminate AI-generated pornographic content without permission. Anyone who uses AI to create and disseminate sexual images without the consent of the person concerned will be sent to prison for between one and two years.

A second amendment to the Penal Code concerns grooming, which is when adults pretend to be minors or change gender to ask children for pornographic material. Such impersonation, by means of which adults try to gain the confidence of minors, is identified as an offence in the Penal Code and punished as such.

An online restraining order for convicted offenders will be introduced to restrict their online activity and prevent them from contacting their victims.

A final key measure in the law is designed to address the current lack of an effective online age verification tool. It requires manufacturers of mobile phones, tablets, computers and similar devices to include a parental control tool in their operating systems by default. The responsible audiovisual authorities will also be obliged to verify that these mechanisms work properly and are effective. The age

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verification system will need to be installed free of charge by default in accessible, plain language.

The law also prohibits access for minors to random reward mechanisms that are sometimes present in video games and on online platforms.

Similarly, video-sharing platforms will be obliged to provide links to sites dedicated to the reporting of content that is potentially harmful to the physical, mental or moral development of minors.

Now that the text has been approved by the Council of Ministers, it still has to be debated in Parliament. Adoption is scheduled for the end of 2024.

Anteproyecto de Ley Orgánica para la protección de las personas menores de edad en los entornos digitales

https://www.mpr.gob.es/servicios/participacion/audienciapublica/Paginas/TAIP%202024/anteproyecto-de-ley-org-nica-para-la-protecci-n-de.aspx

Draft Organic Law on the Protection of Minors in Digital Environments

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