[ES] Spain takes important steps to protect minors on the internet and social media

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Azahara Cañedo & Marta Rodriguez Castro

In the face of social concern about the increasing uncontrolled access of children and young people to adult content, Spain is making legal and practical progress in the protection of minors on the Internet. Firstly, it was the Spanish Data Protection Agency (*Agencia Española de Protección de Datos* – AEPD) that introduced an age verification system in December 2023 to ensure that any person accessing adult content is authorised to do so. This is in line with the General Law on Audiovisual Communication (Spanish Law 13/2022), which obliges video-sharing platforms to set up age verification systems for content that could be harmful to minors. In addition, the decalogue of principles accompanying the system stipulates that the system must a) ensure that no profiles of people can be created based on their navigation, b) guarantee the exercise of parental authority and c) guarantee the fundamental rights of all people when accessing the Internet. To achieve this, the AEPD recommends that the system should have a defined governance framework.

The technical demonstrations carried out by the AEPD confirm that it is possible to process the age attribute on the user's device without revealing the identity of the person or the status of the minor to the websites. In this sense, the Spanish authorities are committed to a pioneering system in Europe that combines the protection of children and the welfare of minors with the fundamental right of all citizens to data protection. At the operational level, the verification takes place in two steps. Firstly, the user must have an age verification application installed on the device, so that when adult content is received or accessed, it is filtered by default while the application determines whether the user is "authorised to access" or not. Secondly, to verify age, the user needs a QR code, provided by an official state body responsible for the digital certification of citizens, such as the *National Coinage and Stamp Factory* (*Fábrica Nacional de Moneda y Timbre – FNMT*). With this QR code, the user can prove to the verification application that he/she is over the required age to access adult content. An important aspect is that the entire age verification process is carried out without leaving the user's device or accessing external resources.

On the other hand, on 9 January 2024, the National Commission for Markets and Competition (*Comisión Nacional de los Mercados y la Competencia* – CNMC) launched a public consultation on the age verification systems used by video-sharing platforms in Spain to protect minors from accessing pornography and

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violence. This is in line with a proposed state pact to protect minors online and on social media, signed by six Spanish civil society organisations – *Asociación Europea para la Transición Digital* (AETD), Save The Children, *Fundación ANAR*, iCMedia, *Dale Una Vuelta*, UNICEF – with the institutional support of the AEPD in June 2023. This pact, which will be presented to the Spanish National Congress on 13 February 2024, is a reminder of the negative impact that the use of the Internet and social media can have on minors, not only because they are still in a developmental phase, but also because these online products are designed for adults. Therefore, the pact calls for fifteen consensus actions aimed at recognising the problem, educating towards responsible digital citizenship and affective-sexual education, and demanding the responsibility of all actors involved, including the industry. In this sense, the document denounces the commercialisation of minors' data through its collection, the use of opaque algorithms, and the creation of profiles for sale to third parties for advertising purposes.

In this context, Pedro Sánchez, the President of the Spanish Government, announced in an interview in *El País*, the country's most widely circulated newspaper, the implementation of a national agreement to protect minors on the Internet. The government's plan is based on three main lines of action: 1) the adoption of a comprehensive law to protect minors online; 2) the development of a multidisciplinary strategy in the areas of education, digital skills and equality; and 3) the creation of technical devices to prevent minors from accessing pornographic content.

Proposal for a state pact to protect minors on the Internet and on social media

Press release – AEPD announces an age verification system to protect minors from accessing adult content on the Internet

Decalogue of principles. Age verification and protection of minors from inappropriate content

Press release – The CNMC supports the proposed state pact for the protection of minors on the Internet and on social media

General Law 13/2022 of 7 July on Audiovisual Communication

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