

## Guidance for the EU GDPR on Marketing to Children

Effective from May 2018

This policy applies to all Mars segments operating in European (EU) markets and to:

- marketing communications directed at EU citizens;
- marketing communications made through websites, mobile applications;
- activities analysing the behaviour of EU citizens; and
- online products and services directed at EU citizens (e.g. text or internet promotions, allowing consumers to upload photographs, information or other UGC).

We refer to these activities collectively as "Digital Media" in this Policy.

### Our Policy on Marketing to Children

- When Digital Media involve using children's data, we will ensure that the Mars policies linked to the Digital Media are written in a clear, plain way that children will understand.
- When we offer online services to children under age 16 and plan to use consent to process their data (for example, for electronic marketing), we will obtain the consent from the child's parent or guardian unless the position has been modified by their national law.
- We will implement measures to verify parent or guardian consent, taking into consideration available technology.
- We will not carry out profiling on consumers under 16 for any purpose, including analyzing their interests or preferences for marketing, without parental consent.
- We will honour all requests for erasure of children's data (for example, of UGC, photographs or any other information processed on the basis of a child's consent) regardless of the individual's age at the time of their request to erase the data.

### Our legal requirements under the GDPR

A new EU-wide law, known as the General Data Protection Regulation, or "GDPR", has been enacted and is set to become effective in May 2018. The GDPR contains new provisions intended to enhance the protection of children's personal data and so our policy on marketing to children is aimed at addressing the GDPR's requirements. These are as follows:

- **Enhanced protection of children's personal data:** In the GDPR, children are identified as vulnerable individuals that merit specific protection. Recital 38 states that this is because children may be less aware of the risks and consequences of processing, and their rights in relation to processing of personal data.
- **Accessible notices for children:** Article 12 of the GDPR states that any information provided

to individuals must be in a concise, transparent, intelligible and easily accessible form, using clear and plain language, in particular when addressed specifically to a child.

- **Parental consent in relation to online services.** Where consent is the basis for processing a child's personal data in relation to an online service, consent must be provided by a person holding 'parental responsibility'. A child is anyone under the age of 16, unless national law lowers this age but cannot be lower than age 13 (Article 8).
- **Restriction on automated processing.** According to the GDPR, children should not be the subject of automated decision-making, including profiling, which produces legal or similar significant effects (as defined in Article 22(1)) (Recital 71).

Profiling is defined as “any form of automated processing of personal data consisting of the use of personal data to evaluate certain personal aspects relating to a natural person, in particular to analyse or predict aspects concerning that natural person's performance at work, economic situation, health, personal preferences, interests, reliability, behaviour, location or movements.” (Article 4(4)) This includes activities such as analysing a child's interests in order to decide what sort of marketing to send them.

- **Right to erasure of children's data.** Article 17 of the GDPR provides that where personal data about children has been collected on the basis of consent in relation to online services, individuals have the right to erasure of their data, or the 'right to be forgotten'. This right is exercisable even if the individual is no longer a child.