

# Creative Assembly

## Age Appropriate Design Code Audit Report

July 2022



# Executive summary

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## Background & Scope

Under section 123(1) of the Data Protection Act 2018 (DPA18), the Information Commissioner produced a code of practice on standards of age appropriate design ("the Code"). The Code applies to "relevant information society services which are likely to be accessed by children" in the UK. This includes many apps, programs, connected toys and devices, search engines, social media platforms, streaming services, online games, news or educational websites and websites offering other goods or services to users over the internet. It is not restricted to services specifically directed at children.

The Code sets out 15 headline standards of age appropriate design that companies need to implement to ensure their services appropriately safeguard children's personal data and process children's personal data fairly. The Code came into force on 2 September 2021.

More widely, the Information Commissioner is also responsible for enforcing and promoting compliance with the UK General Data Protection Regulation (UKGDPR), the Data Protection Act 2018 (DPA18) and other data protection legislation. Section 129 of the DPA18 allows the ICO to carry out consensual audits. The ICO sees auditing as a constructive process with real benefits for controllers and so aims to establish a participative approach.

Creative Assembly agreed to a consensual audit of the measures, processes and policies they have in place to demonstrate conformance with the Code and data protection legislation.

The purpose of the audit is to provide the ICO and Creative Assembly with an independent assurance of the extent to which Creative Assembly, within the scope of this agreed audit, is complying with the Code and data protection legislation.

The scope areas covered by this audit are determined following a risk based analysis of Creative Assembly's processing of children's personal data. The scope may take into account any data protection issues or risks which are specific to Creative Assembly, identified from ICO intelligence or Creative Assembly's own concerns, and/or any data protection issues or risks which affect their specific sector or organisations more widely. The ICO has further tailored the controls covered in each scope area to take into account the organisational structure of Creative Assembly, the nature and extent of Creative

Assembly's processing of children's personal data, and to avoid duplication across scope areas. As such, the scope of this audit is unique to Creative Assembly.

It was agreed that the audit would focus on the following areas:

- *A: Governance, Transparency and Rights*
- *B: Due Diligence and Data Protection Impact Assessments (DPIAs)*
- *C: Data Minimisation and Sharing*
- *D: Age Assurance*
- *E: Detrimental Use*
- *F: Privacy Settings and Parental Controls*
- *G: Geolocation*
- *H: Profiling and Cookies*
- *I: Nudge Techniques*

Audits are conducted following the Information Commissioner's data protection audit methodology. The key elements of this are a desk-based review of selected policies and procedures, remote interviews with selected staff, and a virtual review of evidential documentation.

Where weaknesses were identified recommendations have been made, primarily around enhancing existing processes to facilitate conformance with the Code and data protection legislation. In order to assist Creative Assembly in implementing the recommendations each has been assigned a priority rating based upon the risks to children that they are intended to address. The ratings are assigned based upon the ICO's assessment of the risks involved. Creative Assembly priorities and risk appetite may vary and, therefore, they should undertake their own assessments of the risks identified.

## Overview of Service and Processing

Creative Assembly is a UK-based games developer. The studio was founded in 1987, and operated independently until it was acquired by SEGA in 2005. Creative Assembly is subject to oversight from centralised teams based in SEGA Europe, including Privacy compliance and Legal teams who monitor all change projects and new developments to ensure that key compliance

tasks are completed. Alongside development and quality teams, the studio also includes in-house brand, marketing, PR, and business information teams.

Creative Assembly specialises in 'deep and detailed' strategy games. The studio is best known for the Total War franchise, which is a series of war strategy games that combines turn-based strategy and resource management with real-time battlefield tactics. Each Total War game is based on nations and armies from around the world in a specific historical or fantasy era.

The majority of Total War titles have a PEGI age rating of 16, due to sustained depictions of violence towards human characters and strong violence. Although Creative Assembly feels that the complex and cognitive gameplay and academic and historical contexts are more appealing to adults, it believes that the Age-Appropriate Design Code (AADC) applies as Total War games are accessed by children under 18 years.

The majority of Total War titles are played on the PC, and currently can only be purchased online through third party platforms such as the Microsoft, Steam, or Epic Games stores. These third parties require games developers to conform to their strict rules and practices in order to list their games. Although Total War games can be played solo offline, the more recent titles incorporate online elements where players can interact and play with other players, including in-game text chat communication and supporting voice chat hosted through the third party platforms.

Creative Assembly's reported approach is to collect as little data as possible. The majority of user personal data is collected when users download the game from third party stores. Users can also choose to create a CA account, however currently this is optional data collection as users can play without actively creating a CA account. Some personal data is collected in-game, including gameplay data and device information. This data is used to operate the game and for analytics, however this is pseudonymised by a unique session identifier rather than a user identifier, and usually used in an aggregated form. Users are informed about data processing taking place through the SEGA Europe Privacy Policy, which is also available in a simplified version.

Creative Assembly share some personal data of users with third parties in order to operate parts of or functions within their games or services. All third parties are subject to a robust onboarding process involving a range of assurance checks before data sharing begins, and relationships are governed by legal contracts that include specific data sharing requirements and obligations to comply with data protection legislation. With a couple of exceptions where users are required to opt in, Creative Assembly believes that all data sharing is essential to operating the game or service, therefore players cannot choose to stop data sharing.

## Areas for Improvement

There is an opportunity to improve the effectiveness of age assurance measures in place, by more reliably determining actual ages of child users under 18 years. This would enable more effective consideration of the best interests of children, identification of specific risks to child users of different ages, and implementation of appropriate privacy safeguards.

Measures to prevent child users from accessing age-inappropriate content should be reviewed, to ensure that they are effective in preventing children from being exposed to content that is detrimental to their health and wellbeing.

There is an opportunity to improve the effectiveness of user privacy information, by informing users about unique processing in each specific game or service, providing timely 'bite-size' privacy information when data is collected/ processed, and proactively communicating to users when privacy information is updated. Privacy information is provided in a simplified format but this should be tested with child users to ensure it is age-appropriate.

Risk management procedures should be formalised, to ensure that risks are monitored and decisions made at an appropriately senior level. Risks recorded in DPIAs and team risk registers should also be tracked in an appropriate risk register and subject to oversight at a corporate or management level to ensure a consistent approach.

## Best Practice

Creative Assembly is implementing a new system for completing and tracking ISAs, DPIAs, and other compliance documents, which has been set up to automatically provide staff with relevant forms based on their responses and remind key stakeholders when documents are due for regular review. This helps to give assurance that assessments will be completed at appropriate intervals and remain updated with relevant information.

Creative Assembly have developed a structured 'in-line process' that all projects and game developments must follow. Key compliance tasks and assessments required are clearly embedded at each stage, which helps to give assurance that these will be completed at appropriate points in the development process.

Creative Assembly have embedded consideration of data minimisation into their 'in-line process'. This helps to give assurance that only the minimum personal data needed to provide a service is collected.

## Disclaimer

The matters arising in this report are only those that came to our attention during the course of the engagement and are not necessarily a comprehensive statement of all the areas requiring improvement. The responsibility for ensuring that there are adequate risk management, governance and internal control arrangements in place rest with the management of Creative Assembly.

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This report is solely for the use of Creative Assembly. The scope areas and controls covered have been tailored to this engagement and, as a result, the report is not intended to be used in comparison with other ICO report.