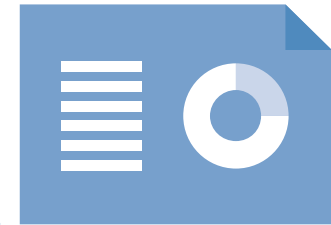


Mediatonic Games

Age Appropriate Design Code (AADC) Engagement Report

April 2022

Executive Summary



Mediatonic Games

Mediatonic Games is a UK-based games developer. Mediatonic previously operated independently, however was acquired by Epic Games Inc (Epic) in March 2021. Epic is a USA-based games and interactive entertainment company. Epic is a significant player in the global gaming market and has a presence worldwide, including in the UK where Epic Games UK is a member of the Association for United Kingdom Interactive Entertainment (UKIE).

Mediatonic released Fall Guys: Ultimate Knockout (Fall Guys) on 04 August 2020. Fall Guys is a battle-royale style online multiplayer game available on Steam and PlayStation from August 2020, and further released on Xbox, Nintendo Switch, and the Epic Games store from June 2022. Fall Guys can be played solo or in a group with up to three other players online. Gameplay involves up to 60 players competing in a series of novelty battle-royale style game matches. The game does not currently include any text chat for players to communicate in-game. Voice chat functionality was added in June 2022.

Fall Guys has an age rating of PEGI 3 and ESRB E. According to the PEGI website, games with a PEGI 3 rating are considered suitable for all age groups, should not contain any sounds or pictures that are likely to frighten young children, may include a very mild form of violence in a comical context or a childlike setting, and should not include bad language. Mediatonic believes that the Age-Appropriate Design Code (AADC) would apply to Fall Guys as the game is likely to be accessed by children, where children is defined as users under 18 years.

Information handling at Mediatonic Games

Mediatonic's reported approach is to collect as little data as possible. All players are required to create an account with Epic, which requires some personal data. Players have to indicate their age when creating an Epic account, and players under 13 years are required to gain parental consent which involves an email being sent to the parent or guardian and verification of their identity via SuperAwesome's Kids Web Services (KWS).

Some personal data is collected in-game, including gameplay statistics and device information. This data is used to operate the game, and is not used to promote additional content or personalise the in-game experience.

Mediatonic implements the same approach to data sharing in Fall Guys as with other Epic games. Data is shared with various data processors, which is governed by legal contracts stating the specific purpose and obligations to comply with regulatory authority guidance.

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.

In December 2021 the ICO invited Mediatonic to engage in an audit of its data protection practices within the scope of the Code. For Mediatonic, the relevant practices for these purposes relate to the game Fall Guys. In the same month, Epic Games, Inc. (Epic) provided the ICO with detailed information about its data protection policies and processes in relation to Fortnite in response to a separate request.

In March 2021, Mediatonic was acquired by Epic. Since its acquisition of Mediatonic, Epic has been in the process of integrating or aligning many of the policies and processes of Mediatonic to reflect those of Epic. It followed therefore that much of the information Epic provided in relation to Fortnite also applied to Fall Guys. Consequently, an audit of Mediatonic would cover much of the same ground, so would involve a duplication of effort for both Epic and the ICO, and so both parties agreed that it would be more effective for Mediatonic/ Epic to provide the ICO audit team with some supplemental information outlining the differences between the processes and operations relating to these two games in the UK, rather than undertake a full audit.

Engagement focus

The focus of the engagement was to establish an overview of the game Fall Guys and then discuss and review the key differences between the processes and operations relating to the games Fall Guys and Fortnite in the UK and the steps that have been taken in order to conform with the Code.

We discussed the current working practices and issues of concern and agreed to focus on the following areas:

- Governance and approach to the Code
- Best interests of children
- Age appropriate application
- Parental controls and consent
- Default settings
- Transparency
- Policies and community standards
- Data minimisation
- Data sharing and security
- Nudge techniques
- Children's rights
- Profiling

Areas for Improvement

There is an opportunity to provide further parental controls and monitoring and ensure that children are given age-appropriate information about these. Variable settings, including for social features, should be high privacy by default.

There is published privacy information that broadly covers all Epic titles, however there is scope to clearly inform data subjects about specific data processing activities within specific online services that they access. There are also plans to develop age-appropriate privacy information, which should present information in a format and using language that is tailored to the different age groups of children likely to be purchasing and/ or playing their games.

Nudge techniques are not used, however there is an opportunity to utilise positive nudge techniques to promote the best interests of children, encourage high privacy options, encourage use of parental controls, support wellbeing-enhancing behaviours, and provide age-appropriate information about taking breaks from gameplay.

Good practice

We noted some good practice as a result of our engagement with Mediatonic and were encouraged to learn that some steps to minimise the risks to children have already been taken. Examples worthy of note are:

- The Epic Family Experience team which has oversight of all Epic and Mediatonic games and is empowered to make decisions that ensure games are safe and child-friendly.
- The data minimisation approach within the Fall Guys game and collection of only the limited data necessary to operate games.
- The decision to not include text chat, user-generated content, or in-game functions that allow sharing of personal information within the Fall Guys game.

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 Mediatonic.

We take all reasonable care to ensure that our report is fair and accurate but cannot accept any liability to any person or organisation, including any third party, for any loss or damage suffered or costs incurred by it arising out of, or in connection with, the use of this report, however such loss or damage is caused. We cannot accept liability for loss occasioned to any person or organisation, including any third party, acting or refraining from acting as a result of any information contained in this report.

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