



FROM: [Common Sense Media](#)

DATE: 23 January 2026

TO: Information Commissioner's Office

RE: [Data protection enforcement procedural guidance: Consultation questions](#)

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Common Sense Media is dedicated to improving the lives of kids and families by providing the trustworthy information, education, and independent voice they need to thrive. Our ratings, research, and resources reach more than 150 million users worldwide and 1.4 million educators every year. Backed by the research that's the foundation of everything we do, we champion quality media that entertains and inspires, and support legislation that aims to close the digital divide and hold social media and AI platforms accountable for their effects on minors. We encourage students and educators to think critically about technology and become responsible digital citizens. And we support children's health and well-being by advocating to protect their data privacy and guard them from online harms.

Common Sense Media supports strong data protection rules and enforcement of such rules, and has long supported the ICO's efforts in this area, particularly as they relate to young people. Common Sense is pleased to provide the following comments in response to the consultation questions regarding the ICO's Data protection enforcement procedural guidance.

2.2. Do you have any comments on the factors we consider when deciding whether to open an investigation?

Common Sense supports the factors identified for consideration when the ICO determines whether to bring an action, and writes to emphasize that in considering the "risk of harm to people", the guidance should explicitly require consideration of the vulnerability of the population at stake. A risk of harm to vulnerable people such as children is a greater risk of harm. Common Sense recognizes that elsewhere in the guidance, children are specifically noted as meriting consideration during enforcement—both in terms of acknowledging the ICO's statutory duty to

safeguard children and in terms of urgency and expediency during the pendency of an action. It would be helpful to also flag children and vulnerable populations as an explicit factor to consider when the ICO is determining whether to bring a case.

10.4. Do you have any comments on our approach to giving penalty notices?

11.3. Do you have any other comments on the section “Settlement procedure”?

Common Sense Media strongly believes that fines must be sufficient to deter – bad actors should not profit from wrongdoing, or they will be financially incentivized to do it again. This is consistent with the ICO’s [Data protection fining guidance](#), which states, “In order to be effective, proportionate and dissuasive, any fine should ensure that controller and processors are not in a position to make a profit or otherwise benefit financially from infringing data protection law.” In the enforcement guidance regarding determining a fine amount, and regarding any discounts for settlement, Common Sense recommends explicitly noting that in considering the fine or discount amount, the ICO should consider whether wrongdoers would profit from breaking the rules and whether a fine is less than the profits obtained. Such fines are insufficient.