

App Store Accountability Bill

Draft Bill

Explanatory note

General policy statement

This Bill improves online safety for children and young people by creating a duty on app store providers to verify users' age categories and obtain verifiable parental consent for minors before downloads, purchases, and in-app purchases. It requires app stores to share limited, privacy-protective age category data and parental consent status with developers so that developers can apply age-appropriate settings. It sets standards for security and data minimisation to align with the Privacy Act 2020.

The Bill provides a proportionate enforcement framework: administrative and civil remedies through the Commerce Commission and the Privacy Commissioner, a limited private right of action for harmed minors or their parents, and a safe harbour for developers who rely in good faith on app store signals and follow recognised rating standards. It also accommodates the role of the Chief Censor and the Films, Videos, and Publications Classification Act 1993 where content classification is engaged. Emergency-only apps are exempted from parental consent to preserve access in urgent situations.

Clause by clause analysis

Clauses 1–3 set out the title, commencement, and purpose.

Clause 4 defines key terms (including age categories).

Clause 5 binds the Crown

Clause 6 provides the scope and extraterritorial effect.

Clauses 7–9 establish duties and prohibitions for app store providers.

Clauses 10–11 establish duties and prohibitions for developers.

Clause 12 creates a safe harbour.

Clause 13 empowers regulations and privacy codes.

Clause 14 sets enforcement by relevant regulators.

Clause 15 creates a limited private right of action.

Clause 16 sets remedies and penalties.

Clause 17 describes interaction with other enactments and an emergency-app exemption.

Clause 18 requires a post-implementation review.

Schedules 1–2 define parental consent disclosure and significant change and set transitional arrangements.

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The Parliament of New Zealand enacts as follows:

1. Title

This Act is the App Store Accountability Act 2026.

2. Commencement

(1) This Act comes into force on the day that is 12 months after the date on which it receives the Royal assent.

3. Purpose

The purpose of this Act is to—

- (a) improve the safety of children and young people when downloading or using apps on mobile devices; and
- (b) require app store providers to verify users' age categories, obtain and record verifiable parental consent for minor accounts, and share necessary age category data with developers; and
- (c) require developers to use age category data to enforce age-related settings and comply with relevant laws; and
- (d) protect personal information consistent with the Privacy Act 2020; and
- (e) provide for enforcement by the Commerce Commission and the Privacy Commissioner, and for civil action for harmed minors or their parents.

4. Interpretation

account holder — means an individual who holds an account with an app store provider that is associated with a mobile device.

adult — means an individual who is at least 18 years old.

age category — means 1 of the following categories: (a) child—under 13 years; (b) younger teenager—at least 13 years but under 16 years; (c) older teenager—at least 16 years but under 18 years; (d) adult—at least 18 years.

age category data — means information that indicates the age category of an account holder, collected by an app store provider and shared with a developer in accordance with this Act.

age rating — means a classification or assessment of an app’s content or functions for different age groups, including ratings or advisories adopted by the app store provider or recognised by industry standards, or the Office of Film and Literature Classification where applicable.

app — means a software application or electronic service a user may run or direct on a mobile device, including pre-installed applications.

app store — means a publicly available website, application, or service that allows account holders in New Zealand to download or install apps to a mobile device.

app store provider — means a person who owns, operates, or controls an app store that allows account holders in New Zealand to download or install apps.

Chief Censor — means the Chief Censor appointed under the Films, Videos, and Publications Classification Act 1993.

Commerce Commission — means the Commerce Commission established under the Commerce Act 1986.

developer — means a person who owns or controls an app made available through an app store, or a pre-installed app on a mobile device.

mobile device — means a phone or general-purpose tablet that (a) provides cellular or wireless connectivity; (b) is capable of connecting to the Internet; (c) runs a mobile operating system; and (d) can run apps through that operating system.

minor — means an individual under 18 years of age.

minor account — means an account with an app store provider established by a minor and affiliated with a parent account in accordance with this Act.

parent — includes a legal guardian or any person with legal authority to make decisions on behalf of a minor.

parent account — means an app store account (a) verified as held by an adult (or by a married or legally emancipated person); and (b) that may be affiliated with 1 or more minor accounts.

parental consent disclosure — has the meaning given in clause 1 of Schedule 1.

personal information — has the meaning given in the Privacy Act 2020.

Privacy Commissioner — means the Privacy Commissioner appointed under the Privacy Act 2020.

significant change — has the meaning given in clause 2 of Schedule 1.

verifiable parental consent — means authorisation provided through a parent account after clear and conspicuous presentation of the parental consent disclosure and requiring an affirmative choice to grant or decline consent.

5. Act binds the Crown

This Act binds the Crown.

6. Application of this Act (including extraterritorial effect)

(1) This Act applies to an app store provider or developer to the extent that the app store, app, or related processing is made available to account holders who are ordinarily resident in New Zealand or are located in New Zealand at the time of account creation, download, or purchase.

(2) Nothing in this Act limits the application of the Privacy Act 2020, the Harmful Digital Communications Act 2015, the Films, Videos, and Publications Classification Act 1993, or the Fair Trading Act 1986.

7. App store provider duties—age category verification and parental consent

(1) At the time an individual located in New Zealand creates an account with an app store provider, or for existing accounts within 12 months after commencement, the provider must—

(a) request the individual’s age category; and

(b) verify the individual’s age category using (i) a government document; or (ii) a another commonly accepted evidence of age

(2) If the individual is determined to be a minor, the provider must—

- (a) require affiliation to a parent account; and
 - (b) obtain verifiable parental consent each time before allowing the minor to (i) download an app; or (ii) purchase an app; or (iii) make an in-app purchase.
- (3) For pre-installed apps, the provider must take reasonable measures to facilitate verifiable parental consent before first use by a minor where the developer requests such facilitation.

8. App store provider duties—notifications, data sharing, and data protection

- (1) After receiving notice of a significant change from a developer, the provider must—
- (a) notify the account holder of the change; and
 - (b) for a minor account, notify the parent account and obtain renewed verifiable parental consent before providing access to the significantly changed version of the app.
- (2) The provider must, on a developer’s request made in accordance with section 10, share with the developer—
- (a) age category data for the account holder; and
 - (b) the status of verifiable parental consent for a minor.
- (3) The provider must provide a mechanism for a parent account to withdraw consent and must notify affected developers of that withdrawal.
- (4) The provider must protect age category data and associated verification data by— (a) limiting collection and processing to what is necessary for verification, consent, or compliance records; and (b) transmitting and storing the data with industry-standard security, including encryption in transit and at rest; and (c) retaining the data only for the minimum period necessary for compliance and evidential purposes.
- (5) Nothing in this section authorises the provider to disclose personal information to a developer beyond age category data and parental consent status unless permitted by the Privacy Act 2020.

9. App store provider prohibitions

An app store provider must not—

- (a) enforce a contract or terms of service against a minor in relation to paid apps or in-app purchases unless verifiable parental consent has been obtained; or

- (b) knowingly misrepresent any information in a parental consent disclosure; or
- (c) share age category data or associated verification data other than as required by this Act.

10. Developer duties—use of age data and parental consent status

(1) A developer must—

- (a) verify, through the app store’s sharing method, the age category data and, for a minor, whether verifiable parental consent has been obtained— (i) when an app is downloaded or purchased; or (ii) on first launch of a pre-installed app; or (iii) when implementing a significant change; or (iv) when required to comply with law; and
- (b) use age category data to (i) enforce developer-created age-related restrictions, safety features, or defaults; and (ii) ensure compliance with applicable enactments; and
- (c) notify app store providers of any significant change.

(2) A developer may request age category data not more than once in any 12-month period to check accuracy or continued use within the age category, or when there is reasonable suspicion of account transfer or misuse outside the age category, or when a new account is created with the developer.

(3) When implementing any age-related restrictions or defaults, the developer must apply the lowest age category indicated by (a) the app store’s age category data; or (b) age data independently collected by the developer in compliance with the Privacy Act 2020.

11. Developer prohibitions

A developer must not— (a) enforce a contract or terms of service against a minor in relation to paid apps or in-app purchases unless the developer has verified, via the app store sharing method, that verifiable parental consent has been obtained; or (b) knowingly misrepresent any information in a parental consent disclosure; or (c) share age category data with any person other than as permitted by this Act or another enactment.

12. Safe harbour for compliant developers

(1) A developer is not liable for a contravention of this Act if the developer demonstrates that the developer— (a) relied in good faith on age category data provided through an app store’s sharing method; and (b) relied in good faith on a notification from the

provider that verifiable parental consent was obtained; and (c) otherwise complied with section 9.

(2) In determining age rating and content description, a developer is not liable under this Act if the developer— (a) uses widely adopted industry standards or a rating recognised by the app store or the Chief Censor (if applicable); and (b) applies those standards consistently and in good faith.

(3) This safe harbour applies only to actions under this Act and does not limit liability under any other enactment.

13. Technical and procedural standards (regulations and codes)

(1) The Privacy Commissioner may, after consultation with affected stakeholders, issue or approve a code of practice under the Privacy Act 2020 dealing with personal information handling for the purposes of this Act.

14. Enforcement—Commerce Commission, Privacy Commissioner, and Chief Censor referrals

(1) The Commerce Commission may investigate and take proceedings where a contravention of this Act constitutes, or is associated with, a misleading or deceptive practice or an unfair trading practice.

(2) The Privacy Commissioner may investigate alleged interferences with privacy arising from the collection, use, or disclosure of personal information under this Act.

(3) The Chief Censor may receive referrals where app content or classification issues arise and may exercise powers under the Films, Videos, and Publications Classification Act 1993.

15. Private right of action for parents and minors

(1) A minor, or the parent of a minor, who suffers loss or harm as a result of a contravention of this Act may bring civil proceedings against an app store provider or developer.

(2) The court may award—

(a) the greater of actual loss proved or statutory damages up to \$1,500 per contravention; and

(b) additional damages where the contravention is deliberate, reckless, or systemic; and

(c) reasonable legal costs.

16. Remedies and penalties

(1) Without limiting section 14, on application by the Commerce Commission the court may impose civil pecuniary penalties not exceeding—

(a) for a body corporate: the greater of \$600,000 or 3 times the value of any commercial gain reasonably attributable to the contravention;

(b) for an individual: \$200,000.

(2) The court may also order—

(a) compliance notices;

(b) deletion of unlawfully retained age category data;

(c) any other order it considers just.

17. Interaction with other enactments

(1) Nothing in this Act—

(a) requires an app store provider or developer to disclose personal information contrary to the Privacy Act 2020; or

(b) limits obligations or powers under the Harmful Digital Communications Act 2015 or the Films, Videos, and Publications Classification Act 1993; or

(c) authorises arbitrary, capricious, anti-competitive, or unlawful conduct.

(2) An app providing direct access to emergency services (including 111, crisis hotlines, or legally available emergency assistance to minors) is exempt from verifiable parental consent requirements if it— (a) limits data collection to that necessary to provide the service; and (b) does not require account creation; and (c) is operated by, or in partnership with, a public sector agency, a non-profit organisation, or an authorised emergency service provider.

18. Review of operation of this Act

(1) The Minister must, as soon as practicable after the second anniversary of commencement, cause a review of the operation of this Act.

(2) A report of the review must be presented to the House of Representatives as soon as practicable.

Schedule 1 — Meaning of significant change and parental consent disclosure

1 Parental consent disclosure

For the purposes of this Act, parental consent disclosure means the following information presented clearly and conspicuously by the app store at the point of download, purchase, in-app purchase, or first launch of a pre-installed app:

- (a) the app's age rating (if any); and
- (b) any content description explaining the elements or functions informing the age rating; and
- (c) a description of
 - (i) personal information collected by the app; and
 - (ii) personal information shared by the app with any third party; and
- (d) the security measures implemented by the developer to protect personal information.

2 Significant change

Significant change means a material modification to an app's terms of use, privacy settings, content, or monetisation that materially—

- (a) changes the categories of information collected, stored, or shared; or
- (b) alters the app's age rating or content description; or
- (c) introduces in-app purchases where none were present; or
- (d) introduces advertising where none was present.

Schedule 2 — Transitional provisions

1 Existing accounts—Within 12 months after commencement, app store providers must obtain age category verification for existing account holders in New Zealand.

2 Pre-installed apps—A developer may continue to provide access to pre-installed apps installed before commencement unless—

(a) a parent withdraws consent for an affiliated minor account; or

(b) a significant change occurs, in which case renewed consent is required.

3 Records—Compliance records kept under this Act must be retained for no longer than is reasonably necessary to demonstrate compliance, and in any case not more than 3 years unless required by law or court order.