

Children’s right to privacy and participation in the digital age

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The UN Committee on the Rights of the Child outlined that digital technologies were now “vital to (children’s) current lives and to their future”, and that the digital world was the new frontier where children’s rights would be advanced or violated.

This includes both children’s right to participation and privacy. This paper explores young Antiguan and Barbudan perspectives on digital privacy, and desires for policy change. Using mixed-methods—a two-day qualitative focus group data and small quantitative survey undertaken in December 2022—this research develops guiding principles for a youth-centric approach to privacy policy.

Developing a child-centric approach to digital policy is vital to securing children’s rights in this new digital age. This paper explores children’s privacy in Antigua & Barbuda as a case study for this broader ambition, and outlines the Antiguan and Barbudan Ministry for Education’s aims to meaningfully integrate young people’s perspectives into policy.

Introduction

Young people are prolific digital users. The UN Committee on the Rights of the Child (2021) outlined that digital technologies were now “vital to (children’s) current lives and to their future”, noting that the digital environment was a key site where children’s rights would be advanced or violated. Children have the right to privacy, as enshrined in article 16 of the *Convention on the Rights of the Child*. The Convention states that “no child shall be subjected to arbitrary or unlawful interference with his or her privacy”, and that children have “the right to the protection of the law against such interference”. This includes the right to privacy in the digital environment. Despite this, the digital world is now a key site where children’s privacy is violated.

The digital world has seen children’s data extensively collected and used with little oversight, leading to the arguments that today’s generations are datafied from before they are even born (Barassi 2020). Datafication—or “the process in which children’s actions online are pervasively recorded, tracked, aggregated, analysed, and exploited by online services in multiple ways that include behavioural engineering, and monetisation”(Wang *et al.* 2022)—is now a common feature of childhood. A lifetime of data will be harvested, stored and used about children born now in ways that previous generations did not experience (Mascheroni & Siibak 2021).

Meaningfully advancing young people’s right to privacy requires a systemic policy response from governments all around the world, including the Caricom region. Individualised

approaches, such as improving young people's critical digital literacy skills, will not provide sufficient protection in the face of widespread datafication alone (Pangrazio & Julian Sefton-Green 2021, Zeichner 2019). For example, young people now need to use EdTech products to advance their right to education, as the experience of Covid reinforced (Williams-Buffonge, 2022). EdTech products, especially those that are 'free' to use at the point of service, are often laced with third party data trackers and cookies that scoop up, store and sell children's data (Human Rights Watch 2022). The only meaningful way for young people to individually protect their privacy in this situation would be to disconnect, and that would come at the expense of their right to education. A policy approach could instead insist these products collect less data in the first instance.

Around the world, regulators and legislators are slowly but steadily working to implement policy to improve children's online privacy so that they can access the digital world *and* protect their privacy. Some approaches are regional, such as the EU Better Internet for Kids+ strategy (EU, 2022), others are national such as the UK's Age Appropriate Design Code (Information Commissioner's Office 2021), Ireland's *Fundamentals for a Child Oriented Approach to Data Protection* (Data Protection Commission 2022) or Australia's proposed Children's Online Privacy Code (Office of the Attorney General, 2023). So far, these policy moves have largely originated in the WEIRD world (Western, Educated, Industrial, Rich, Developed nations), but non-WEIRD countries are also debating the role of privacy protections for children (see for example, Africa Digital Rights Hub 2022, Data Privacy Brasil 2023).

Young people have a significant and active role to play in the systemic advancement of their rights to privacy online. As governments around the world begin to grapple with this important issue, children and young people need to be involved and engaged. Involving young people in these policy processes produces two distinct advantages. Firstly, it helps to advance their right to participate. Young people have the right to participate in decision making processes that affect them, including decisions made about the governance of the digital world. As the *General Comment No. 25 (2021) on Children's Rights in Relation to the Digital Environment* makes clear, "when developing legislation, policies, programmes, services and training on children's rights in relation to the digital environment, States parties should involve all children, listen to their needs and give due weight to their views." Secondly, meaningfully involving children and young people can help to create better policies and practices and is one way of advancing justice in design (Costanza-Chock 2021). With policy makers around the world continuing to think about the ways and processes to protect children's privacy online, understanding young people's perspectives on privacy and privacy policy is critical.

This paper explores young people's perspectives on privacy in a digital age, and how they want their privacy improved in Antigua & Barbuda. As far as we are aware, this is the first study around online privacy from a youthful perspective in the Caricom region, and we hope inspires policy makers in the region to both address this emerging issue and engage with young people as they do so.

Methods

This paper uses evidence from a mixed methods study involving young people. Comparable research was undertaken in Australia, Ghana and Slovenia in 2022 (Farthing *et al.* 2023a, Farthing *et al.* 2023b).

A two-day hybrid workshop was held with young people, aged 13 to 15 in December 2022.

Twenty-two young people attended in person at the Antinguan National Public Library, and an additional 20 young people joined online from Barbuda for day one. Young people were recruited with the help of the Ministry of Education, from schools across Antigua & Barbuda.

This workshops involved a four key activities including:

1. Developing a definition of privacy. This was developed in pairs and then the whole group agreed on a consensual definition, through guided discussions.
2. Deliberations about if, according to this definition of privacy, young people felt private online. This included discussions around what data was collected about young people, how and by who, and included many 'live experiments', where young people checked the settings on their apps, or searched Terms of Service online for example.
3. Developing a set of privacy principles. This involved post-it note activities where young people developed their list of 'dos and don'ts' that they wanted to happen with their data online.
4. Discussions and deliberations about what, if anything, young people wanted to do with their analysis and ideas.

Details about specific activities can be found at the TrustTech4Kids website (2023).

In addition, 55 young people aged 13-18 took part in a survey that was circulated throughout secondary schools across Antigua & Barbuda.

Findings

What online privacy means

Antiguan & Barbudan young people hold nuanced and detailed understandings about privacy in the digital world. They defined privacy in the digital world as having four key characteristics:

1. Being able to conceal personal information
2. Protects from 'others' who may want to interfere
3. Creates a comforting feeling of safety
4. Is connected to safety and security

When the group combined these characteristics, they agreed on the following definition:

Privacy is the use of your private information in protected and safe ways. Privacy protects and conceals information from those you don't want to see it. It sets boundaries and makes your personal life more private & comfortable.

Experience of online privacy

Young people did not feel that their online privacy was adequately respected. The young people surveyed expressed near equal levels of trust as distrust when we asked if they felt their information was handled carefully online, but even more felt ambivalent (see figure 1).

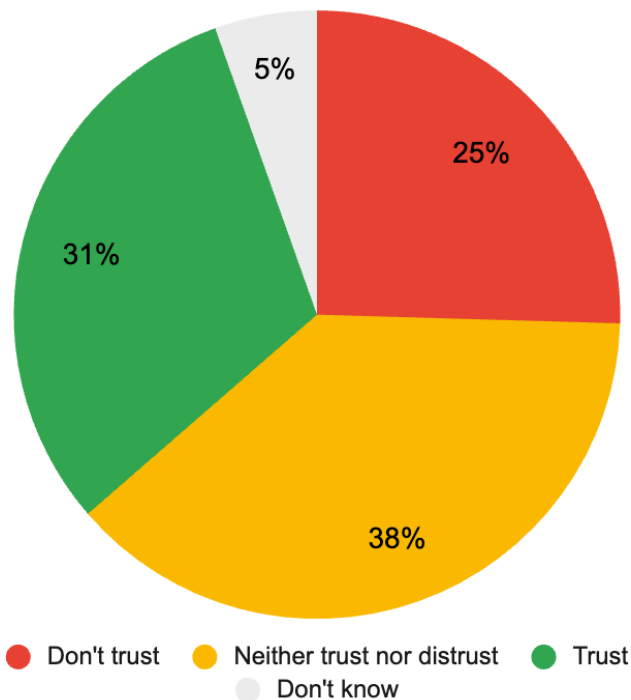


Figure 1: Responses to the question “Do you trust digital products and services to handle your information carefully?” (n=55)

When we ask survey participants why they felt this way, finding that:

- Distrust was associated with:
 - Hacking and cyber security. Young people explained ‘I don't trust them because they can hack my devices with my information’ or ‘Cause there (sic) servers may be hacked.’
 - A sense that the digital world was tricky or misleading. Respondents explained ‘I have a feeling they might trick me’ or ‘they collect my data and they would all state that they don't keep my data, stated in their legal documents, but how would a normal citizen (...) know that they could be lying about?’
- Trust was associated with:
 - Hacking and cyber security. The same cybersecurity measures that drove some young people to distrust inspired trust in others. ‘They have this privacy setting that you can access’ or ‘I trust them because they keep my personal information safe’.
 - Familiarity and use. Needing to use an app created trust or soothed concern. ‘I trust them because they are things I use on daily’ or ‘I don't really feel a way I do it just to have fun’
- Neither trusting nor distrusting was a result of ambivalence, for example ‘I trust them because most of their work are good and I don't trust them because I don't know where my information is going.’

The workshop participants however, reported a more pronounced lack of trust. For example, one young person said the only way he could feel private was ‘by just outright lying to myself and telling myself that the information that I get stolen online won't affect me that much later on in life.’ This pronounced distrust may be because the workshops included critical

analysis of young people's data footprint. This could suggest an 'awareness gap', where young people feel relatively comfortable about their online privacy until they think more deeply about it. Alternatively, the young people at the workshops may have held stronger views than those surveyed.

Either way, a trust deficit around online privacy exists. At most, only a third of young people trust their privacy is realised online, at worst, after critical reflection no young person feels their privacy is respected online.

Suggestions to advance online privacy

In the workshops, young people explained what they wanted to happen to improve their privacy online. Their suggestions highlighted nine broad principles:

1. Strong data security. Young people made calls like; *'make security stronger for young people's data' to 'keep accounts private'*.
2. More rights and control over data. Suggestions included *'give young people more choices' to; 'right to delete data.'*
3. More transparency around data use. Suggestions included *'tell young people what you will be using their personal information for' and 'be honest with how you use our data'*
4. Data minimisation to reduce data footprints . Suggestions included *'data shouldn't be taken so often' to 'the internet shouldn't ask about your location so often.'*
5. Preventing excessive data sharing and selling. Young people stated *'don't share my data with other apps' or 'don't sell our data to others'*.
6. Preventing excessive or unexpected uses of data. Calls included *'do not use data for other things' and 'data collected for ads shouldn't be collected if the data wasn't asked for'.*
7. Reasonable data retention. Suggestions included *'make a time limit for data' and 'delete young people's data when it's not needed'.*
8. More use of young people's data for good. Asks included *do 'use my data to do things that would benefit me, and let me know' and 'protect our data for better uses'.*
9. Provide timely help and support. Suggestions included that platforms should *'respond quickly to reports and violations of guidelines' and 'take full responsibility for something wrong and help fix it'.*

Participants described how they wanted these principles realised and listed a range of desired individualised and systemic responses. These included critical digital literacy skills (*'Primary schools need to teach the younger students about protecting themselves', 'Set up posters' or 'Have talks in schools'*) and systemic change (*'Set up a campaign' 'Talk to Government' or 'Antigua needs more laws'*).

Advancing the right to online privacy

The Antigua & Barbudan Ministry of Education penned a response to the young people's workshops (Farthing *et al.* 2023a). They expressed commitment to improving privacy and youthful participation in the process:

“Our youth have a place at the table of decision making as it pertains to protecting their digital footprints. Who knows and understands the consequences of their plight greater than them? Their voice must not be snubbed. ... We make an ironclad commitment to ensure that the recommendations from this conversation are realized—a data privacy climate must be built, strengthened and sustained for a safer Antigua & Barbuda, Caribbean and World.”

Currently, the Ministry is investigating how to address the specific concerns the young people raised, and have identified changes that could be made to their *ICT in Education 2013* policy. We hope this youth-led approach leads to positive changes, and provides a model for future reforms to come.

Conclusions

The digital world young Antiguan and Barbudans inhabit is filled with online opportunities and risks. Advancing young people’s right to privacy in this world will help mitigate against some of these risks, while safely unlocking the vast opportunities for young people online. This requires among other things systemic policy reforms that reflect and recognise young people’s experiences. Antiguan & Barbudan young people hold nuanced and detailed understandings about privacy in the digital world, and can keenly articulate the nature of the changes they want to see to improve their privacy. Involving them as privacy policies are developed and reformed is a key way to both advance their rights and improve the efficacy of the policies drafted and implemented.

The Ministry for Education's initial steps towards this, in addressing these young people’s concerns head on and embracing the spirit of participation, we hope this creates an example of how to develop digital policy in participatory ways.

We will leave the last word to Ajanté. Ajanté did not take part in the workshops, but contributed to a subsequent book chapter that addressed Antiguan young people’s experiences of the digital world (Kasimakis *et al.* 2023). Better than we ever could, Ajanté outlines the importance and enthusiasm of young people helping to shape privacy reforms:

“Being a young person in Antigua and Barbuda in the digital age is a journey filled with excitement, resilience, and the quest for meaningful involvement. ... Digital privacy and security remain major concerns, making us vigilant about protecting our online presence. ... We dream of a future where our participation in shaping the digital landscape is not just a token gesture, but a genuine collaborative effort between generations. By fostering understanding and embracing our shared responsibility, we can create a more inclusive and secure digital future for everyone”.

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