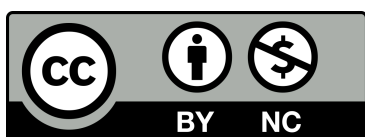


Consultation with young people from migrant and diaspora background about the Children's Online Privacy Code

Reset.Tech Australia & MYAN
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Introduction

This paper documents notes taken from interviews with seven young people aged 13-17 from migrant and diaspora backgrounds. It is a briefing prepared for the Office of the Australian Privacy Commission, to support their work drafting the Children's Online Privacy Code.

During the interview, participants discussed three aspects around online privacy:

1. Their experiences of online privacy. This included discussions about what they felt was problematic or their privacy was violated, or where they felt there were opportunities to embrace privacy.
2. Their thoughts and perspectives around transparency and notices. This included discussions about how they felt informed, or uninformed, about the way their data was collected and used, and ideas for improvements.
3. Ideas for the Code development, including suggestions for key principles or guidelines they would like to see reflected in the Code.

This report documents the thoughts and words of young people themselves as much as possible.

This workshop was organised by Reset.Tech Australia and MYAN, the Multicultural Youth Advocacy Network.

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Overview of findings

The young people interviewed had varying levels of online experience and of awareness of issues of privacy from those experiences. A number described a level of discomfort with (and even harm from) data collection practices, the process of providing consent and concerns about impacts on their privacy. Over time, these concerns often diminished, not because they were addressed, but because these practices became 'normalized and accepted as the way companies work.

Having turned their minds to the issue of privacy, there was a strong and consistent sense that there should be better protections for all and better information provided as to what data was being collected and why. There was a consistent sense that current forms of seeking consent were not meaningful. After reflection, there was strong support for limitations and even prohibitions on the collection of personal information, and a rejection of the idea that they should be consenting to unnecessary or unsafe data collection.

A number of young people made reference to their backgrounds as providing them with different perspectives, often through their parents but also increased challenges in language, culture and understanding. Some had tried different strategies for protecting themselves including limiting their use of online social media.

There was a strong theme that there should be better attention given by platforms to explaining their activities and intentions with data collected. There were detailed suggestions given for how the systems should be designed to provide clear information and step by step processes to guide informed and selective data collection. Visual tools were suggested.

Some other themes that emerged on reflection included questions about the appropriateness of the sale of data; and a growing sense that personal information should be capable of being kept private and protected.

Experiences of online privacy

There was a general sense of awareness that data was being collected about young people when they go online. The use of this data for personalisation appeared to be what heightened awareness of this practice, for example;

- One young person noted how they did not feel particularly uncomfortable about their collection of data online, and noticed the way it was collected and used more acutely when it came to targeted ads and content. They are 'new' to the online world, and thought the very specific and targeted ads were weird at first but then this became normalised for them, and they accepted that it was the way that companies work and eventually stopped really caring about it. They knew that some data was being collected about them, but their ideas about what might be collected were associated with demographic details such as age, name, gender, maybe address & school, alongside the content that they like and interact with.
- Another young person, who is very online, and spends long hours on social media, has noticed that there must be lots of data being collected about them because their feeds and its contents are very curated and targeted; "it's like TikTok knows when I'm sad, it feeds me sad content". Likewise, when they discussed what data they thought was being collected about them, they noted demographic data.

However, such awareness was not universal. Two young people were less aware about their data use and said that they had never thought about their data privacy before this interview. While they both said at first they are not really online and don't use social media that much, as the interview continued and they discussed their engagement with the online world, they both said they spend about 4-5 hours a day on TikTok and have high screen times watching content online. It appeared the data practices of platforms were not understood. For example, one young person said they used Snapchat only for the camera and the "nice filters" but was not at all aware of Snapmaps and location sharing.

For the young people who were cognisant of the way data is collected and used, they discussed a number of disconnected experiences or issues that had somewhat raised concerns. These included:

- One young person said they had experienced scam calls that got them thinking about how their information had ended up in the hands of scammers
- Another young person also described concerns arising from bad actors online, and had strangers online being 'creepy'. For example, someone messaged them saying that they knew their name, address, and other personal details, which felt scary and unsafe and questioned how they accessed their personal information. In response, she created a different social media account and used anonymisation to protect herself, by trying to share less personal information on the new account (such as not using her real name, location etc)
- Consent was also raised by one young person as a potential issue. They noted that at some point, they felt that a form of consent was given through agreeing a long set of Terms and Conditions, but that it was not truly informed consent
- Location data also emerged as a potential concern. One young person said it felt a bit crazy and potentially unsafe that apps like Snapchat display live location. They try to only share their location data with close friends and family members. Another young person—

who comes from Venezuela where Snapchat is not commonly used— said that when they came to Australia and started using it, they thought the live location feature was intrusive

- Failures of data minimisation were also noted as a concern. Another young person noted that they were aware of excessive data collection in the online world. For example, when they were doing online shopping, some e-stores asked to fill out many more questions than are necessary to complete the purchase.

However, these did not feel like pressing or urgent concerns for these young people, rather just background anxieties that are coupled with their new digital lives in Australia. For example, one young person said that while they were not concerned about data privacy on a regular basis, even though they were sort of vaguely aware of things being collected about them.

The exception was one young person from Afghanistan, who said that they are very cautious about being online in general, and that they try to avoid social media. Their parents— their father in particular—warned them of the dangers and advised them not to use social media and try to be offline. For this young person, rather than the risks being a background concern they 'just balanced' while being online, they appeared to be a more defining feature in governing their online usage.

There were general calls for better support for improvements for online privacy and data protection for all – and especially for young people who might be new to the internet & naive to how data is collected.

Transparency & notices

The young people interviewed noted that existing mechanisms to improve transparency – such as privacy policies, cookie policies and general ‘terms and conditions’ did not work for them.

Five of the seven they reported not reading these policies because they were too long, complicated to read and difficult to understand. For example;

- One young person said they do not routinely read privacy policies before clicking accept. They find that the policies are “intentionally boring” and usually cannot be bothered going through the whole thing. They attempted to read the policies once but it was so convoluted that they just gave up and moved on. They noted that they were going to use the app or website anyway so they will just accept whatever they need. In this sense, necessity did not make it feel like a choice – if they needed to use the app or website, they needed to click accept, so there was no clear value to reading the policies
- This experience repeated by another young person, who said that they had once tried to read the policies on a digital service, but it was too long and hard to understand so they gave up trying
- Another young person said that they were less cautious. They just always just clicked accept without checking any of the policies or even thinking about it. It was just the normal way to access websites and apps
- They were not alone, with another two other young people saying that they did not really read the Cookie notifications that pop up on websites and apps, and they never get into the privacy policies of the platforms and websites they use, or check the data notifications online.

However, two young people outlined that they did try to engage with these policies:

- One participant said that they always read these notices, but specifically when downloading a new app to their phone
- Another said that they sometimes read the privacy notices depending on their mood.

They had suggestions to improve transparency and notification however, including:

- Making the notices more simple to understand, such as avoiding using “big words”, the information should be concise
- They also talked about the design of the notices and the ways these could be tweaked to maximise understanding, such as using engaging colours and accessible language so that it does not feel like a chore but a bit gamified, or changing the notification banner so that it cannot be clicked off so easily
- Images were discussed as one way to re-design notices to maximise understanding and simplify notices. One young person, for example, noted that because Tamil being their first language, complex concepts can be hard to read and understand in English, but even if the notices were in Tamil, it would still probably be long and time consuming to read. Images could get around this issue regardless of the language of the notices.
- They also discussed the desire to unbundle consent, and how design could be used to enable this. For example, they talked about using a checkbox function that is unavoidable, with very simple statements about what data will be collected, one line per

checkbox so that you have to read each of them, then check the box to move forward. This is similar to survey style where you read one line, click next, and so on.

One of the young people felt really unsure about how to design a better system and felt like they did not know enough to offer any ideas.

Noteably, transparency and well-designed, easy to read notices would not 'fix' everything from these young people's perspectives. For example, after some more consideration and discussion about how to improve notices, a number of young people felt that the solution did not lie in transparency but in data minimisation and data protection. They wanted no data to be collected at all from young people, and where it absolutely had to be, they wanted very strict regulations from the government to protect this. In this sense, they were rejecting the idea that "meaningful consent" was the key solution here, and passed responsibility back on to companies to only collect strictly necessary data in the first instance, and onto governments to protect them within this process.

Ideas for the Children's Online Privacy Code

The interviewees offered many ideas about what the Children's Online Privacy Code could and should address from their perspectives. They talked about ways to improve the system (or the processes) that platforms offer, which offers insights into the types of requirements they think a Code should address.

Specifically, they noted that they wanted to see improvements in transparency and the way notices are constructed, including:

- Clear, easy to understand privacy notices that outline what data is being collected and how it is used in simple language. This includes:
 - Transparency about what types of data are (e.g. explanations of what an IP address is and how identifiable it is), and
 - Transparency about data uses and potential future uses (e.g. if data processors are selling data, using it to train AI models, using it to improve platforms, or otherwise how they are profiting from it).
- 'Unavoidable' (i.e. not 'skippable') privacy notices, that make sure all users read and engage with them
- The design and layout of privacy notices, including the use of privacy notices in different formats such as video or image form
- The provision of privacy notices in different language, to make it easier for users for whom English is not their first language

They also had ideas about how to improve the data rights of young people, such as:

- The right to see what data is collected about them, and the right to request it is deleted. One young person said that if platforms routinely showed users what data is being collected about them, they might better understand the systems and be more adverse to data sharing where it is an option. Other young people wanted the right to routinely delete their data footprint
- Limitations on the ability of platforms to sell young people's data. They described this as "not great"
- Stronger data limitation. Two young people said that they felt that no data should be collected about them at all. And while this might be impossible for the delivery of online services, it speaks to a strong desire for more privacy preserving, data minimising services in the first instance. They felt that often this data is private and should not be collected so easily
- Improvements in data protection and cyber security. Young people were worried about where their data is stored and if it can be stolen in data breaches

Lastly, one young person from Afghanistan—who stays offline as their parents advised them—suggested that another option would be to limit access to the internet and devices for children.