

Consultation with young people about the Children's Online Privacy Code and consent and agency

Reset.Tech Australia
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Introduction

This paper documents notes taken from a workshop with four young people aged 13-18 in April 2025 around the young people's perspectives of online privacy and agency and consent. Young participants were recruited from the Y Australian and NAPCAN. This briefing reflects the young people's perspectives and words as accurately as possible, and was provided to the Office of the Australian Information Commission to support their work drafting the Children's Online Privacy Code.

During the workshop, participants worked in small groups to discuss 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 consent processes, and balancing parental and young people's consent.
3. Ideas for the Code development, including suggestions for key principles or guidelines they would like to see reflected in the Code.

Participants were also provided the opportunity to leave a 'postcard' or note to the Privacy Commissioner.

This report documents the thoughts and words of young people themselves, and some observations from adult moderators of the focus group, in an aim to summarise key thoughts and insights.

Experiences of online privacy

Summary

The top three things this focus group wanted to tell the Privacy Commissioner about their experience of online privacy was:

1. **We are aware, but not empowered:** We are taught from a young age to be aware of what we post and to an extent about our data footprints that are generated beyond what we post, but not how to manage or protect our data from being stolen or misused
2. **Privacy violations are, sadly, normalised:** It feels like this 'is the way it is'. We don't really have a choice to have privacy, our data just gets used, so it feels normal. For our generation, we don't know anything else. We need to use these technologies for education, so we can't avoid it. In short, if young people want to be participate in normal life, at the moment, we need to forgo our right to privacy online
3. **It's not control, it's surrender:** There's been a normalisation of surveillance, we're constantly sharing things and constantly being tracked. It's a forced choice; you get to participate or you get privacy. You have to sacrifice one of them.

Discussion

The discussion with the young people raised a number of concerns around their online privacy.

- There's a sad normalisation of the lack of online privacy. There's no point getting angry or trying to avoid it, it's just how it is:
 - I'm aware of my footprint. My parents tell me to be aware. Future employers will find out what I post. I haven't cared. And it hasn't stopped me. I haven't changed my behaviour. I still watch pirated movies, for example. I know, but there's no way to protect myself
 - A lot of young people are disillusioned and don't care. We are so reliant on the technology that we don't think of the barriers (or costs). We just allow it.
 - I haven't read the terms and conditions in a while.
 - It's just the way it is
 - Surveillance is constant and ambient
- The experience of consent and choice does not feel meaningful:
 - I feel like I was aware of the ambient surveillance but only recently I have become aware not only just of the data collection but also the cost of participation. I am constantly agreeing to things that I don't understand
 - The experience is all about surrender rather than control

- So many of the things we do at school are linked to it but it's so hard to escape
- It does not feel like there are meaningful ways for young people to protect or advance their online privacy at the moment:
 - I've never been told how to protect my data. I just wouldn't know what to do
 - I have older cousins who are passionate about apps that track. The price of free apps is through your involvement and giving away your data.. It's made me more aware. But we have always had it - the internet. So this is our lives. It's not an option not to give data
 - What can you do?

Thoughts about consent and agency

Summary

The top three things this focus group wanted to tell the Privacy Commissioner about data consent and agency was:

- **It's coercion not consent:** At the moment, it does not feel like consent online is meaningful. The process feels performative, like coercion, and there is no transparency. The terms and conditions on online platforms are incomprehensible
- **Parental consent should support young people:** Parental consent should be supportive of young people's consent, not override it. This is also important for building digital literacy
- **Parental capability should not be assumed:** Not every parent will have the same level of digital literacy, so we should not assume they can protect their children in the same way
- **Consent in schools can be difficult:** There can be real conflicts with school based consent, where young people's right to privacy can be overridden, and consent really does not feel like it matters

Discussion

The discussion with the young people raised a number of concerns around consent, and how to balance parental consent with young people's agency.

- Online consent through 'clicking accept' to long privacy policies does not feel meaningful:
 - I feel like my consent rarely feels meaningful. It is performative
 - The choice is to agree or miss out. It feels like coercion
- Privacy policies, cookies notices and terms and conditions were not transparent enough for young people:
 - Terms and conditions are unreadable for people under 18
 - To encourage more young people to use, there should be more youth friendly language, so we know that we are giving it away
 - I have a 14 year old brother, there is no way he knows what he is agreeing to
 - Meaningful way for consent is that we have read terms and conditions. But we haven't. There is no consent
 - I don't understand them at all

- Parental consent needs to be supportive
 - Parental consent should support young people's choices rather than override them
 - Parents should support young people
 - For some younger young people parental consent might be needed but when a young person can consent, parental consent shouldn't override or change this
 - We deserve our own voice. The principle of 'evolving capacity' from child rights should be recognised
 - I want to be consulted and respected
 - This is also important for digital trust and literacy. If young people don't get to consent, how do they learn how to manage this process?
 - Not every parent has the same digital literacy. We should not assume that they can protect us

- School consent also needs to be critically analysed
 - School consent should not override young people's consent either
 - An anecdote was shared. One young person from a rural area attends a boarding school that installed software on their laptops that gave teachers access to screens and made regular screenshots to send to schools. When the software was added to student's laptops, it asked them to consent to their data being collected. All the students clicked 'No' because they did not want to consent to this. The school told them this was wrong, reinstalled it all, and made all the students click 'Yes' to consent. This is not consent, it was compulsory. We were forced to consent
 - It should be up to the individual. It blurs reality and does not support us to have our own opinions

Ideas for the Children's Online Privacy Code

Summary

The top priorities for the Children's Online Privacy Code were:

- **Requirements for more understandable terms and conditions:** Can terms and conditions be significantly more readable and comprehensible in any fashion? Complexity doesn't help the young consumer. We'd like provisions to ensure that privacy policies are written in a way that can be understood by users, including young users. We want them to be genuinely comprehensible
- **Consent should be more continuous:** Platforms should keep young people informed about changes, and showing young people about data collection and use in an ongoing fashion, and it ways that lets them re-make the decision in an ongoing fashion
- **Consent should be sought at appropriate times:** Terms and conditions need to be shown more frequently to young people. There should be a continuous process of making the process of collection accessible and transparent. We should be made aware of the terms and conditions more often
- **Data minimisation:** We need restraint. The first wall of defence should be at collection. Don't collect what data you don't need. The Code should require services to only collect data that they need, and require platforms to justify every single data point that they collect
- **Improve digital literacy as well:** We need a focus on education, so young people can become digital literate as well. This could be through schools, and could be compulsory in the curriculum. This needs to also consider the young people most vulnerable to privacy violations. We need to know who has the least digital literacy, so we can focus on skilling them up. We need to recognise vulnerability in access for young people such as in rural and remote settings, helping where parents can't support.
- **Protect us in the digital world, not from it:** We need to treat young people not as problems but build us as digital citizens. We need to stop treating young people as problems to "keep away" from the internet, but we need to treat them as digital citizens with the right to access. We need to build ways to protect them *in* the digital world

Postcards for the Commissioner

At the event, participants were given the opportunity to share thoughts and comments with the Privacy Commissioner. Some of these are dotted throughout this document, but we have included these below in full.

- I think that it should be made clear when data is being collected, and specifically what kind of data is collected. Some young people aren't really aware of the type of data that is actually being collected by these websites. I also think that the young people could have more exposure to the consent form, especially so they are aware of when/ if it is changed since it could affect them.
- All that I ask of you and what others ask of you is to think about your future children, nephews and nieces. The baby in the stroller you walk by. The children sitting in their classrooms at school. By creating and writing this code, you have the ability to make their lives safer in a different world that they interact with every second. No pressure!
- As a young person I am aware that you have the rare opportunity to reshape digital culture for young Australians. Not by shielding us, but by trusting us. Not by speaking for us, but by including us. If you build with that in mind, this Code will be transformative for all Australians.
- The meeting was incredibly informative, and I wish you the best of luck in drafting the legislation you are creating. 1988 is far too outdated, this is long overdue. A suggestion I have is taking this topic to Youth Parliaments across the country. Youth Parliament has just begun (in WA, and I'm sure is currently in progress throughout Australia) and the young people who participate are very well informed and have strong opinions. They too would be able to come up with some suggestions, and the participants are very diverse so you will get lots of differing perspectives and opinions.

Companies won't stop collecting extortionate amounts of data unless they are incentivised to / punished for not adhering to the rules - very carrot/stick. Can't wait to see what you get done.

