

“Keep it to a limit”: The rules young people want protecting their data



Reset.
AUSTRALIA

Dylan Williams
Alex McIntosh
Rys Farthing

September 2021

Executive Summary



THIS REPORT DESCRIBES THE RULES YOUNG PEOPLE WANT TO GOVERN THE COLLECTION AND USE OF THEIR PERSONAL DATA BY DIGITAL PLATFORMS, INCLUDING SOCIAL MEDIA, GAMING NETWORKS AND MOBILE APPLICATIONS. IT EXPLORES THEIR CONCERNS RELATED TO CURRENT PRACTICES INCLUDING ISSUES OF CONSENT, PERSONALISATION, GEOLOCATION AND BEHAVIOURAL NUDGES.

The research was conducted through an online panel survey with a weighted sample of 400 young people aged 16-17 across Australia. It was conducted in May 2021.

Our findings reveal that digital platforms use of young people's personal data is seen as opaque. Young people don't feel informed with how their data is used and want digital platforms to be more transparent.

Young people are strongly in favor of rules that limit how their data is collected and used by digital platforms, and this starts with ensuring data isn't used without clear consent. This would require fixing the broken method of gaining consent through lengthy and complex Terms & Conditions agreements, which young people rarely read and often don't understand.

Young people aren't happy with their data being used to drive personalisation. The majority of young people have had negative experiences being targeted ads or recommended content that has made them feel uncomfortable.

With the review of the *Privacy Act* 1988 expected, and an exposure *Online Privacy Bill* imminent, this report seeks to ensure that the concerns and desires of young people are reflected.

Reset Australia is calling for the introduction of a data code for children and young people (under 18-years-old), so that their data is only captured and processed in ways that are in their best interests. A similar data code has already been passed in the UK, and is on its way in Ireland.

We think young Australians deserve the same, if not better, protections.

Key Findings

Respondents want more rules in place limiting how their data is collected and used.

THE MEASURES THEY SUPPORT MOST:

85% want to ensure data isn't
used without clear consent

83% want location sharing
turned off unless it is
necessary to the service

83% want to see limits on the
ways data can be shared
without consent

83% want requirements for Terms
and Conditions to be easy to
read and understand

81% want the 'right to delete' to
be accessible, so they can
easily request that their
personal data be deleted

79% want 'data minimisation' rules,
or to limit the amount of data
that can be collected to only
that which is really necessary

79% want to be able to access
and know what data is held
about them through
easy mechanisms

77% want privacy settings to be set
to the most private options by
default for under 18 year olds

71% want rules restricting sticky
design technique that use their
data to keep them using a
product for longer and longer

67% want to ban data profiling for
advertising/marketing purposes

YOUNG PEOPLE NOTED A LOT OF PROBLEMS WITH DATA COLLECTION AND USE ALLOWED BY CURRENT RULES**Data sharing is unclear**

58% of respondents consider themselves uninformed about when and who their personal data is being shared with by digital platforms

Data is used to personalise ads or content in uncomfortable ways. When it comes to personalised content many respondents have had negative experiences:

82% have come across ads so targeted they feel uncomfortable

72% have been recommended content that made them feel uncomfortable

Location data is used too freely

71% of respondents thought that digital platforms shouldn't track young people's location

Terms and conditions don't work to secure meaningful consent.

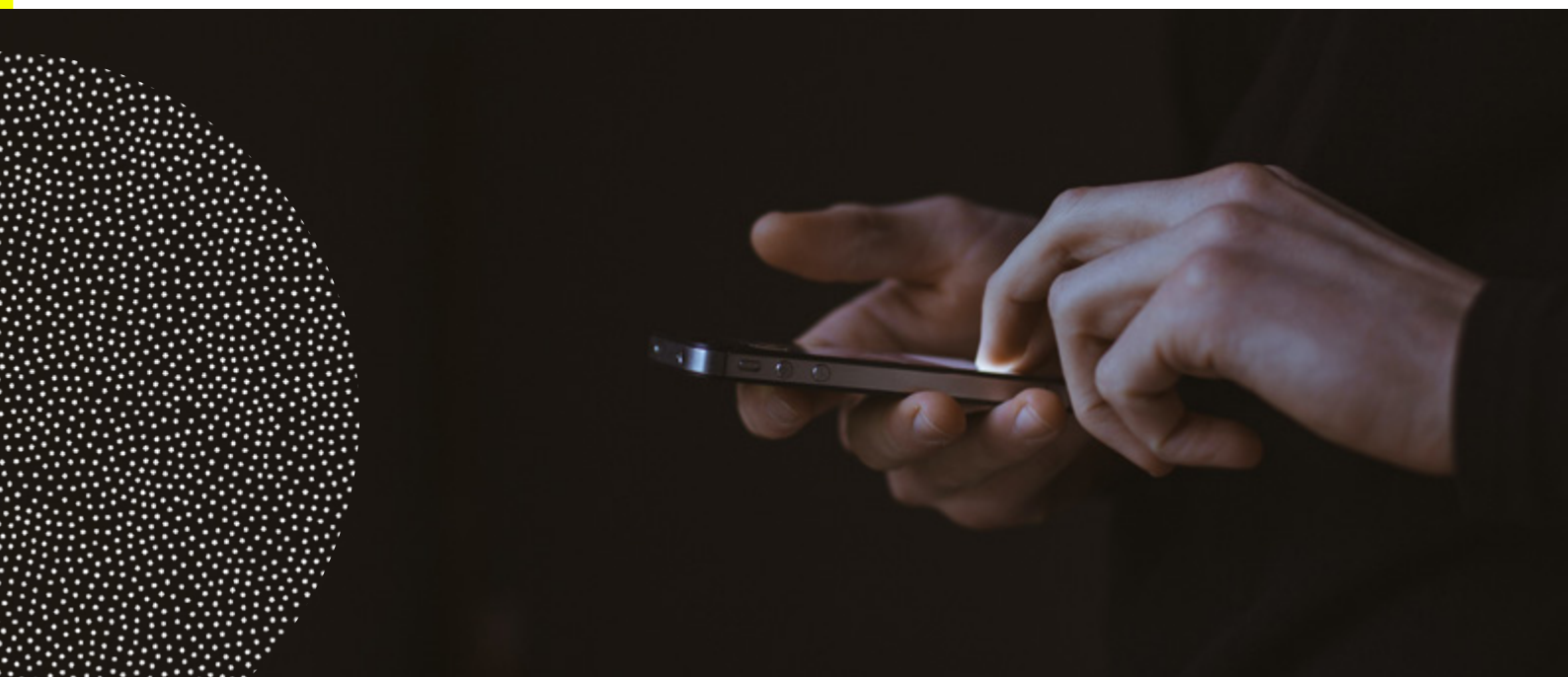
4% of respondents always read Terms & conditions

45% never read them

61% are not confident they understand them

A lack of transparency

79% of respondents want digital platforms to be more transparent around how they collect and use data of under 18s.



Contents

01	FOREWORD	6
02	INTRODUCTION	7
03	METHODS	9
04	RESEARCH FINDINGS	10
	THE RULES YOUNG PEOPLE WANT ABOUT THE COLLECTION AND USE OF THEIR DATA	10
	WHAT YOUNG PEOPLE THINK IS WRONG WITH THE CURRENT RULES	13
05	CONCLUSION	19
06	RECOMMENDATIONS	20

01. Foreword

THE PROBLEMS CHILDREN FACE FROM THE DIGITAL WORLD ARE NOT RESTRICTED TO TECHNICAL BUGS OR BAD ACTORS BUT ARE PRESENT IN THE FEATURES AND ARCHITECTURE OF THE PRODUCTS AND SERVICES THAT MAKE UP THE WORLD THEY INHABIT.

The digital world is not optional for children, they rely on digital products and services to access education, health, entertainment, civic engagement and to manage their relationships with family and friends. They are impacted by technology that they cannot see, do not control and may not be aware of. From facial recognition in social media apps to algorithms used in social services, the digital world has an immeasurable impact on children. If the digital world is not optional, then it follows that it must meet their needs and take account of their rights.

The UK's *Age Appropriate Design Code*, introduced into the *Data Protection Act* and overseen by the data regulator, the Information Commissioner's Office – does just that. It is the world's first standalone data protection regime for under 18s. Its 15 provisions recognise that in a digital world where processing data determines the culture and business practice of the sector, data protection has a profound ability to curtail any rapacious or excessive exploitation of a child's data. The *Age Appropriate Design Code* will be enforceable from September this year, but already tech companies are rolling out changes to ensure they comply.

From privacy settings shifting to “the most private by default” to limitations on the ability for stranger adults to send messages to children, we are seeing positive changes for children.

As this report makes clear children are the most powerful advocates for change. Throughout the globe they are early adopters and enthusiastic users of technology. But as they make clear, they do not wish to be exploited, nudged, tracked or targeted. Children want strong rules that limit the collection and use of their data in ways that are beneficial for them.

This report in their voice presents an opportunity to policy makers – a strong and robust Code around the use and collection of children's data is a great step towards meeting their very reasonable expectations.

Baroness Beeban Kidron
Introduced the *Age Appropriate Design Code* into law
Chair
5Rights Foundation
June 2021

02. Introduction

DATA FUELS THE DIGITAL WORLD WE LIVE IN. AND THIS IS NO DIFFERENT FOR CHILDREN, WHO NOW GROW UP IN AN ENVIRONMENT SO RICH IN DATA THAT IT WOULD HAVE BEEN IMPOSSIBLE FOR THEIR GRANDPARENTS TO EVEN IMAGINE.

Children are now described as ‘datafied’ from birth, as both consumers and subjects of this data. As data subjects, their data is harvested and collected before they take their first breath — pregnancy apps, heartbeat monitors and ultrasounds shared on social media extract information in utero. This data collection goes on right through childhood; from AI enabled baby monitors to connected toys to educational apps and programmes in the classroom. One estimate suggested that in Advertising Tech alone, over 72 million data points are collected about children by the time they reach 13¹, when they are allowed to join social media platforms. Between 13 and 18, in addition to this non stop background tracking and data extraction, young people will make an estimated 70,000 social media posts². Each post will be collected alongside their GPS location, IPS address, analysed for sentiment, data about interactions with each post extracted and each photo potentially scanned with facial recognition software to allow you to ‘conveniently’ tag friends³.

The amount of data that is now held about the next generation is truly staggering.

All of this data means digital services and platforms know a lot about our children and young people. This includes things that we used to consider private and intimate, like their vulnerabilities, fears and what brings them joy. This intimate knowledge is too often used to target and reach children in ways that don’t feel comfortable. Social media platforms use their unbelievably detailed knowledge about what each individual child likes, wants or fears, to both hook them in and keep them using their own services for longer and longer. Allowing them in turn to collect more and more data.

They also use it to serve them up a steady stream of personalised advertising. That is the business model that drives this data hungry world, and it all rests in the uncomfortable use of intimate data.

1 In Donell Holloway 2019 “Surveillance Capitalism and Children’s Data: The Internet of Toys and Things for Children.” Media International Australia, Incorporating Culture and Policy 170(1), pp. 27-36

2 Children’s Commissioner of England and Wales 2018 Who Knows What About Me? <https://www.childrenscommissioner.gov.uk/digital/who-knows-what-about-me/>

3 Dylan Williams et al 2021 Did We Consent to That? <https://au.reset.tech/news/did-we-really-consent-to-this-terms-and-conditions-young-people-s-data/> Sam Levin 2017 “Facebook told advertisers it can identify teens feeling ‘insecure’ and ‘worthless’” The Guardian Tuesday, May 2 <https://www.theguardian.com/technology/2017/may/01/facebook-advertising-data-insecure-teens> and Sigal Samuel 2019 “Facebook will finally ask permission before using facial recognition on you” The Vox <https://www.vox.com/future-perfect/2019/9/4/20849307/facebook-facial-recognition-privacy-zuckerberg#>

Children and young people are the ultimate subjects and consumers in this uncomfortable model. By extracting a lifetime's worth of data with the one hand, digital platforms can use the other hand to flawlessly serve them up products and services with unparalleled marketing accuracy. Young girls whose data identifies them as interested in weight loss can be served up advertising about diet pills⁴, and children whose data suggests they may be feeling vulnerable can be sold products that 'give them a boost'⁵. This raises questions about the very nature of childhood itself. Are children entitled to privacy as they grow up, entitled to freedom from relentless datafication? Do they have the right to be let alone, and freedom of thought? Or are they now data 'labourers', whose job it is to feed and sustain this uncomfortable business model?

We believe that childhood is unique and special, and that children and young people have fundamental rights including the right to privacy and freedom. We also know that this unfettered data collection and use poses some serious risks to young people, from advertising that specifically targets vulnerabilities and mental health concerns⁶, to uses of this data that pose outright safety risks like broadcasting their location publicly⁷.

But we also know that the digital world can be fantastic for young people, and that children and young people have the right to digital access. The digital world, and big data, can be and do fantastic things for young people, from personalised learning apps to enabling real friendships and connections.

It is a matter of putting in place the right rules and regulations to create a digital world that realises children and young people's rights and protects their data.

Australia is in a unique position to do this. In 2015, we passed world leading legislation around online safety for children which has recently been updated and strengthened even further. We're currently reviewing the rules around the collection and use of children's data, through both the *Privacy Act* review and the expected draft bill around social media privacy.

We are faced with the unique policy opportunity to support our tremendous focus on children's online safety with an equally strong approach to protecting children's data. Ireland and the UK have provided implementable, real world models of what data regulations that are child-centred and realise children's best interest could look like. We think Australia's children and young people deserve the same, if not better protections.

This report outlines what children and young people want to see as we revise the rules and regulations that protect their data. Working with YouGov, we polled 400 16 and 17 year olds from around the country and asked them what rules they want in place to protect their own data.

We hope their thoughts and experiences inform policy makers as they begin the difficult task of rethinking the rules and regulations that will, in turn, shape the digital world that future generations will grow up in.

4 Dylan Williams et al 2021 Profiling Children for Advertising
<https://au.reset.tech/news/profiling-children-for-advertising-facebooks-monetisation-of-young-peoples-personal-data/>

5 Sam Levin 2017 "Facebook told advertisers it can identify teens feeling 'insecure' and 'worthless'" The Guardian Tuesday, May 2
<https://www.theguardian.com/technology/2017/may/01/facebook-advertising-data-insecure-teens>

6 Dylan Williams et al 2021 Profiling Children for Advertising
<https://au.reset.tech/news/profiling-children-for-advertising-facebooks-monetisation-of-young-peoples-personal-data/>

7 Dylan Williams et al 2021 Did We Consent to That?
<https://au.reset.tech/news/did-we-really-consent-to-this-terms-and-conditions-young-people-s-data/>

03. Methods

Working with YouGov, we polled 400 16 and 17 year olds from around the country and asked them what rules they want in place to protect their own data.

THE SAMPLE INCLUDED DIVERSITY ACROSS GEOGRAPHY AND LANGUAGE SPOKEN AT HOME. SPECIFICALLY;

- ◆ 33% of respondents were 16 years old, 67% were 17 years old
- ◆ 51% of respondents identified as male, 49% as female
- ◆ 61% lived in an urban capital, 39% live outside the capital city of their state
- ◆ 75% speak only English at home, 25% speak other languages at home
- ◆ 35% live in NSW, 25% Victoria, 15% Queensland, 13% from WA, 8% from SA, 2% from Tas, 1% from ACT and less than 1% from NT.



04.

Research Findings

The rules young people want about the collection and use of their data

The vast majority of young people polled want more rules in place limiting how their data is collected and used, with 80% in total saying more rules should be in place.

More regulation from government to prevent data being shared and sold
- Young man, 17 QLD

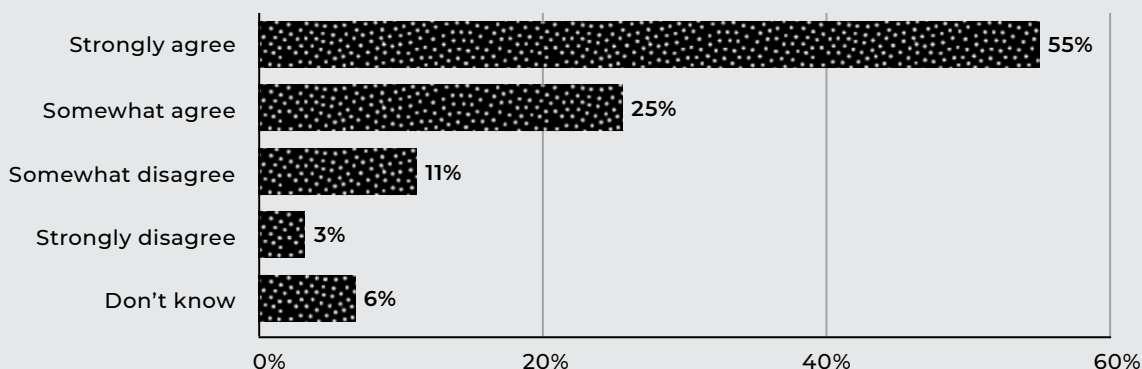


Figure 1: Percentage of young people who agree or disagree that more rules should be in place to limit how the data of people under 18 is collected and used (n=400)

WE ASKED YOUNG PEOPLE ABOUT A RANGE OF DIFFERENT RULES AND FOUND THAT:

- ◆ 85% want rules around 'purpose limitation', or to ensure their data isn't used for things without their clear consent
- ◆ 83% want geolocation turned off unless it is necessary to the service (e.g. a map app)
- ◆ 83% want limitations on data sharing without consent
- ◆ 83% want requirements that Terms and Conditions be easy to read and understand
- ◆ 81% want the 'right to delete' to be accessible, so they can easily request that their personal data be deleted
- ◆ 79% want to be able to access and know what data is held about them through easy mechanisms
- ◆ 79% want 'data minimisation' rules, or to limit the amount of data that can be collected to only that which is really necessary

They should have questionnaires that pop up to ask whether certain things are ok for them to use - Young woman 17, QLD

- ◆ 77% want privacy settings to be set to the most private options by default, for under 18 year olds
- ◆ 71% want rules restricting sticky design technique that use their data to keep them using a product for longer and longer
- ◆ 67% want to ban data profiling for advertising/marketing purposes

Some gender differences are evidenced too. Young men are more likely than women to favour rules that enable them to easily request to see any data held on them, the ability to easily request their data is deleted and restrictions on design techniques that keep young people using a service for longer. Young women were more keen on rules around default privacy settings and clear terms and conditions.

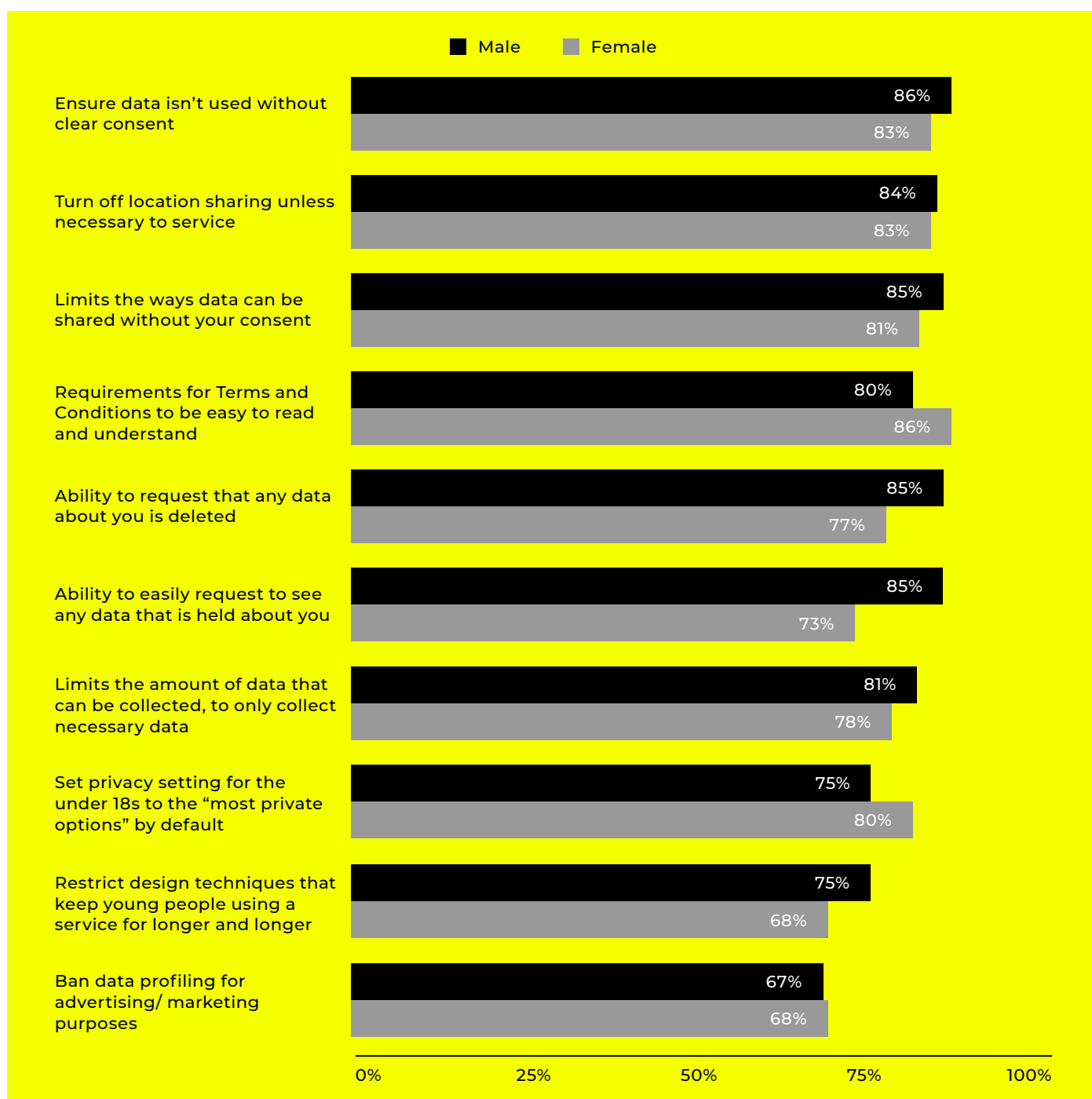


Figure 2: Percentage of respondents who agree that specific rules should apply to the data of under 18 year olds, by gender (n=400)

We also asked young people whether they have other ideas for specific rules or changes they'd like to see in how digital platforms collect and use their personal data. 142 young people suggested their own, ideal rules and regulations.

Firstly, young people want digital platforms to be more transparent with how their data is being used, with almost half of young people's open suggestions focused on the need for transparency. Many suggestions included features that would allow them to easily see what data had been collected on them.

We should be asked and informed honestly of how data is used - Young woman 17, Tas

I would like for them to specify where the data is being shared to and what they are using it for - Young woman 16, QLD

Knowing exactly what data is being collected and why is important - Young man 17, NSW

'Data minimisation' was also a popular request, with one in six of the open suggestions asking for limits, restrictions or bans on the amount data that can be collected and used in the first place

Don't collect anything that isn't absolutely needed - Young woman 16, ACT

(The rules) should limit the amount of data collected for persons under 18 - Young man 16, NSW

No unnecessary data profiling - Young woman 17, QLD

Consent was raised again as an issue, with one in eight of these 'open suggestions' outlining the need for clearer consent and permissions before collecting, using or sharing their data.

Just to be more private and have my full consent before sharing something with others - Young woman 17, Vic

Maybe please don't use my personal data without my permission - Young woman 17, QLD

Definitely more clarity and ask of permission to access and use personal data - Young woman 17, NSW

The lack of clarity around consent was repeated when young people spoke about Terms and Conditions being too long and confusing. 9% of these 'open suggestions' also called for improvements to the Terms & Conditions, like making sure they are easy to understand and quick to read.

Very brief terms and conditions that are easy to read within 2 minutes - Young man 17, Vic

I would like the terms and conditions to be much simpler and shorter, as well as having access to all the information that specific apps or companies have about me - Young woman 17, Vic

Clearly show consent form - Young man 17, QLD

Other suggestions varied, and addressed issues like making it easier to adjust privacy settings, request to see or delete data, changes to location tracking as well as auditing and accountability measures.

Have an easier way to turn on a privacy setting of some sort - Young woman 17, WA

To have the ability to review and delete data collected - Young man 17, Qld

Being able to use an app with the location turned off without repeatedly told to turn it on when not required ie Instagram - Young woman 17,

Companies should be compelled to allow themselves to be audited to ensure compliance with the rules - Young man 17, Qld

What young people think is wrong with the current rules

We asked young people how they felt about the current 'state of play', and the use and collection of their data by digital platforms. They described a number of problems that current rules do not address.

YOUNG PEOPLE FEEL THEIR LOCATION IS TRACKED TOO OFTEN

I think being able to turn off maps when not necessary is really important - Young woman 16, SA

While tracking users location is an essential part of some digital services (like map apps), it is not required for most other services. Yet this data is often collected regardless. Social media services including TikTok⁸ and Snapchat⁹ have both previously come under fire over collecting and broadcasting the locations of young people.

A significant portion (71%) of young people felt that platforms should not be able to track their location when it is not essential to that service.

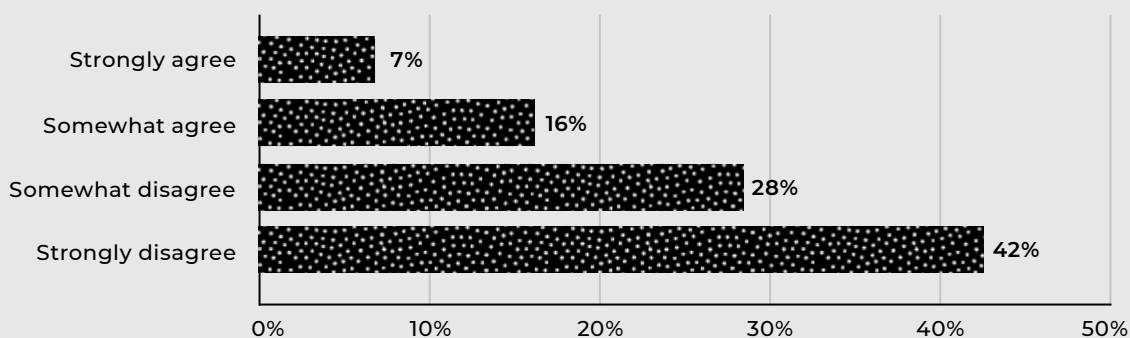


Figure 3: Percentage of young people who agree or disagree that platforms should be able to track their geolocation data when it is not essential to the service (n=400)

8 Zak Doffman 2019 "Confirmed: TikTok Is Being Investigated Over Children's Data (Again)" Forbes July 3 <https://www.forbes.com/sites/zakdoffman/2019/07/03/tiktok-investigated-for-breaches-of-child-safety-and-privacy-yet-again>

9 Kylie Bartholomew 2017 "Snapchat's Snap Map feature raises child safety concern and void in online education" ABC Wed June 28 <https://www.abc.net.au/news/2017-06-28/snapchats-snap-map-feature-raises-safety-concern/8660066>

YOUNG PEOPLE FEEL THEIR DATA IS SHARED WITHOUT THEIR KNOWLEDGE

How data is allowed to be shared was a particular concern for young people, but most young people said they weren't aware of if, when or how their data could be shared. Three out of five survey respondents (58%) consider themselves uninformed

about when and who their personal data is being shared with by digital platforms. Young women are noticeably more likely to consider themselves uninformed (62% feel uninformed, compared to 55% of young men).

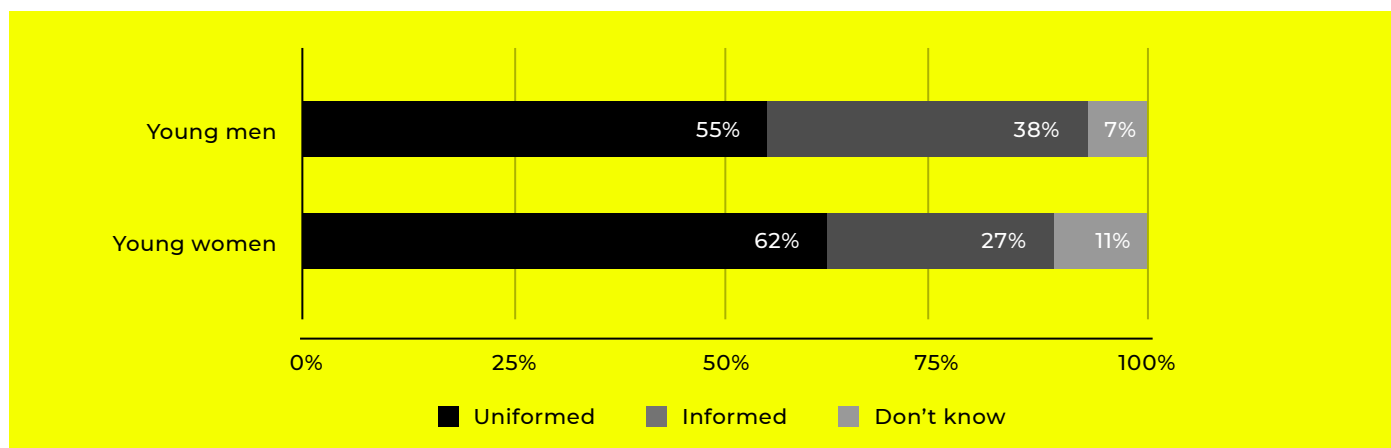


Figure 3: Percentage of respondents who feel informed or uninformed about how their data is currently being shared, by gender (n=400)

YOUNG PEOPLE FEEL PERSONALISATION HAS A 'DARK SIDE'

It concerns me how accurately advertisers can target me from things I was unaware they could collect data from - Young man 17, Tas

The value of young people's personal data to digital platforms is two-fold. Firstly, it fuels the algorithms that recommend them a personalised stream of content calculated to maximise their attention.

Secondly, it is also used to create detailed profiles about them to sell highly profitable targeted advertising units.

When it came to targeted advertising, we found that young people had negative experiences with the hyper-targeted advertising and personalised content on digital platforms. Four out of five (82%) young people have come across ads that are so targeted they felt uncomfortable. An astonishing 15% said they came across this material all the time.

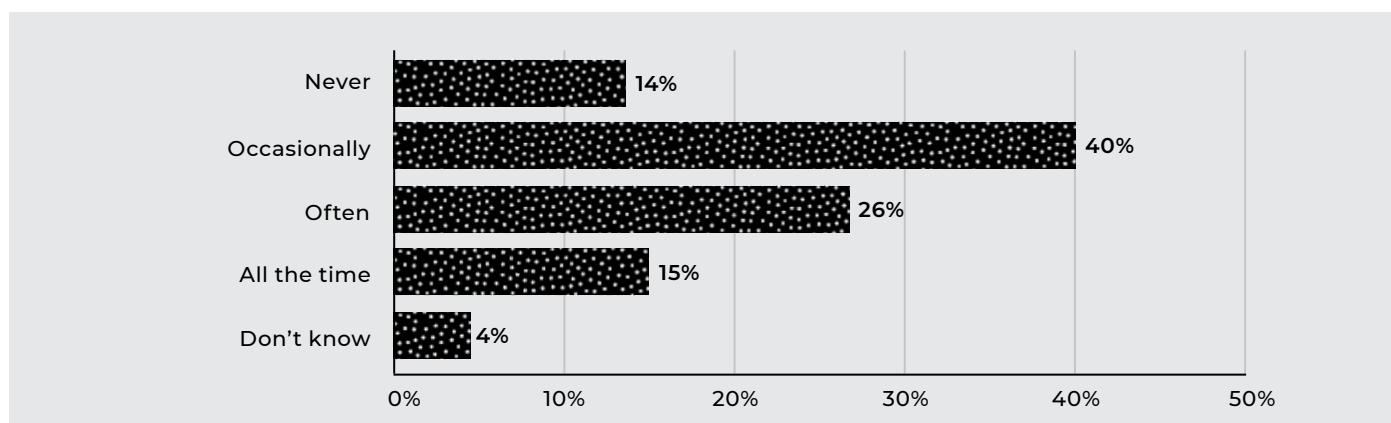
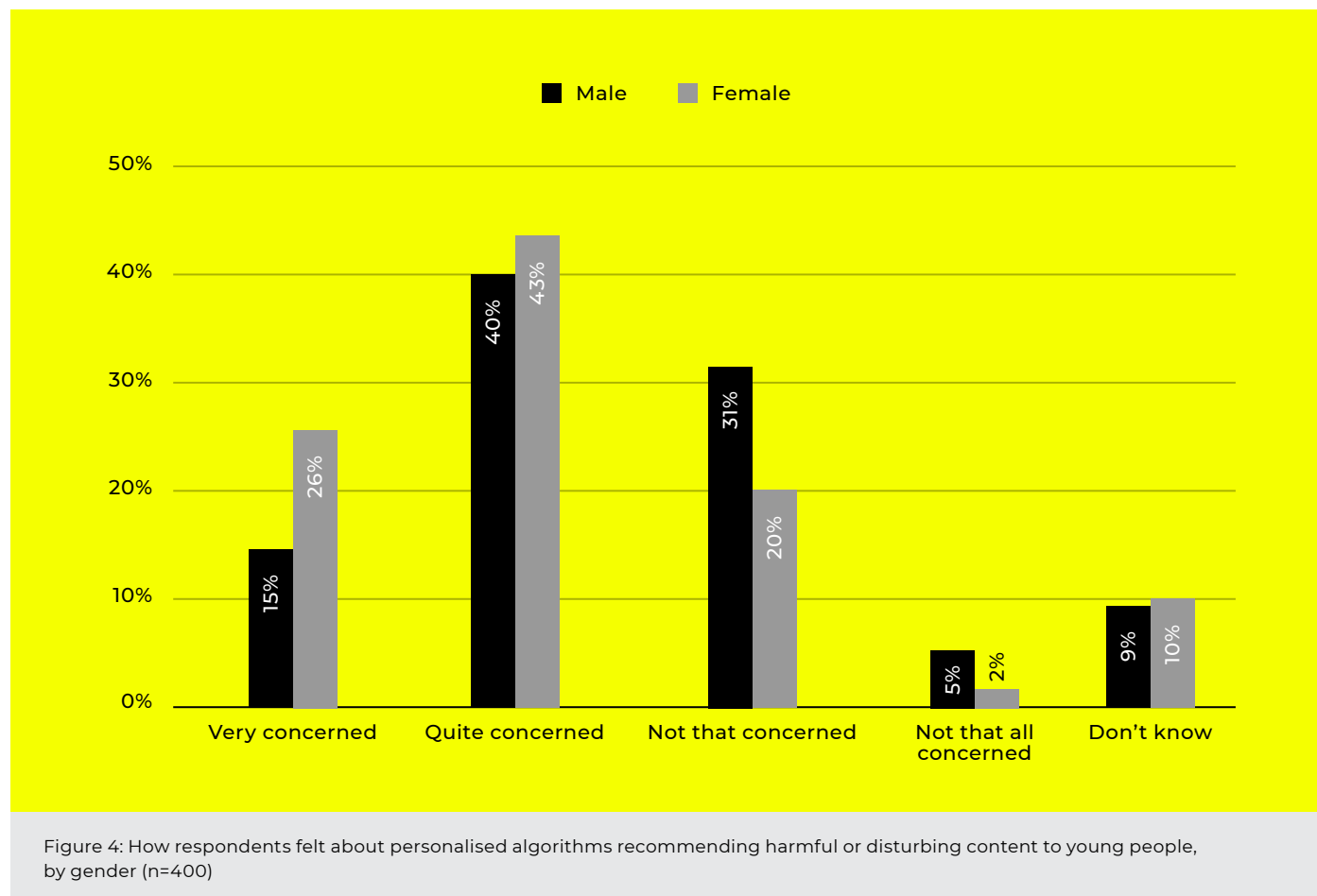


Figure 4: How often respondents can across ads are so personalised that they felt uncomfortable (n=400)

RESEARCH FINDINGS

When it came to recommended content, we found that the majority (72%) of young people had been recommended content that made them feel uncomfortable. 8% of respondents reported being recommended this uncomfortable content all the time.

Being recommended disturbing or harmful content was a strong cause of concern; 62% of respondents were concerned about being recommended harmful content by these personalised algorithms. Young women were especially concerned.



We asked young people whether there were any specific types of content or ads that had been recommended to them by digital services that made them feel uncomfortable. Of the 400 surveyed, 147 respondents offered up examples of these situations.

Around a third of these responses (31%) suggested that they were recommended sexualised content or ads, including pornography.

Girls that were half naked on games and social media - Young woman 16, WA

Hentai¹⁰ and inappropriate advertisements whilst reading informative articles on unrelated topic - Young woman 16, QLD

On TikTok I am uncomfortable with gacha heat¹¹ and it is very gross and not for young eyes - Young woman 17, SA

¹⁰ A specific type of cartoon or manga pornography or sexualised content

¹¹ Also a specific type of cartoon or manga pornography or sexualised content

RESEARCH FINDINGS

Over a quarter (28%) spoke about feeling uncomfortable when they were recommended content or ads that felt too personal. Many young people reported having ads or content recommended to them that related to conversations with friends, without knowingly having created a digital trace of the conversation yet. This raised concerns about the depth of data that is held about them, and how uncomfortably intimate these algorithms can be.

I would talk about something and it would come up on my ads even though I never searched it - Young man 17, NSW

Personal stuff that I only talked to like 1 person about - Young woman, 17 WA

When I get advertisements that I have previously discussed about or searched up it makes me concerned that my phone has too much information and I don't feel like my information is secure - Young woman 17, Vic

The remainder touched on issues about being recommended ads or content around mental health, dating ads, alcohol, weight-loss, vaping, gambling and violent or hateful content.

Hyper-specific mental health ads just as i had left the hospital due to mental health reasons - Young man 17, Vic

Content that promotes eating disorders, suicidal thoughts, self harm - Young woman 17, Vic

I occasionally receive adult targeted ads such as gambling and alcohol ads that are not relevant to me - Young man 17, Qld

I have been recommended vapes - Young man 17, NSW

Weight loss products - Young woman 17, NSW

Dating apps, especially on platforms that know your age, seem wrong to market to people under 18 - Young woman 17, NSW

YOUNG PEOPLE FEEL TERMS & CONDITIONS AREN'T WORKING FOR THEM

Make the terms and conditions easier to read and make sure that people under 18 know what they are agreeing to - Female, 16, NSW

When a young person signs up to a digital service, Terms & Conditions are the first opportunity providers have to set expectations around how their data will be collected and used. But young people often don't read Terms & Conditions and even if they do, the majority aren't confident they understand them. This raises questions around whether young people are meaningfully consenting to data collection.

Only 4% of young people read Terms & Conditions all of the time, while 45% never read them.

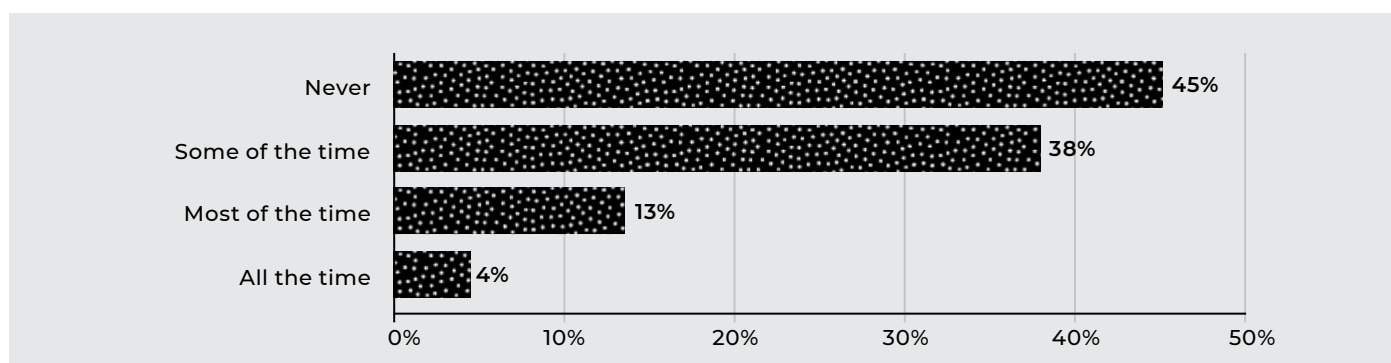


Figure 5: How often respondents read the Terms and Conditions presented to them by digital services (n=400)

Even if they are all read, 61% are not confident that they understand the majority of what they have clicked to 'accept'.

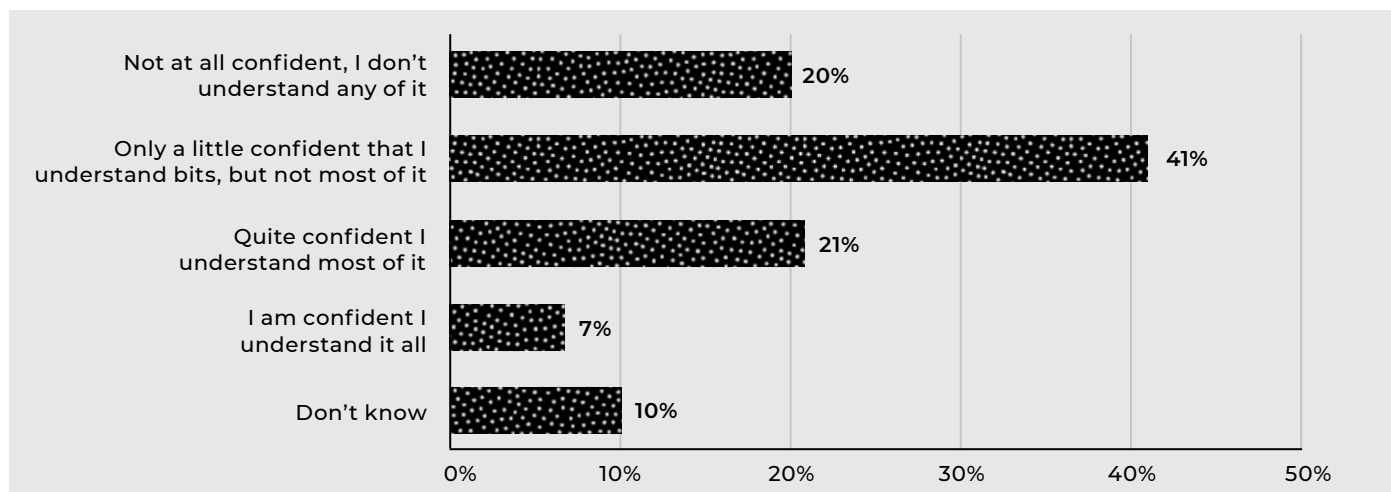


Figure 6: Young people's level of confidence that they have understood the Terms and Conditions they clicked 'accept' to (n=400)

This lack of engagement and understanding is not down to young people themselves. The main barriers young people reported that prevented them reading the Terms & Conditions are that they are too long (76%), there are too many documents (58%), they are presented in ways that are difficult to read (46%) and they use complex and difficult language (38%).

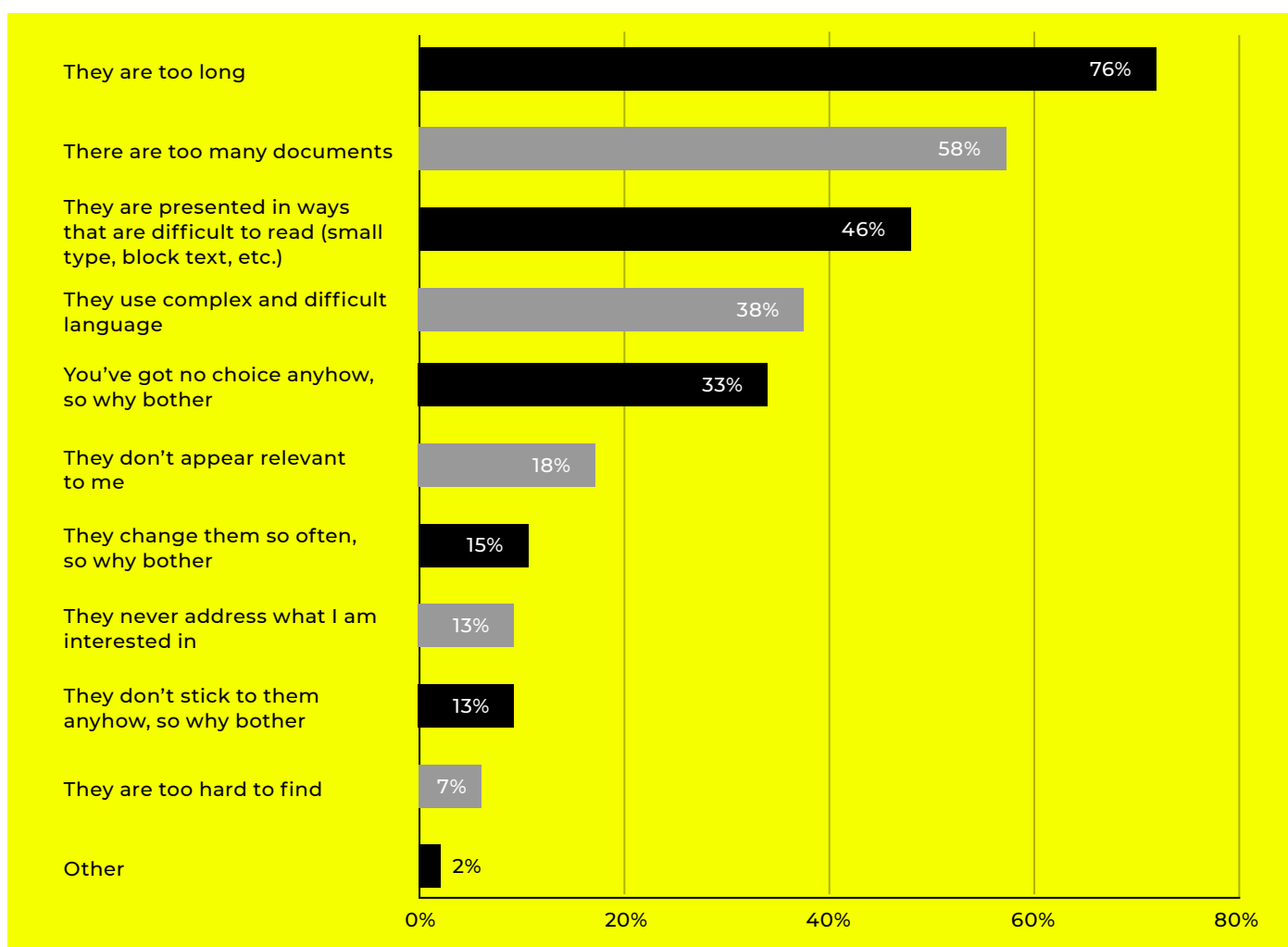


Figure 7: Barriers to reading Terms and Conditions documents, and the percentage of respondents who cited each barrier (n=400)



YOUNG PEOPLE FEEL THERE IS A GENERAL LACK OF TRANSPARENCY AROUND DATA COLLECTION AND USE

Young people have some strong feelings about platforms lacking honesty and transparency about the ways they currently collect and use their data. Four out of five (79%) young people think digital platforms need to be more transparent around how they collect and use the data of people under 18.

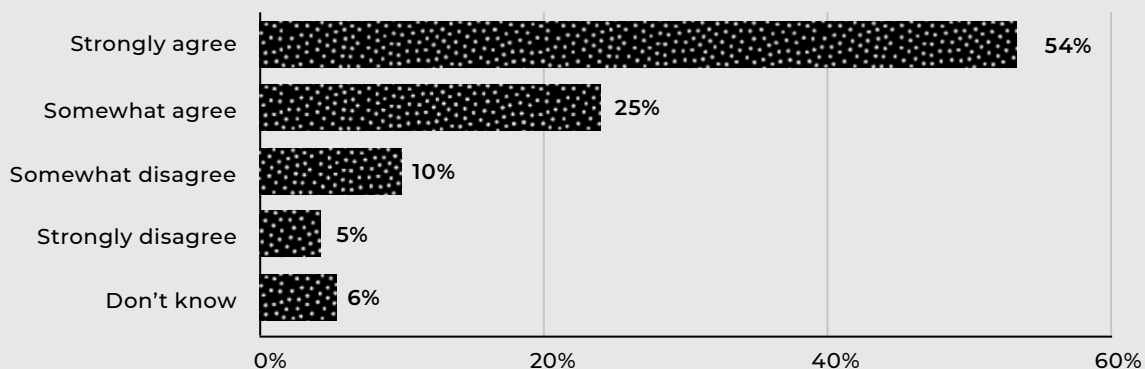


Figure 8: Percentage of young people who agree or disagree that platforms should be more transparent about how they collect and use young people's data (n=400)

05. Conclusion

THE RULES AROUND HOW CHILDREN AND YOUNG PEOPLE'S DATA IS USED AND COLLECTED IN AUSTRALIA NEED TO BE UPDATED.

Young people have identified a number of issues with the way their data is currently processed including;

- ◆ Concerns about excessive location tracking;
- ◆ Concerns about their data being shared without their knowledge;
- ◆ Algorithms that drive personalisation of content and ads feeling excessively intimate but not at all cautious with what they recommend;
- ◆ Opaque and confusing terms and conditions that struggle to generate meaningful, informed consent, and;
- ◆ A general lack of transparency around their data.

But these issues are not inevitable. Stronger rules and regulations can change the way young people's data is collected and used. The majority of young people involved in this research support a range of measures including rules around;

- ◆ Requiring clear consent to collect and use data
- ◆ Requiring geolocation tracking to be turned off unless it is necessary to a service
- ◆ Limiting the ways data can be shared without consent
- ◆ Requirements for Terms and Conditions to be easy to read and understand

- ◆ Enabling the 'right to delete' to be accessible, so they can easily request that their personal data be deleted
- ◆ Providing a right to access and know what data is held about young people through easy mechanisms
- ◆ Data minimisation, to limit the amount of data that can be collected to only that which is really necessary to a service
- ◆ Requiring privacy settings to be set to the most private options by default for under 18 year olds
- ◆ Restricting the use of their data to develop sticky design techniques, which aim to keep them using a service for longer and longer
- ◆ Limiting or banning profiling for commercial advertising and marketing purposes

We think they are right. Australia needs stronger rules that govern how children's data can be used and collected.

06. Recommendations

AUSTRALIA NEEDS A REGULATORY CODE GOVERNING HOW CHILDREN AND YOUNG PEOPLE'S DATA CAN BE COLLECTED AND USED.

Other countries have implemented or are proposing similar codes already, including the UK's *Age Appropriate Design Code*, and Ireland's *Fundamentals for a Child-Oriented Approach to Data Processing*. Australia's young people deserve the same, if not better, protections.

Incorporating all of the feedback from young people, a code must:

1. CREATE THE BEST AND SAFEST DIGITAL WORLD FOR YOUNG PEOPLE.

- ◆ Put children's best interest at the heart of decision making about their data
- ◆ Put children and young people in control of their data by requiring:
 - **Expressed consent** - Only process data when children (and parents) have meaningfully consented, except in their best interests. This would place a requirement on digital service providers to ensure their terms and conditions demonstrably enabled and facilitated informed consent, and they did not infer consent nor use dark patterns to solicit it, before data is collected and used.
 - **Transparency and accountability** - Children (and parents) should know every time their data is processed, except in their best interests
 - **Data minimisation and restricted data sharing** - Only collect the data you really need, and don't share it, except in their best interests

- ◆ Protect everyone under 18 years old
- ◆ Cover all services children and young people may use

2. BE OVERSEEN BY A STRONG AND ENABLED REGULATOR.

- ◆ Enforced by a regulator well resourced to oversee these new responsibilities, a voluntary code will not be enough
- ◆ Can issue meaningful penalties that match the scale of any breach
- ◆ For extreme violations, there could be the option of criminal sanctions

3. ALIGN WITH THE *ONLINE SAFETY BILL* AND BASIC ONLINE SAFETY EXPECTATIONS.

- ◆ Australia has some world leading legislation around eSafety, takedown and moderation. A code must join up seamlessly with this legislation
- ◆ Take a similar systemic focus

THESE PRINCIPLES MAY CREATE REQUIREMENTS ON SERVICE PROVIDERS LIKE:

- ◆ To ensure accountability and transparency by:
 - Publishing T&Cs in plain speak, appropriate to the age of their youngest users

- Enforcing T&Cs. Providers should be required to live up to their T&Cs, and children, young people and families should have a right of redress if they do not
- Offering a clear process to 'make things right' where things go wrong. Children, young people and families should be able to exercise their rights easily
- ◆ To ensure safety and privacy, by:
 - Adjusting default settings to high privacy and low risk for children and young people, and making it clear any risks associated with changing them
 - Undertaking a children's data protection impact assessment before collecting or processing data. These should be made public
 - Undertaking a children's algorithmic audit regularly, where your algorithms are trained using children's data. These should be made public
 - Age gating, assuring and verifying services. Services should be appropriate to the ages of their users. Provider should implement appropriate, safe ways to confirm a user's age if their service requires this
- ◆ Ensure young people stay in control of their data by:
 - Meeting the principles outlined above, such as requiring expressed consent, ensuring transparency around when and what data is being processed, minimising data collection and restricting sharing
 - Offering easy ways for children, young people and families to request and access and correct their data
 - Offering easy ways for children, young people and families to exercise 'the right to delete'
- ◆ Require services to speak to children and young people, so their thoughts about how their data should be collected and used are considered

- ◆ Respect children and young people as digital citizens. This means services can't shut them out, or downgrade their service, because it's 'too hard' to meet their needs

A CODE MAY ALSO MAKE CLEAR HOW TO APPLY THESE PRINCIPLES IN THE FOLLOWING AREAS:

- ◆ **Automated decision making:** should only be deployed when it is in children's best interests, and any serious decisions affecting them should always be made by a human
- ◆ **Geolocation:** should be turned off unless it's in children's best interests or geolocation is so central to a service that it ceases to work without it (like a map app)
- ◆ **Digital marketing and profiling:** children should not be profiled unless it is in their best interests or creating a profile is so central to a service that it ceases to work without it (like a personalised learning app)
- ◆ **Nudging and persuasive design:** persuasive design and nudging should not be used in digital services that may be accessed by children unless it's in their best interests
- ◆ **Connected toys and devices:** these must meet the requirements of the Code, including and especially data minimisation, restricted sharing, expressed consent
- ◆ **Parental controls:** children and young people should know when these are turned on, and it should be clear to them what data their family is seeing
- ◆ **Age verification:** Any tools used to verify age must be privacy preserving



Reset Australia is an independent organisation raising awareness and advocating for better policy to address the digital threats to Australian democracy.

hello@au.reset.tech | au.reset.tech

Supported by **Minderoo Foundation** and **Luminate**



This work is licensed under the Creative Commons Attribution-NonCommercial 4.0 International License. You can use, reuse, reimagine, and redistribute any of the information in this report in any way you'd like (so long as you're not making any money from it). If you do, we'd love to see what you've done.

Let us know by shooting us an email at hello@au.reset.tech