



The Current State of Kids' and Teens' Privacy

Future of Privacy Forum

November 7, 2023



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The Children's Privacy and Safety Landscape

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Who Are the Actors?

A highly fragmented set of laws, set by:

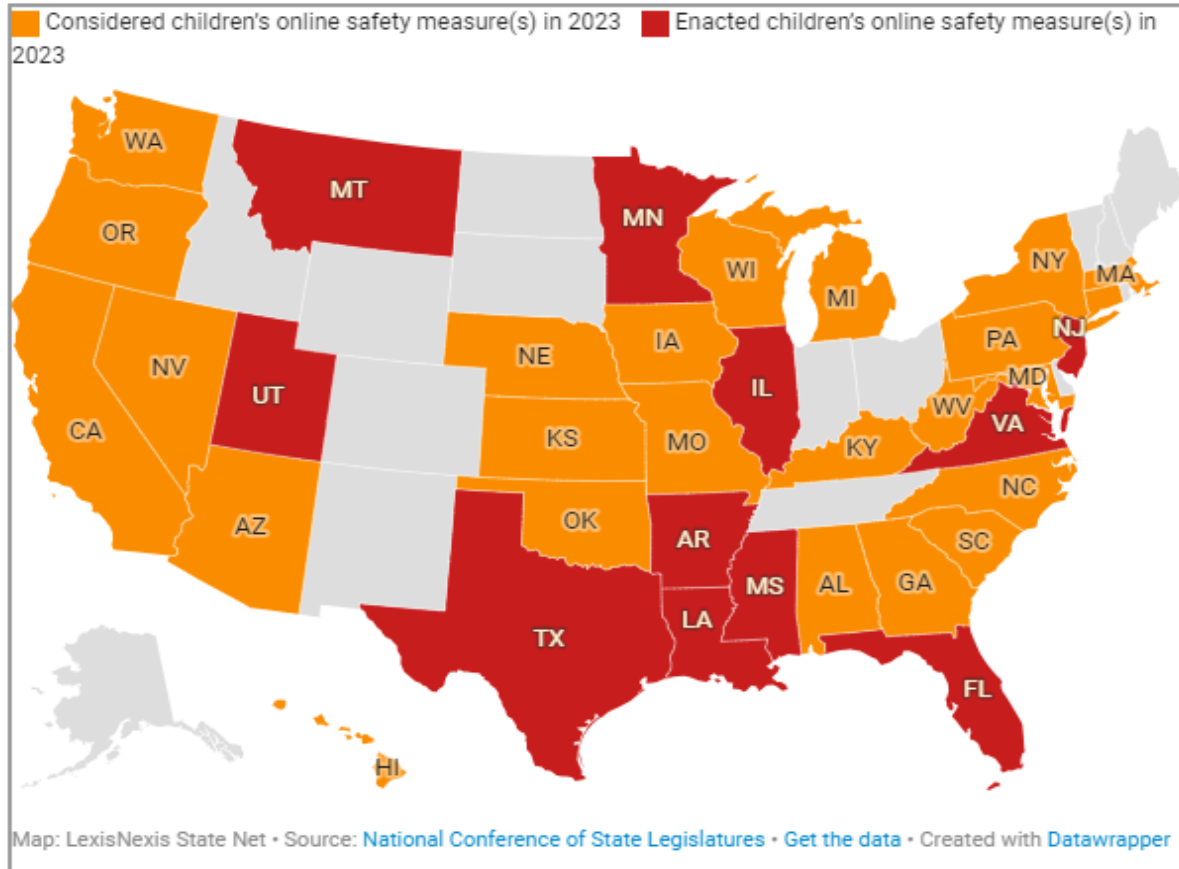
- U.S. States
- U.S. Federal Trade Commission
- U.S. Congress

State Design and Safety Codes

State Laws: A Complicated Landscape

- As of early August, at least 35 states had considered legislation in 2023 aimed at protecting children when they use the internet and social media
- Eleven states have already enacted such bills

State Laws: A Complicated Landscape



- Florida (SB 262)
 - Prohibits:
 - Processing children's PI if platform knows (or willfully disregards) that processing may result in substantial harm or privacy risk
 - Profiling a child unless appropriate safeguards and profiling is necessary/does not create risk
 - Collecting, sharing, selling PI unless compelling reason and doing so does not create risk
 - Geolocation restrictions
 - Dark patterns to encourage submission of PI
- Louisiana (HB 61)
 - Prohibits online services from allowing U18s to sign up for accounts without parental consent;
 - Allows parents to cancel the terms-of-service contracts their children signed for existing accounts;
 - Gives parents the ability to monitor their children's accounts;
 - Companies must prohibit adults from messaging minors with whom they aren't already connected;
 - Prohibits use of targeted advertising (other than based on age and location);
 - Restricts PI collection

- **Arkansas SB 396**
 - Requires minors to seek parental consent to open a social media account
 - Mandates that social media platforms verify account holder's age.
 - Being challenged in *NetChoice v. Griffin* (PI granted Aug. 31)
- **Texas HB 1181**
 - Requires any website that publishes "sexual material harmful to minors" to verify users' identities
 - Being challenged in *Free Speech Coalition v. Colmenero* (PI granted Aug. 31)
- **Utah (SB 152)**
 - Requires parental consent to minors' use of social media and requires age verification government-issued ID
- **Other states: Mississippi (S 2346); Louisiana (H 77); Montana (S 544); Virginia (S 1515)**

- Utah (SB 152)
 - Prohibits minors from accessing social media platforms between 10:30 pm and 6:30 am

California Age-Appropriate Design Code (AB 2733)

- Modeled on UK Code
- Covers CCPA-defined “businesses” providing online services, products, or features “likely to be accessed by children” under age 18
- **Would require:**
 - DPIA assessing use of children’s data and risks of material detriment (exposure, exploitation, contacts, algorithmic harms, targeted advertising, incentive/engagement features, sensitive PII collection)
 - Age estimation of child users with “reasonable level of certainty appropriate to the risks” presented
 - Transparency, age-appropriate language
 - Configuring default privacy settings to high level of privacy
 - Signaling to child when parental monitoring occurs
 - Tools to exercise privacy rights
- **Would prohibit:**
 - Using kids’ PI in ways that could be materially detrimental to physical health, mental health, or child’s well-being
 - Collecting, selling, sharing, retaining kids’ PI, or profiling a child by default unless can demonstrate “compelling” reason that doing so is in children’s best interests
 - Collecting, selling, sharing precise geolocation information (and must provide an obvious sign to children)
 - Dark patterns encouraging provision of PI (nudge techniques)
- Being challenged in *NetChoice v. Bonta*
 - Preliminary injunction granted September 18, 2023 (fails on First Amendment grounds, applying intermediate scrutiny)
 - CA AG has filed an appeal

* At least 10 states have introduced bills modeled on California’s – First Amendment-proof?

Federal Trade Commission

- Stepped up COPPA Enforcement
 - Epic Games (Dec. 2022) (\$275 mill. COPPA penalty)
 - Edmodo (May 2023) (\$6 mill.)
 - Amazon Alexa (May 2023) (\$25 mill.)
 - Microsoft Xbox (June 2023) (\$20 mill.)
- Expanded general statutory authority
 - Epic Games (Dec. 2022) (dark patterns and billing practices)
- 2019 COPPA Rule Review
 - Proposed revised Rule forthcoming?
 - May have aspects of age-appropriate design codes

Federal Legislative Initiatives

At the federal level, the Senate Commerce Committee voted out two bipartisan bills to protect children's internet use in late July 2023:

- **COPPA 2.0 (Sen. Markey, Sen. Cassidy)**
 - Extends COPPA to kids under age 17
 - Defines personal information as that “reasonably linkable” to a child or teen
 - Expands knowledge to that “fairly implied on the basis of objective circumstances”
 - No requirement to age gate or collect any new PI to make this determination
 - Bans targeted advertising directed at minors
- **Kids Online Safety Act (KOSA) (Sen. Blumenthal, Sen. Blackburn)**
 - Aspects of CA AADC
 - Would require “covered platforms” to:
 - Act in the best interests of a user the platform “knows or reasonably should know is a minor” by taking reasonable measures to prevent and mitigate various harms
 - Limit who can communicate with minors and prevent others from viewing a minor’s personal data
 - Limit features encouraging minors to stay online for an extended period of time
 - Offer the ability to opt out of algorithms and limit the types of content with which a minor can interact

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Pascale Raulin-Serrier

Senior Advisor in Digital Education and
Coordinator DEWG, French CNIL

The current state of Kids' and Teens' Privacy Future of Privacy Forum

Webinar on Tuesday 7 November 2023

Pascale RAULIN-SERRIER, Senior Advisor, CNIL & Coordinator of the International Digital
Education Working Group, GPA

Protecting children in the digital ecosystem a priority for our data protection authorities

Mandate of European DPAs strengthened by the
GDPR



Priority of the Global Privacy Assembly Strategic
Plan



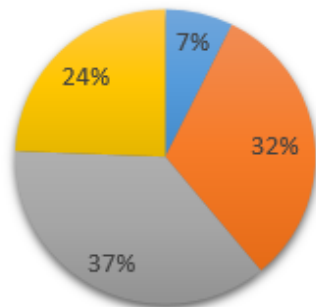
International cooperation strengthened by the Digital Education
Working Group (DEWG)



INTERNATIONAL COOPERATION STRENGTHENED BY THE DIGITAL EDUCATION WORKING GROUP (DEWG)

Exploring attitudes towards using data rights at a panel of data protection authorities

Are you in favor of a greater recognition of the exercise of these digital rights by the children themselves?



- Yes, a "digital majority" should be defined, allowing minors to exercise these rights by themselves.
- Yes, but this "digital majority" must be defined and safeguards must be provided for the collection and processing of data concerning minors.
- Yes, but this recognition must always be done in collaboration with parents.
- No, the legal framework is satisfactory.

Adoption of an international Resolution on Children's Digital Rights



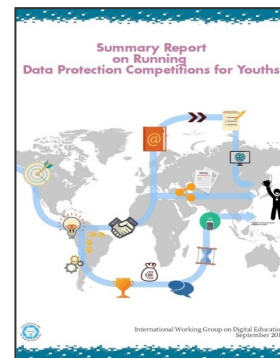
43rd Closed Session of the Global Privacy Assembly
October 2021

Adopted Resolution on children's digital rights

Conduct international surveys



Informational good practices
Junior websites DPA
&
ENOC Network:
Ombudsmen websites





18.05.2022


As part of the implementation of the [GPA Resolution on Children's Digital Rights](#) adopted in October 2021, it is recommended to raise awareness and promote procedures accessible to young people and/or their parents that create trust in order to encourage them to:



- **Understand and exercise their privacy rights via online service platforms; and**
- **Refer to our data protection authorities directly in the process of complaints mechanisms or cooperation via mediation organisations, when platforms fail to respond to their requests or because the process for exercising their rights proves to be too complex and dissuasive.**











Pooling resources on an online library


 **CIRCABC** 


Search for any folder, content or topic 


Pascale RAULIN-SERRIER   EN

Data Protection Working Group on Digital educa...  Information  Library  Members  Agenda  Forums  Admin  Help

 [European Commission](#) > [Justice and Consumers](#) > [Data Protection Working Group on Digital education](#)



 Share

 [Contact leader\(s\)](#)

- The Working Group on Digital Education was established under the Resolution on a Digital Education for all during the 35th International Conference of Data Protection and Privacy Commissioners. The group adopted a work programme to implement the operational objectives set in the Resolution. In this purpose, it took the lead in sharing digital education content and material collected from the Data Protection Authorities through the use of a common web platform.

CONTACT INFORMATION

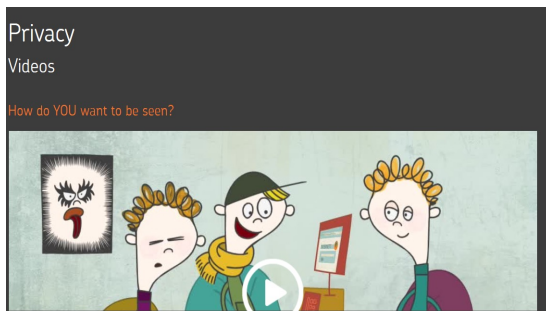
You can reach the CNIL or the CNPD concerning this interest group using the "**contact leader**" link on the left.

MEMBERS

61 members in the group

0 membership requests in the group

Video from the CIL Burkina



Funmoods' Online Safety Kit - Little Red Riding Hood

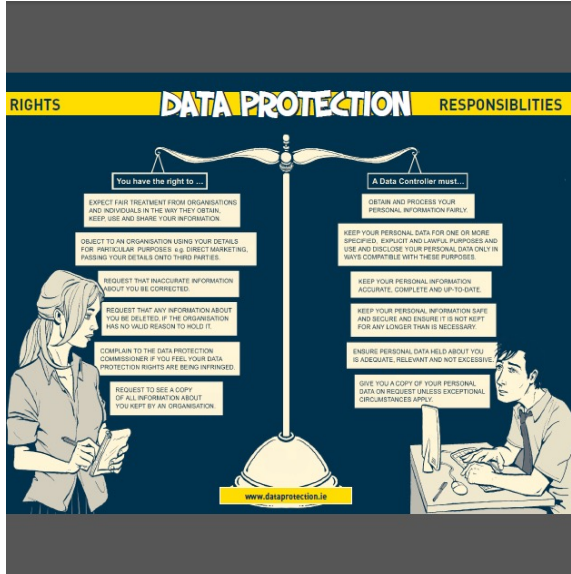


Funmoods' Online Safety Kit - Little Red Riding Hood

**Video used by Gibraltar from
publicly available resources**

**Video from Norway « *how do you want to be
seen?* »**

Irish manual « Sign Up, Login Opt Out : Protecting your Privacy & Controlling Your Data »



Canadian graphic novel



Implementing the data protection Competency framework in national curricula



- 1 • Personal data
- 2 • Privacy, civil liberties and protection of personal data
- 3 • Understanding the digital environment – technical aspects
- 4 • Understanding the digital environment – economic aspects
- 5 • Understanding personal data regulations and legislation
- 6 • Understanding personal data regulation: Controlling the use of personal information
- 7 • Managing my data : Learning to exercise my rights
- 8 • Managing my data : Learning to protect myself online
- 9 • The digital world: Becoming a digital Citizen

DEWG's Work Plan 2023-2024



Priority I : Strengthen engagement with schools and teachers

Priority II: Support parents in developing their digital education skills and promote positive digital parenting

Priority III: Monitor progress on the digital inclusion of children

Priority IV: Urge for transparency of online service platforms, including EdTech

Priority V: Collaborate on Age Assurance issue

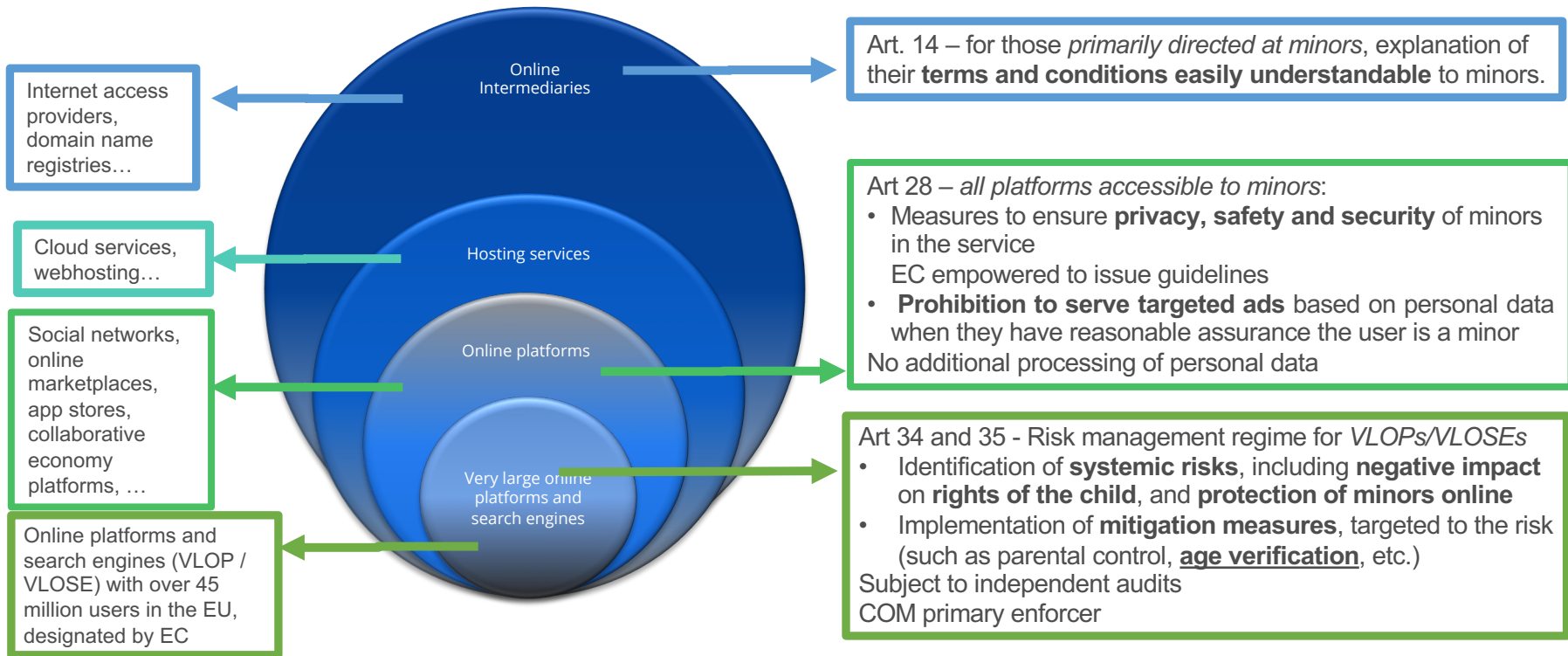
Priority VI: Explore AI systems in education regarding students' rights over their data

GDPR, Role of regulators

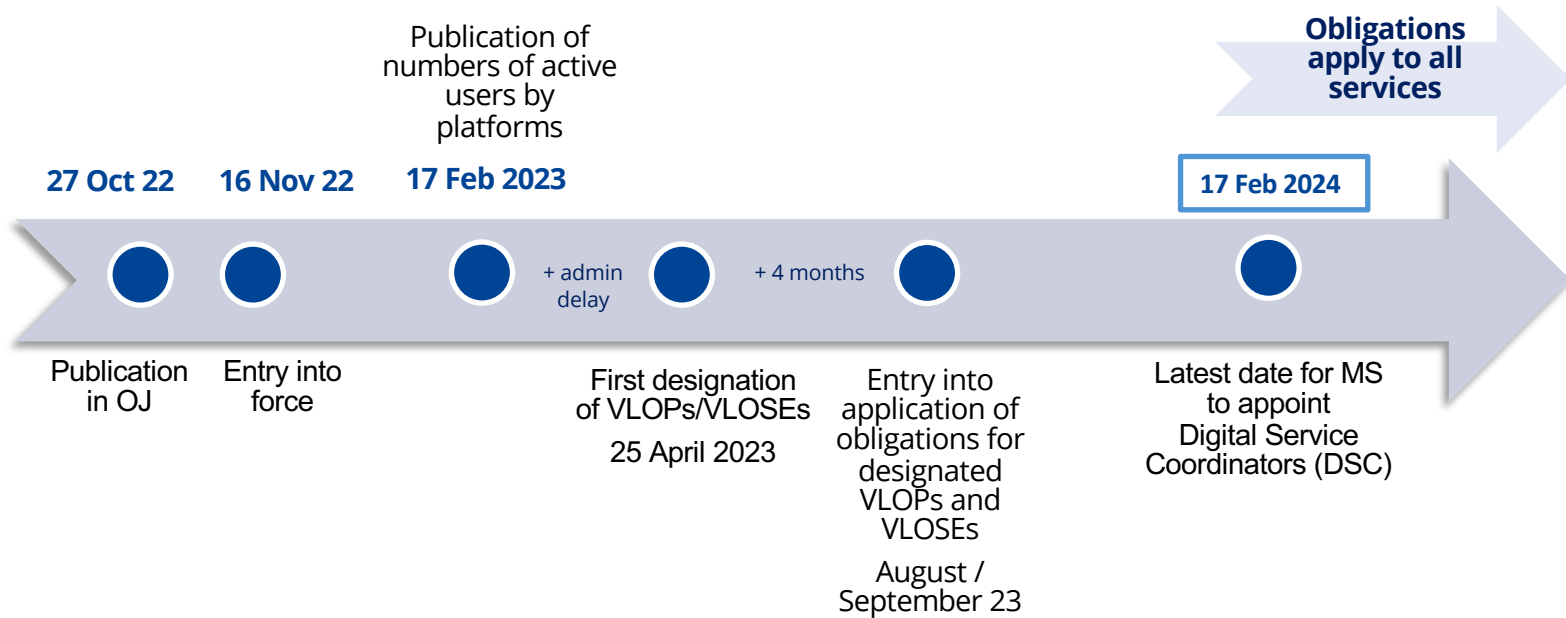
↳ *Art 57(b) “Promote public awareness and understanding of the risks, rules, safeguards and rights in relation to processing. Activities addressed specifically to children shall receive specific attention”*



Digital Services Act (DSA): zoom in on protection of minors online



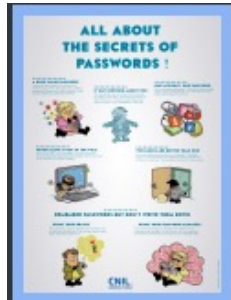
When will the new rules apply?



**DIGITAL EDUCATION : NATIONAL
MATTER**

Who is affected? Who are our targets?

- › General Public
- › Youth, parents and teachers
- › Data controllers and processors



> NEED HELP?

Are you looking for information or wish to submit a request online?

Discover the "Besoin d'aide" (Need help) tool on cnil.fr (in French only)

Sandbox

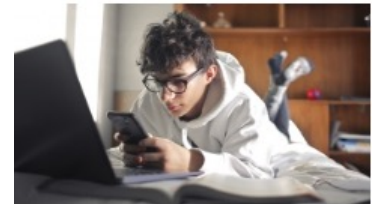


DIGITAL HEALTH AND EDECH: THE CNIL PUBLISHES THE RESULTS OF ITS FIRST "SANDBOXES"
28 July 2023

The children, parents and teachers

Challenges to digital use, the risks involved

- › The mass collection of information about their preferences, identity or lifestyle, highly coveted data
- › Digital should not lock children into a system of predisposition or reinforce inequalities or digital divide
- › Less aware and more exposed to risks online & inadequately supervised digital practices
- › Risk of large-scale surveillance of children

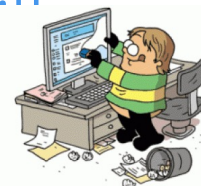


CNIL published 8 recommendations to enhance the protection of children online in 2021

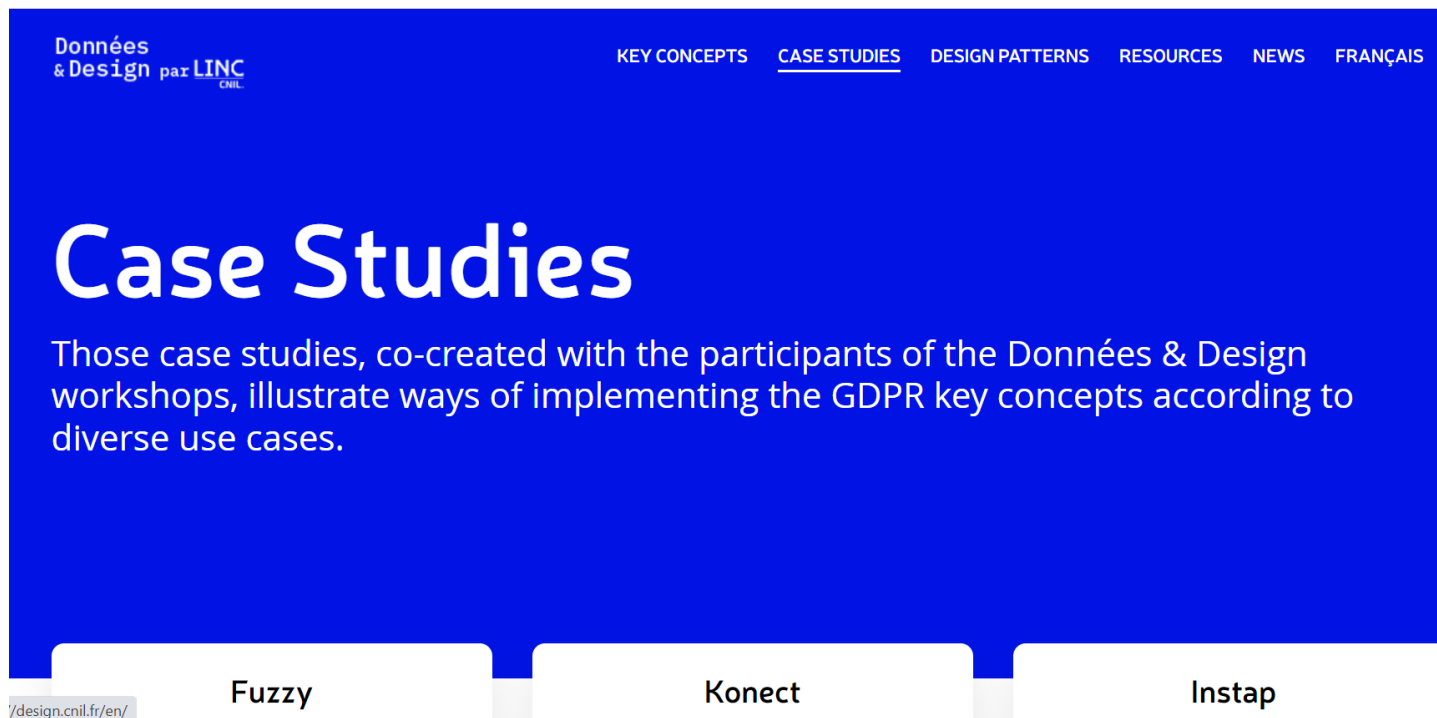


- Regulate the capacity of children to act online
- Strengthen the information and rights of children by design
- Encourage children and youth to exercise their rights
- Support for parents in the digital education of their children
- Provide specific safeguards to protect the interests of the child

➔ with the aim of providing practical advice and on cnil.fr appropriate for all audiences (young people, parent and professionals)



Workshops for co-constructing ethical interfaces



The screenshot shows a website with a blue header and a white main content area. The header contains the logo 'Données & Design par LINC CNIL' on the left and a navigation menu with links for 'KEY CONCEPTS', 'CASE STUDIES', 'DESIGN PATTERNS', 'RESOURCES', 'NEWS', and 'FRANÇAIS'. The 'CASE STUDIES' link is underlined. The main content area features a large white heading 'Case Studies' and a paragraph of text. Below the text, there are three white rectangular boxes with rounded corners, each containing a name: 'Fuzzy', 'Konect', and 'Instap'. A small URL '/design.cnil.fr/en/' is visible in the bottom left corner of the screenshot.

Données & Design par LINC CNIL

KEY CONCEPTS CASE STUDIES DESIGN PATTERNS RESOURCES NEWS FRANÇAIS

Case Studies

Those case studies, co-created with the participants of the Données & Design workshops, illustrate ways of implementing the GDPR key concepts according to diverse use cases.

[/design.cnil.fr/en/](#) Fuzzy Konect Instap

Demonstration of a privacy-preserving age verification process

Is it possible to prove that one is over the age of legal majority without sharing one's age or identity? The LINC, Olivier Blazy, Ecole Polytechnique professor and cryptography researcher, and the Pôle d'Expertise de la Régulation Numérique (PEReN – Digital platform expertise for the public) developed a possible implementation of an age-verification system that allows accessing restricted websites without sharing other personally identifiable data.



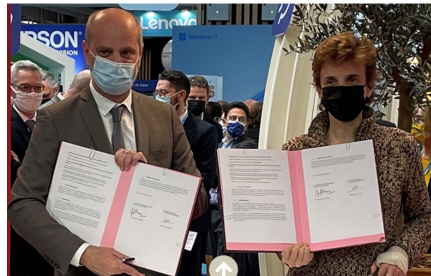
<https://linc.cnil.fr/demonstration-privacy-preserving-age-verification-process>

CNIL.

**PROMOTING DIGITAL EDUCATION &
CHILDREN'S RIGHTS**

Digital education, a strategic priority

- › Partnership with the French Ministry of Education
 - › Scaling up to a multi-stakeholder approach
 - › Training of trainers in Digital Education
- › Producing a wide range of resources for young people



Collective of stakeholders for Digital education



A highly diverse Collective of stakeholders facilitated by CNIL from 2013

Some 70 non-profit organisations from the world of education and research, parent-teacher association, consumer associations, public media...

Concrete joint accomplishments and key actions: the Educnum Awards, an escape game on key issues, educational resources, position papers...





Education and training

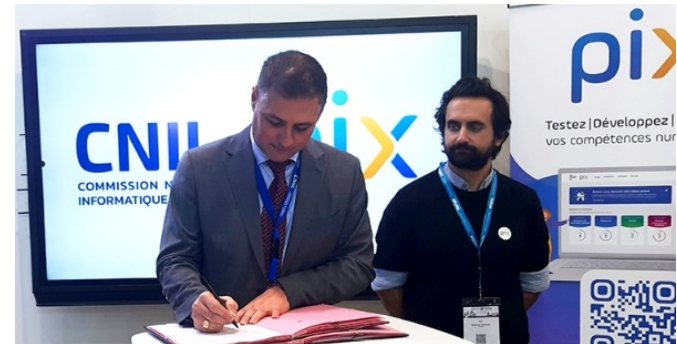
<https://www.cnil.fr/fr/enfants-et-ados>

- Educate all audience to keep control of data
- Equip teachers with more qualified skills



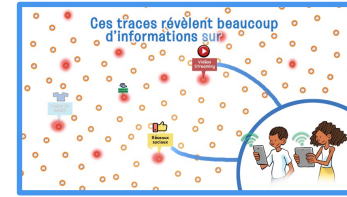
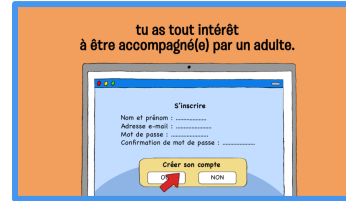
Kit du citoyen numérique

L'éducation à la citoyenneté numérique



Campaign "All together for a safe internet"

4 video for children from 8-10



A card game

Pour me créer un compte sur un réseau social, j'ai besoin de...

A Rien.

B L'accord d'un de mes parents.

C Avoir plus de 10 ans.

REPONSE • CONSEIL

Si en France, pour se créer un compte sur un réseau social, il faut avoir au moins 13 ans. L'accord d'un de ses parents. Notre conseil : discute avec tes parents pour réfléchir à ce que tu veux faire sur ce réseau social.

Leaflets for teachers and parents

CNIL PRÉFÈRE LE NUMÉRIQUE

PROTÉGEZ LA VIE PRIVÉE DE VOS ÉLÈVES

De plus en plus connectés sans médiation, les enfants, dès 8 ans, peuvent vivre des expériences adaptées à leur âge. La CNIL met des ressources à votre disposition pour les aider à une pratique numérique raisonnée.

Le personnel pédagogique ne doit pas intervenir dans la création et la gestion des comptes personnels après 10 ans.

La CNIL vous encourage dans votre action d'information et d'éducation à la protection des données personnelles auprès de vos élèves.

Plus d'infos sur la CNIL disponibles sur www.cnil.fr ou au 09 72 00 00 00. Le site www.cnil.fr est également accessible à la demande de la CNIL. Pour plus d'informations, contactez la CNIL par téléphone au 09 72 00 00 00 ou par mail à contact@cnil.fr.

CNIL PRÉFÈRE LE NUMÉRIQUE

PROTÉGEZ LA VIE PRIVÉE DE VOS ENFANTS

De plus en plus connectés sans médiation, les enfants, dès 8 ans, peuvent vivre des expériences adaptées à leur âge. Des ressources sont à votre disposition pour les aider à une pratique numérique raisonnée.

La CNIL vous encourage dans votre mission de parent : informer et éduquer vos enfants à la protection de leurs données personnelles.

Découvrez également avec vos enfants : 4 vidéos, un jeu de cartes, un quiz et un glossaire contenant tous les conseils de la CNIL, en vous rendant sur cnil.fr/fr/education ou en scannant le QR code :

Self-assessment of knowledge

Quiz

- Positioning test to find out where you stand with regard to your uses... and your knowledge of the protection of your personal data
 - Well done, you've got the right reflexes
 - Not bad, but you can still improve
 - You still have some way to go



CNIL **TRUVE ENSEMBLE**
PRUDENCE SUR INTERNET

EN LIGNE, AS-TU LES BONS RÉFLEXES ?

QUIZ Réponds aux questions ci-dessous, et compte combien tu as de :

- 1
- 2
- 3

1 Pendant une partie de jeu en ligne, Samourai du 69 veut discuter avec toi. C'est un joueur que tu ne connais pas.
▲ Tu réponds, car tu ne parles jamais à des inconnus !
◆ Tu lui écris : « On se connaît ? »
◇ Vous discutez pendant toute la partie, il est trop sympa ! Tu lui racontes ta vie !

2 Tu as très envie de t'inscrire sur le réseau social Tacotac pour mettre des vidéos en ligne. Mais dans le formulaire à remplir, il faut avoir plus de 13 ans !
◆ Tu vas en discuter avec tes parents : on ne sait jamais, ils seront peut-être d'accord pour te créer un compte !
◇ Tu mets la date de naissance de ton papa, il a largement plus de 13 ans !
▲ Tu te dis : « Demain, il va tomber attendri ! »

3 Pour accéder à une appli, tu dois te créer un mot de passe...
◆ Tu choisis le mot de passe compliqué que tu mènes partout.
▲ Tu mélanges majuscules, minuscules, chiffres et ponctuation.
◇ Tu mets 1234.

4 Pour débloquer un accessoire pour ton personnage dans le jeu, il faut payer...
◆ Tu maman a enregistré sa carte bleue dans son téléphone, ça va être simple.
▲ Tant pis pour eux, ils n'auront pas ton argent !
◇ Tu demandes à ton papa qu'il te prête pour ton anniversaire.

5 La grande sœur de ta copine est sur Tacotac. Dans sa dernière vidéo, elle montre comment elle se maquille...
▲ Tu ne l'as pas vue, car tu n'as pas Tacotac.
◆ Tu mets un smiley qui veut en commentaire.
◇ Tu likes, ça lui fera plaisir !

6 À l'anniversaire de Tom, tu as pris des photos et des vidéos de tous les invités.
◆ En rentrant, tu les publiques sur ton profil en mode public en taguant tes amis.
◇ Tu crées un groupe fermé pour partager ces photos.
▲ Tu envoies à chacun par e-mail les photos et les vidéos sur lesquelles il apparaît.

7 L'appel de jeu que tu veux installer le demande d'indiquer ton adresse.
◆ Tu inventes une adresse fictive.
▲ Quel peut bien leur servir ton adresse ? Tu décline l'appel.
◇ Toi, ce que tu veux, c'est jouer ! Tu remplis et tu cliques sur « OK » !

8 Quand tu regardes des vidéos en ligne :
▲ Tu règles les paramètres pour que les vidéos ne s'enchaînent pas automatiquement.
◇ Tu adores, parce que les vidéos s'enchaînent sans que tu choisisses.
◆ Tu as vu une vidéo horrible qui t'a dégoûté, tu en parles à tes parents pour qu'ils modifient les réglages.

9 Quand tu accèdes à un site web :
◆ Tu refuses tous les cookies, sauf ceux qui t'empêchent d'accéder aux pages qui t'intéressent.
▲ Tu refuses tous les cookies puis tu effaces l'historique.
◇ Tu cliques sur « Accepter » dès qu'on te le demande, sinon, ça t'ennuie, ça bloque !

Fais passer le test à tes parents ! Sont-ils vraiment prudents ?

CNIL **TRUVE ENSEMBLE**
PRUDENCE SUR INTERNET

Tu es un maximum de...

▲ Bravo ! En ligne, tu as les bons réflexes !
Sur Internet, tu es très prudent(e) et très conscient(e) qu'il y a des risques. On dit que tu es plutôt mûr(e), sage !
N'hésite pas à montrer tes vidéos et à expliquer ta façon de faire à ton entourage, tu rendras service à beaucoup de monde !

◆ Pas mal, mais tu peux encore t'améliorer !
En ligne, c'est un peu comme dans la vraie vie. Pense que tu ne mènes pas encore toujours soûl(e) de l'école à pied et que tu ne prends pas le train sans être accompagné(e), mais ça va venir !
Bonne chance !
N'hésite pas à demander conseil et demande conseil dès que tu as un doute. Regarde à nouveau nos vidéos, tu vas découvrir des choses qui t'avaient échappé.

◇ Tu as encore des progrès à faire...
Tot, à mes les coups, tu piégé dans le grand bassin de la piscine sans savoir nager ! En ligne, tu ne fais pas attention à ce que tu fais. C'est dangereux pour toi, pour tes amis, pour tes parents. Internet, c'est un monde passionnant et excitant, mais il faut que tu sois plus prudent(e). Pour ça, regarde à nouveau les vidéos et reprends toutes les questions du jeu !

Revenez tous les conseils de la CNIL en regardant, soul(e) ou avec tes parents, sur cnil.fr/education

Poster for the classroom

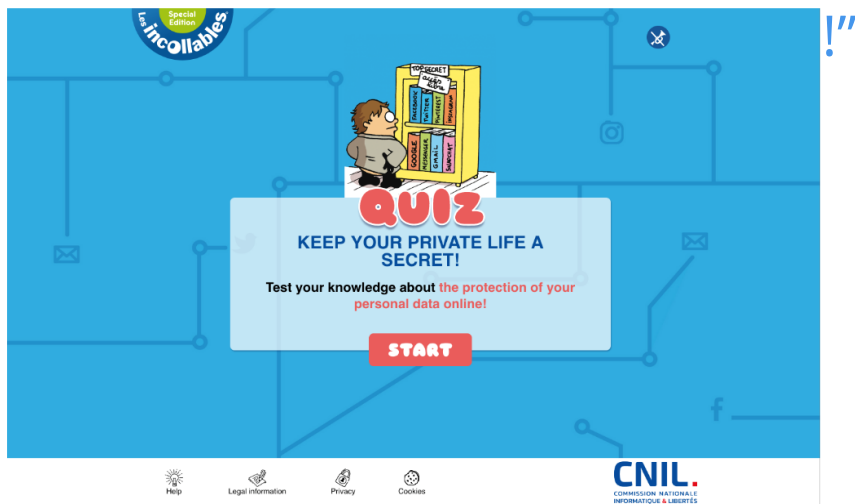
Poster

■ Glossary

- What is the Internet anyway?
- Is a social network easy to recognise?
- Is a search engine the same as a browser?
- Do I use IP addresses too?
- What is a cookie?
- What is it? Do I have a browsing history?
- My personal data is private!
- Even online, children have rights!

Playing to use your knowledge

- The Incollables® fan & interactive quiz with 3 levels of expertise

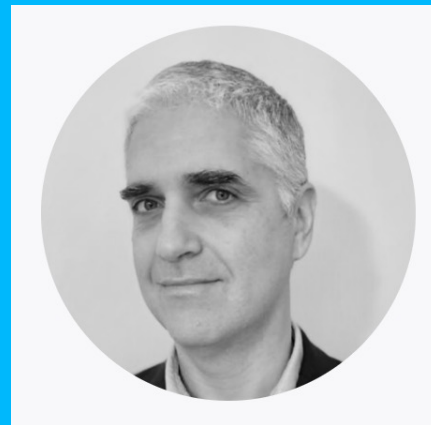


<https://www.cnil.fr/en/discover-incollables-2020-quiz-privacy-challenge-each-other-and-showing-your-knowledge-data>

Thank you for your attention.

pserrier@cnil.fr





Michael Murray
Head of Regulatory Policy,
UK Information Commissioner's Office

Protecting children's data online

ico.
Information Commissioner's Office

children's
code



The children's code shows how to design data protection into online services so they're appropriate for children

Code applies to “relevant **information society services** which are **likely to be accessed by children**” – aged under 18, in the UK.

It is a code of practice setting out **15 interlinked standards** of age-appropriate design for online services which process children’s personal data.

The code is grounded in the provisions of the **United Nations Convention on the Rights of the Child (UNRC)**, and creates an **open, transparent and safer place** for children to play, explore and learn online.

The standards in the code are **rooted in existing data protection laws**, introduced by the Data Protection Act (2018).

The code has 15 standards

1. Best interests of the child

2. Data protection impact assessments

3. Age appropriate application

4. Transparency

5. Detrimental use of data

6. Policies and community standards

7. Default settings

8. Data minimisation

9. Data sharing

10. Geolocation

11. Parental controls

12. Profiling

13. Nudge techniques

14. Connected toys and devices

15. Online tools

ICO has been taking a wide-ranging approach to supervising the code

- Supervision activity – engagement & evidence gathering with 60+ companies, 6 ongoing investigations
- Voluntary auditing 10 organisations
- Age assurance project, inc international standards
- Engagement with co-regulators and government
- Policy development

How is industry responding?

Children's code evaluation 2023 feedback from business:

- 87% feel that the code has improved data protection for children
- 72% understand the theory within the code
- 74% of business understand what conformance requires
- 27% made changes in 2022 to support conformance.
- 46% self-identifying as fully conformant in late 2022

Levelling off of awareness and changes in late 2022 / early 2023

Learning from supervision

- 80% of companies identified as either good or some improvement needed, 20% significant issues identified
- A lack of commitment to transparency.
- Challenges of how children can exercise their data privacy rights.
- Inadequate or non-existent age assurance or verification.
- Ongoing use of behavioural profiling linked to marketing, detrimental use of data and data sharing.
- Privacy information not in child friendly language.
- Nudge techniques to encourage lower protections.
- Insufficient risk assessments and DPIAs.

But companies are changing their approach

- visible behaviour change from companies - targeted and personalised ads blocked for children and children's accounts set to private by default plus location history turned off by default.
- Google turned off ads to under 18s and TikTok turned profiles for under 18s private by default; Snap, Instagram and Epic Games making improvements to parental controls; and Meta, Sony and Lego have started using age assurance systems to improve identification of under-aged accounts and to improve age appropriateness of content.

ICO resources available

ICO AADC materials: <https://ico.org.uk/for-organisations/uk-gdpr-guidance-and-resources/childrens-information/childrens-code-guidance-and-resources/>

ICO GDPR resources: <https://ico.org.uk/for-organisations/uk-gdpr-guidance-and-resources/>

[Best interests of the child self-assessment | ICO](#)

[Age Assurance for the Children's Code \(ico.org.uk\)](#)

['Likely to be accessed' by children – FAQs, list of factors and case studies. | ICO](#)

[Children's Code Self-Assessment Risk Tool | ICO](#)

[designing-data-transparency-for-children.pdf \(ico.org.uk\)](#)

[designing-data-transparency-for-children.pdf \(ico.org.uk\)](#)

