

# Protecting Children's Data

## *Analysing Perspectives of Parents & Children*



Project Details Available [here](#)





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# About the Project



## Project Background

- Digital technology-driven data-based services have become a part of daily lives for most consumers. However, digital services also pose risks to consumers, especially children, on various issues, including inadequate privacy and data protection.
- Accordingly, protecting children's data has rightly been given special attention under the Personal Data Protection Bill 2019 (PDP Bill). However, despite having the right intention, select provisions are believed to have the potential of doing more harm than good. These have been discussed in the next slide.
- In this regard, Consumer Unity & Trust Society (CUTS) has undertaken a study titled '**Highlighting Inclusive and Practical Mechanisms to Protect Children's Data,**' which aims to highlight perspectives of parents and young users on such select provisions of the PDP Bill.



## Problematic Provisions in the PDP Bill

- Select provisions of the PDP Bill had attracted skepticism from many stakeholders. However, the Joint Parliamentary Committee (JPC) on the PDP Bill have not made any changes in them. These have been presented below.

Clause No.	Stakeholder perspectives ignored
16(2) & 3(8)	Age threshold of users requiring parental consent, to be reduced from 18 years, and made compliant with good international practices. Various dissent notes of JPC members also capture the same:
	1. Manish Tewari: The definition of a child should be different for different services, with some child friendly services not requiring any age stipulation.
	2. Ritesh Pandey: Classify users under 14 years of age as children.
16(3)	Do away with the age verification requirement in light of possible additional privacy risks associated with it.
16(5)	Bar on profiling/tracking should be linked with harm, i.e., there should not be a blanket ban on the same.



## Project Objectives and Methodology

In light of such provisions/concerns, CUTS conducted a pan-India survey of 600 young users (16 and 17-year-olds), and 600 parents having a child aged between 13 to 17 years of age (Respondent details are available in the annexure), with the following objectives.

- Check the perspective of parents and young users on the age at which children use digital technology-enabled services independently.
- Check the awareness and capacity of young users to safely navigate the online world and their understanding on providing consent to privacy notices.
- Check the comfort level of parents and young users on service providers taking various measures to ensure a safe online experience for children and their perspective on different modes/manners of age verification.



# **Summary of Findings and Recommendations**



## Key Findings and Recommendations

Most young users avail various popular data-driven online services. Around 35 percent of them do so without the knowledge of their parents. Around 22 percent of parents are comfortable with their child availing services without their permission.

Parents and young users believe that children aged 14 years use internet-enabled devices without parental guidance.

Further, over 75 percent of parents believe that their child knows more than them about practices to adopt for a safe online experience; and is capable of providing consent to the terms & conditions of service providers, a claim seconded by around 73 percent of young users.

Accordingly, there is merit in revisiting the age fixed for classifying children, and inclusive stakeholder consultation may be required on it. Further, the requirement of service providers to obtain mandatory parental consent before processing children's data needs to be relooked at.



## Key Findings and Recommendations

Many young users encounter different types of problematic experiences online, such as cyber-bullying/stalking, exposure to problematic content etc. Therefore, it is perhaps important for data fiduciaries to verify the age of users.

Furthermore, most young users claim to be aware of various tools and strategies to overcome problematic experiences. However, many do not implement them.

Therefore, the government and data fiduciaries must work with child rights groups and consumer groups to raise awareness and build the capacity of children on online safety.



## Key Findings and Recommendations

Over 75 percent of parents, and 55 percent of young users are comfortable with data fiduciaries tracking and monitoring the online behaviour of young users, but only for the valid objective of ensuring their online safety.

Many parents and young users are also comfortable with service providers blocking inappropriate content for children. This requires online age verification and behavioural tracking of children.

Accordingly, it may be counter-productive to completely prohibit online tracking since it may hinder child safety measures being implemented by data fiduciaries. Adequate safeguards with respect to purpose limitation and data minimisation may be mandated.

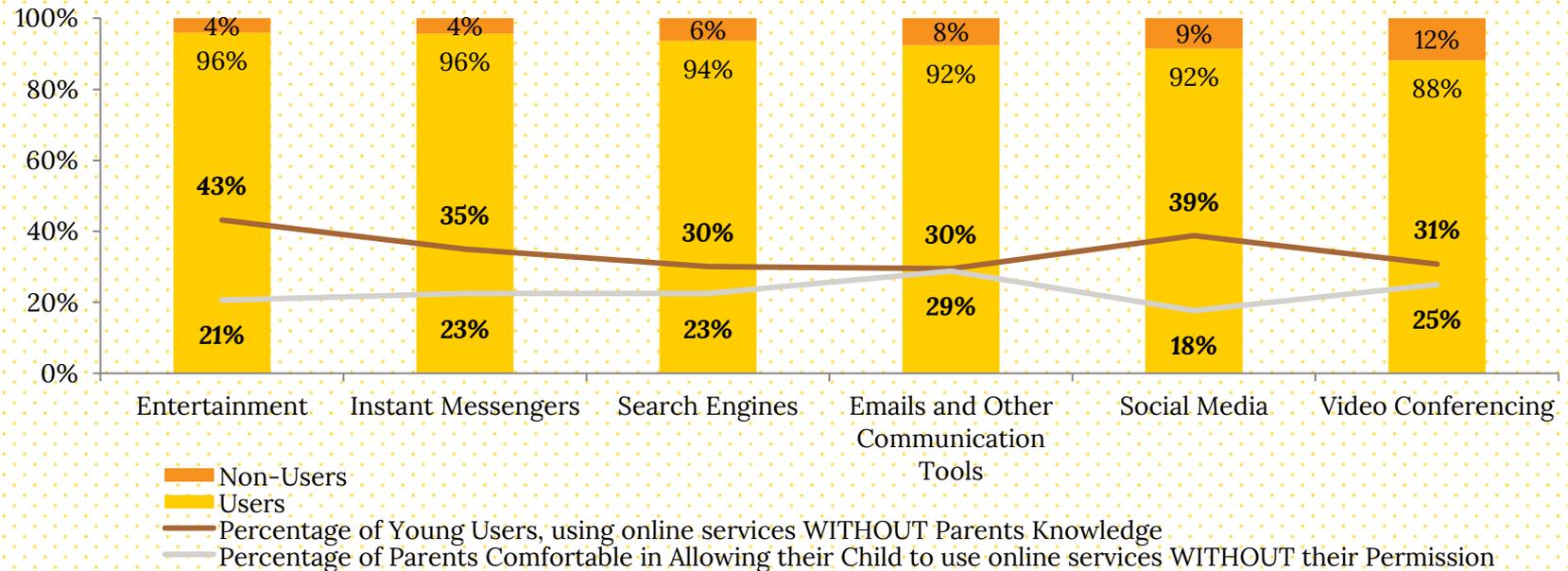
Furthermore, young users and parents prefer age verification technologies which are least intrusive. DPA may frame codes of practice for age verification through technologies that are least privacy intrusive, instead of linking government ID cards.



# **Key Findings from the Surveys and Recommendations**



**Most young users avail various popular data-driven online services. Many do so without the knowledge of their parents. Significant number of parents are comfortable with their child availing services without their permission.**



**Question to young users:** (A) Do you access the following services with your parents' knowledge? (B) Would you be comfortable in taking your parents' permission before accessing the following services? In case you don't use the service presently, would you be comfortable in taking your parents' permission in future before accessing these services?

**Question to parents:** Do you think your child should take your permission before accessing the following services?



**Parents and young users claim that that children start using internet-enabled devices without parental guidance, at a much earlier age than 18 years.**

	<b>Claim of Young Users</b>	<b>Claim of Parents</b>
<b>Average Age of using internet-enabled devices without parental support</b>	<b>14 years*</b>	<b>12 years*</b>

**\* Figures have been rounded off to nearest age in years.**

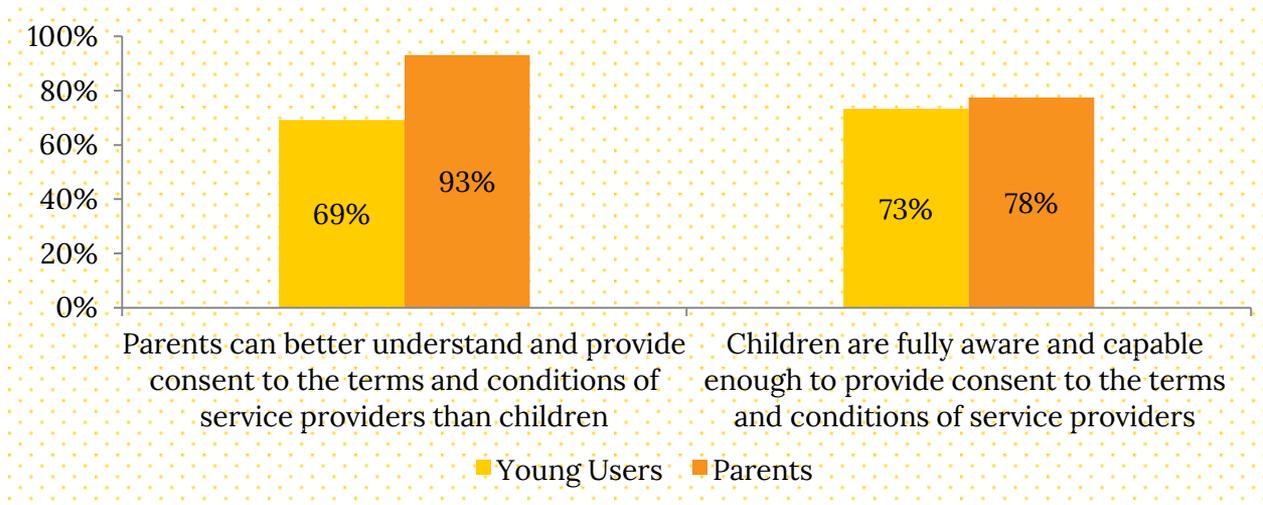


**Question to young users:** At what age did you start using internet enabled devices independently or privately, i.e., without parental support?

**Question to parents:** At what age did your child start using internet enabled devices independently or privately, i.e., without your support and/or guidance?



**Most parents and young users consider themselves more capable of understanding terms and conditions, and providing consent to service providers, than children. However, they also believe that children are capable of the same.**

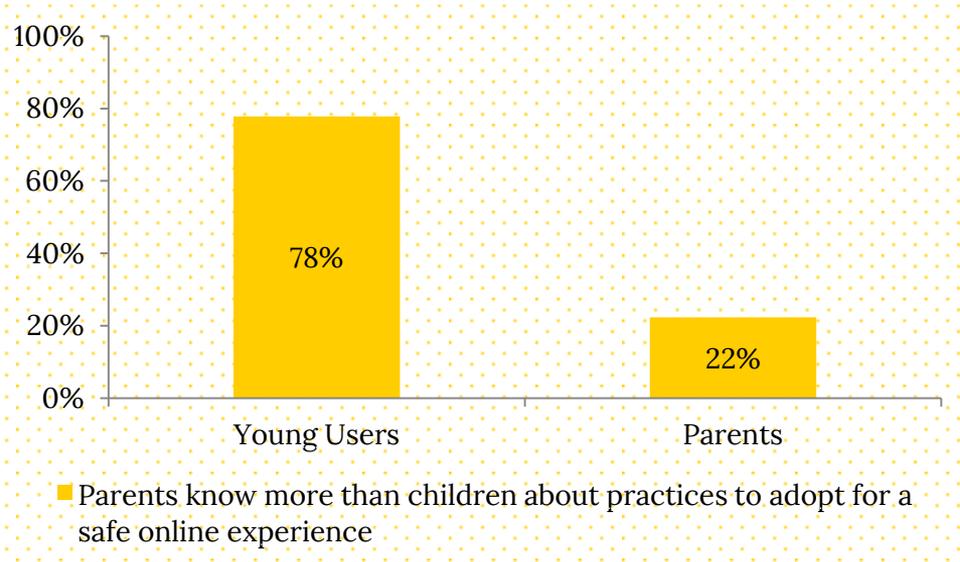


**Question to Young Users:** Do you think the following statement is true? (A) Your parents can better understand and provide consent to the terms and conditions of service providers than you. (B) You are yourself fully aware and capable enough to provide consent to the terms and conditions of service providers.

**Question to Parents:** Do you think the following statement is true? (A) You can better understand and provide consent to the terms and conditions of service providers than your child. (B) Your child is fully aware and capable enough to provide consent to the terms and conditions of service providers.



**Most young users claim that their parents know more than them about practices to adopt for a safe online experience. However, most parents claim the opposite i.e., they claim that they do not know more than their children about practices to adopt for a safe online experience.**



Since young users and parents hold opposite viewpoints, it is important to create awareness about practices which can ensure a safe online experience for both of them.



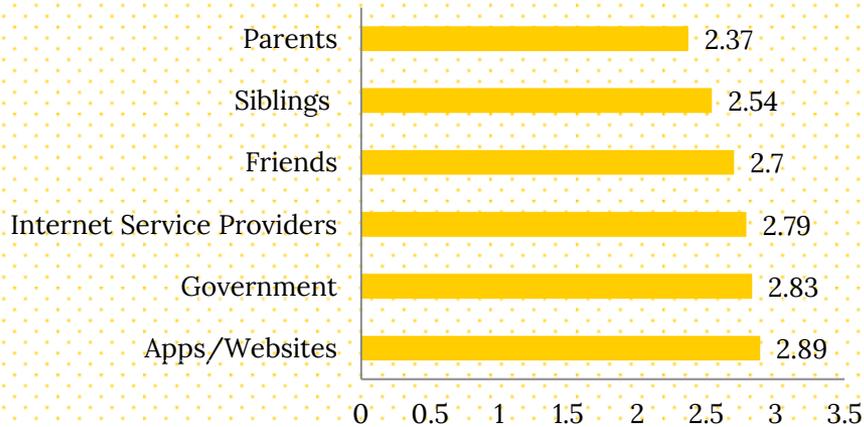
**Question to Young Users:** Do you think the following statement is true? Your parents know more than you about practices to adopt for a safe online experience.

**Question to Parents:** Do you think the following statement is true? Your child knows more than you about practices to adopt for a safe online experience.

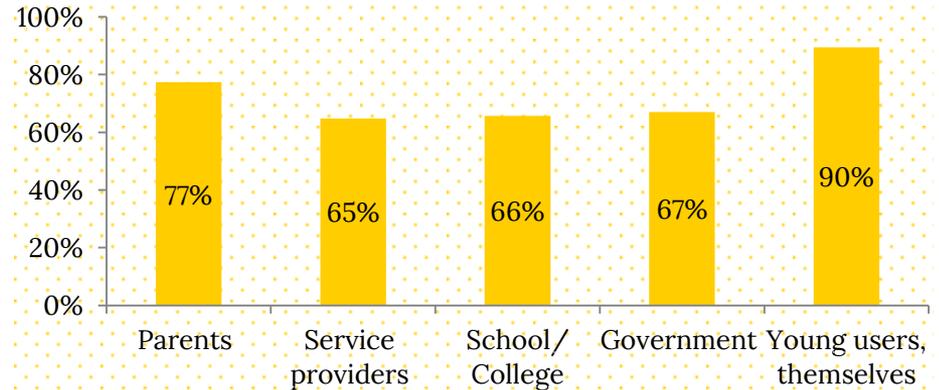


**Young users value privacy equally *vis-à-vis* all stakeholders. Further, most young users want accountability and responsibility for ensuring a safe online experience to be shared by different stakeholders including themselves.**

**Average Importance out of 5**



**Accountability and Responsibility**



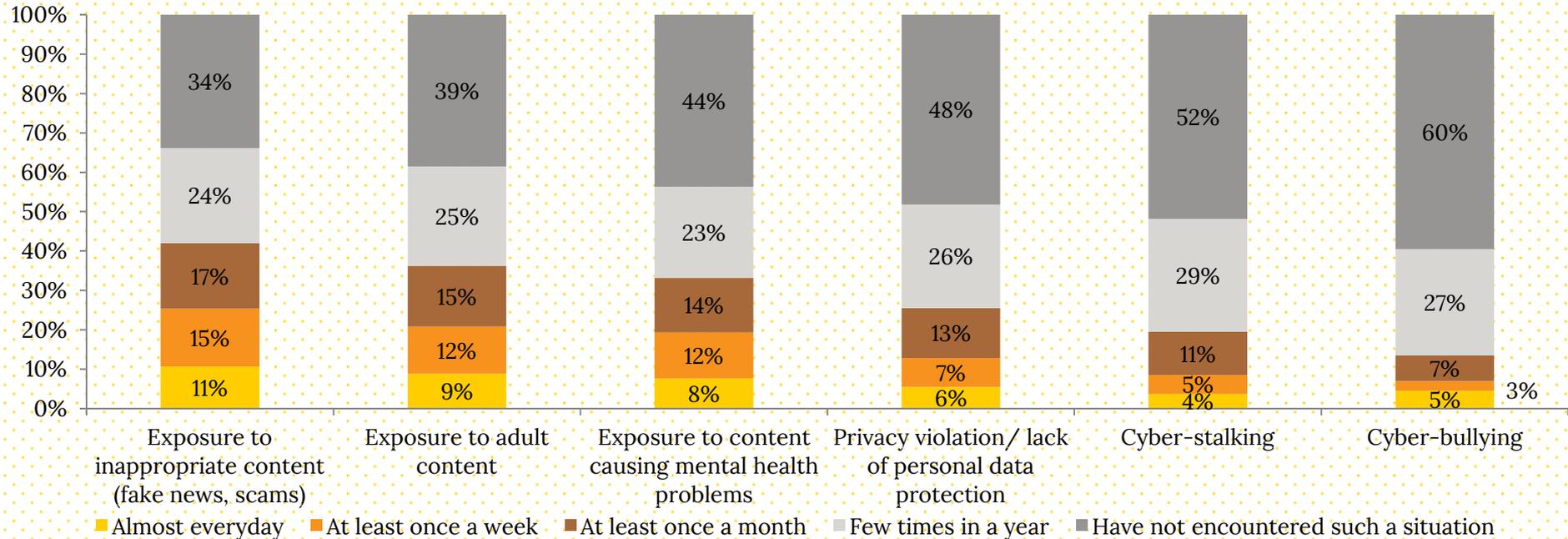


## Recommendations 1

- The survey findings show that both young users and parents claim that children have been using the internet on their own from an early age. **A one size fits all approach should not be adopted while mandating the threshold for classifying a user as a child under Clause 3(8).**
- Young users also value privacy *vis-à-vis* all stakeholders. **Therefore, it would be useful to revisit Clause 16(2) of the PDP Bill, which mandates parental consent before processing children's personal data.** The provision equates the privacy of a child, adolescent, and young user by having universal parental consent requirements. It ignores the perspective of young users who prefer online privacy from all stakeholders, including their parents.
- Given that most parents and young users believe that children can provide consent to service providers and that 44% of parents are comfortable with children having the option of hiding their online activity, they should be allowed to give consent to the data processing to service providers.



## Most young users encounter different types of problematic experiences.

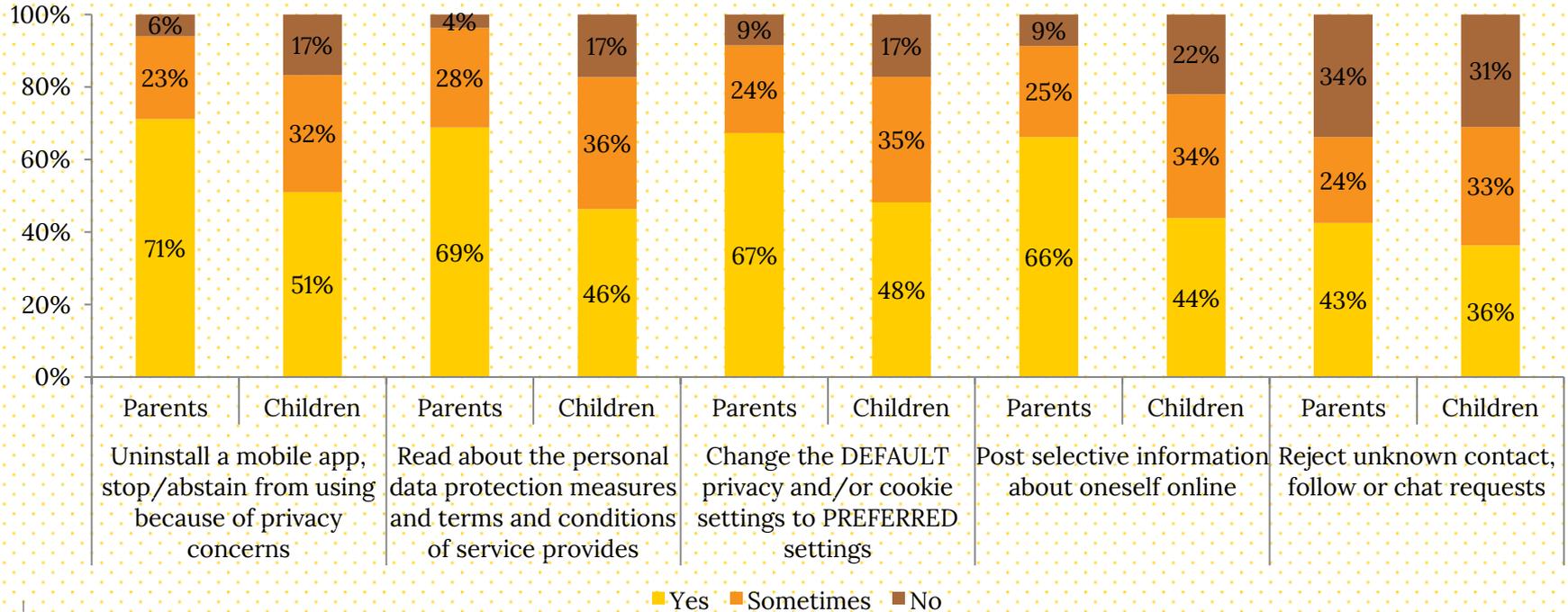


Young users have highlighted that they are aware about on-going global issues pertaining to children's online safety. In particular, they have highlighted the following issues which concern them:

- Children unknowingly downloading apps from untrusted sources and visiting harmful websites, and giving their personal data;
- Children coming across adult content and getting addicted to it, sex abuse, sex-grooming, and sex-torsion;
- Game addiction etc.



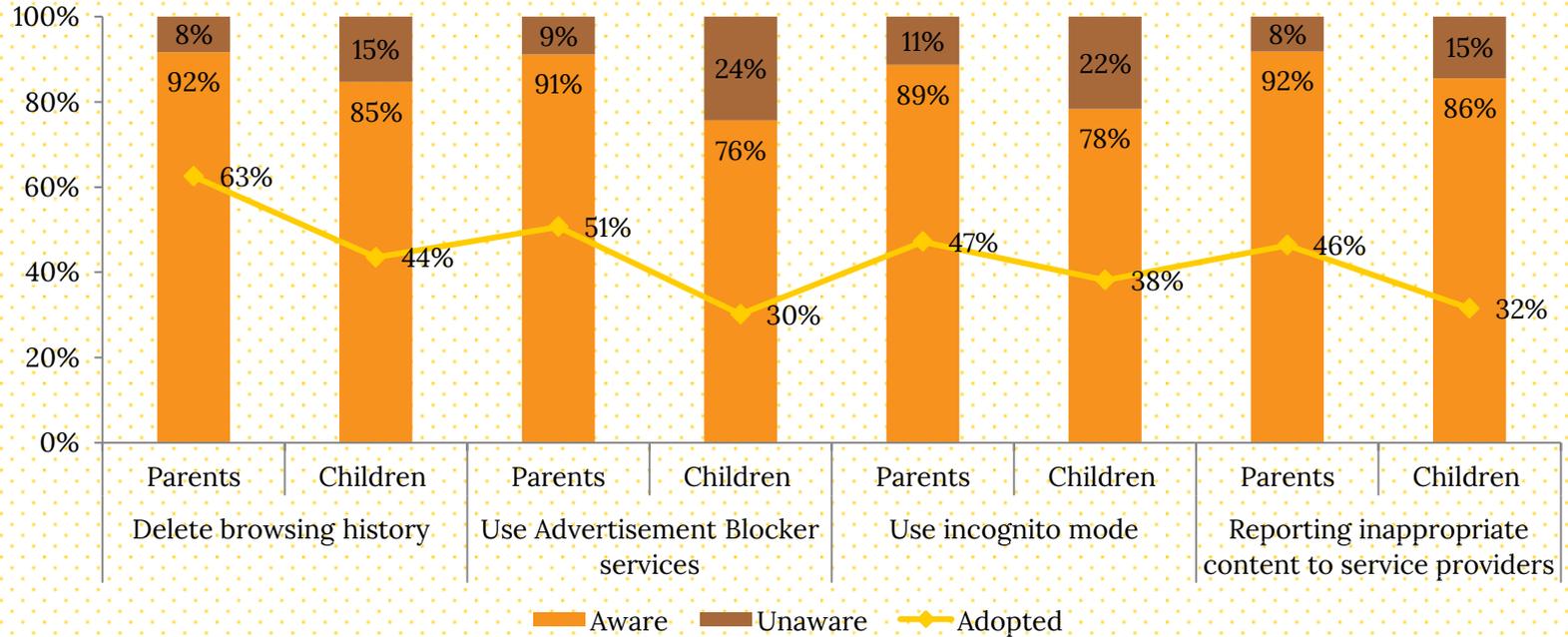
**Most parents as well as young users take different measures for protecting their own online privacy. In general, the percentage of such parents is higher when compared to young users.**



**Question to both Young Users and Parents:** Do you do the following with respect to privacy settings?



**Most parents and young users are aware of various online tools available for ensuring a safe online experience. However, only a few use them. When compared to parents, lesser percentage of young users seem to use or have awareness about such tools.**



**Question to both Young Users and Parents:** What tools or strategies are you aware of/ have you adopted to prevent or overcome online harm?

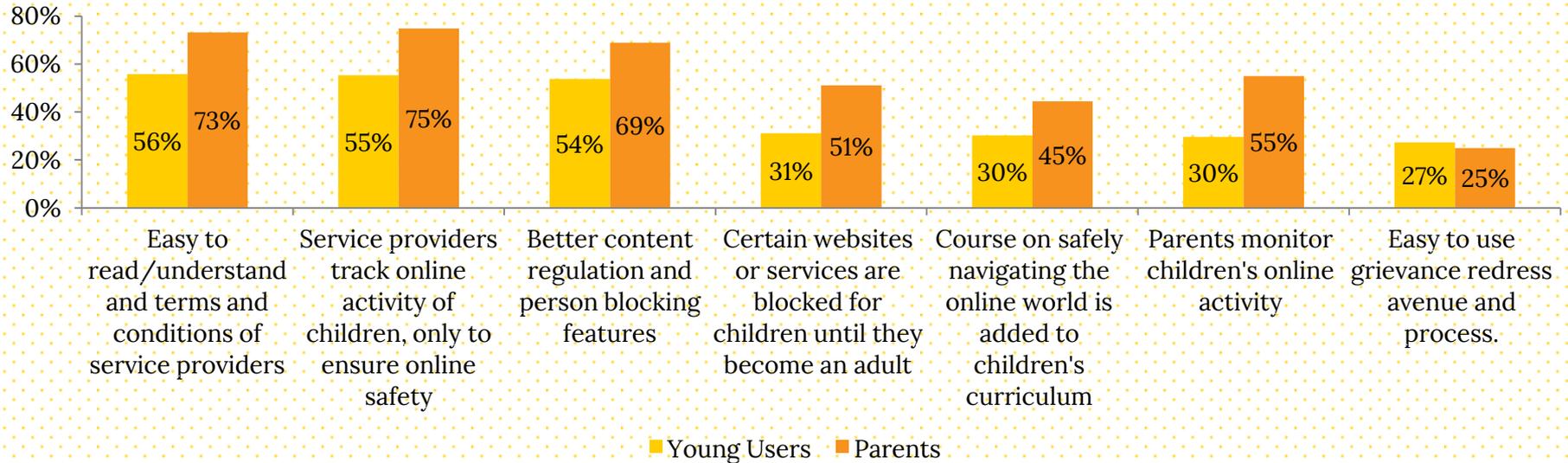


## Recommendations 2

- Most young users encounter different kinds of problematic experiences at least a few times a year. Therefore, **in-spirit implementation of Clause 16(1) of the PDP Bill is** needed to mitigate the possible harms from the problematic experiences mentioned in the graphs. **The DPA may issue appropriate principle-based codes of practice for processing children's data under Clause 50(6)(h) of the PDP Bill.**
- The DPA may also adopt select recommendations of the Report of the Ad-hoc Committee of the Rajya Sabha to Study the Alarming Issue of Pornography on Social Media and its Effect on Children and Society as a Whole.**
- Further, many young users and parents, in spite of being aware, do not take adequate measures to protect their online privacy.
- Therefore, the **DPA should work with consumer groups, child rights groups, and service providers**, among other stakeholders on the need to generate awareness and build capacity of young users and children to ensure a safe online experience for them.



**Most parents and young users are comfortable with service providers taking different measures to ensure a safe online experience for young users. However, most young users do not want their parents to monitor their activity and blocking of services.**

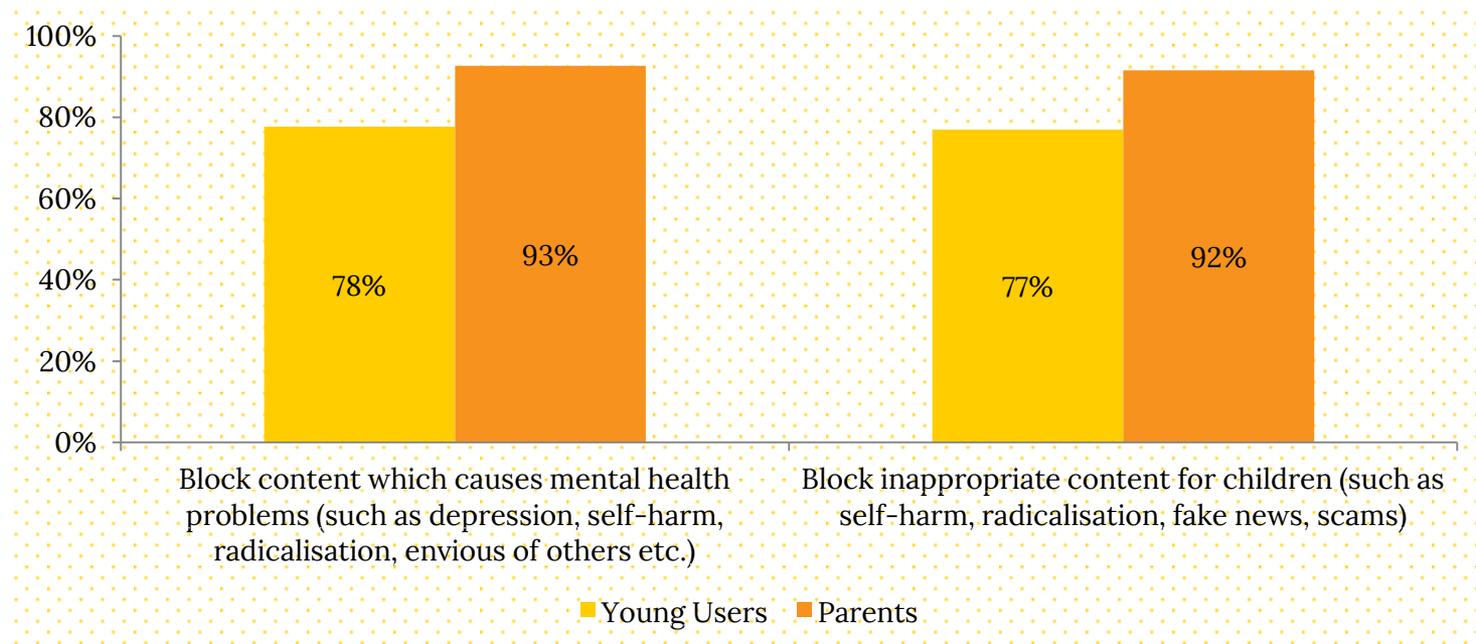


**Question to young users:** Which of the following measures would you want to be made available or implemented to ensure that you have a safe online experience?

**Question to parents:** Which of the following measures would you want to be made available or implemented to ensure that your child has a safe online experience?



**Most parents expect and trust service providers to take measures to protect their children from online problematic experiences. Most young users are also comfortable with service providers blocking inappropriate content.**

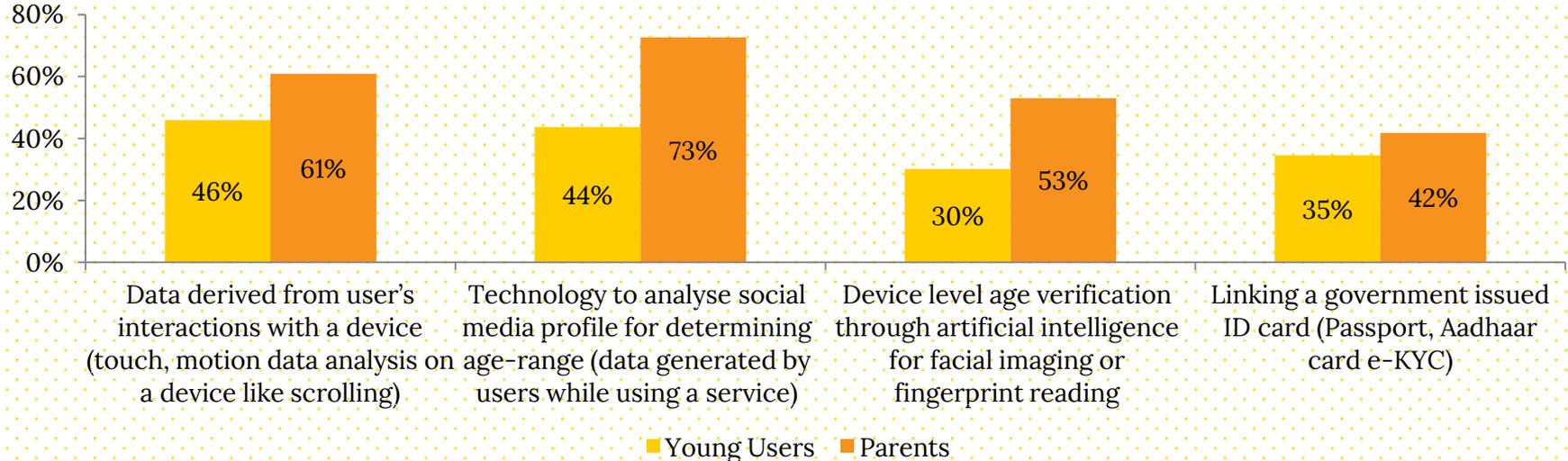


**Question to young users:** Would you be comfortable if service providers do the following?

**Question to parents:** Would you be comfortable if service providers do the following for your children?



**Young users and parents prefer least intrusive mechanisms for age verification. Accordingly, linking government issued ID cards was less voted. Artificial Intelligence methods which use facial recognition and fingerprint reading were also less voted. Privacy preserving methods need to be adopted.**



**Question to young users:** Which of the following measures would you want to be adopted for verifying your age online?

**Question to parents:** Which of the following measures would you want to be adopted for verifying your child's age online?



## Recommendations 3

- Most young users and parents expect service providers (SPs) to take measures that protect children from problematic online experiences. Therefore, it is recommended that there is a **need to revisit Clause 16(5) of the PDP Bill**, which provides for blanket prohibitions on tracking and behavioural monitoring of children since this may hinder child safety measures being implemented by service providers. **Adequate safeguards regarding purpose limitation and data limitation may be mandated instead** to ensure that children's online activity is only monitored for valid objectives.
- Survey findings show that young users and parents prefer mechanisms for age verification which require the least level of data processing by service providers.
- The findings become noteworthy concerning Clause 16(2), which requires service providers to verify the age of users. **The Clauses 16(3) and 50(6)(h) empower the DPA to specify regulations/codes of practice on the mechanism of age verification.**
- There have been several global technological developments in online age assurance. **CUTS Briefing Paper on the issue is available [here](#).**



# Annexure Respondent Profile

600 Children and 600 Parents were surveyed.



## Respondent Profile: Children

A total of 600 children who use digital technology-driven services were surveyed using an online survey platform.

### Gender



Male: 453 (75.5%)  
Female: 147 (24.5%)

### Location

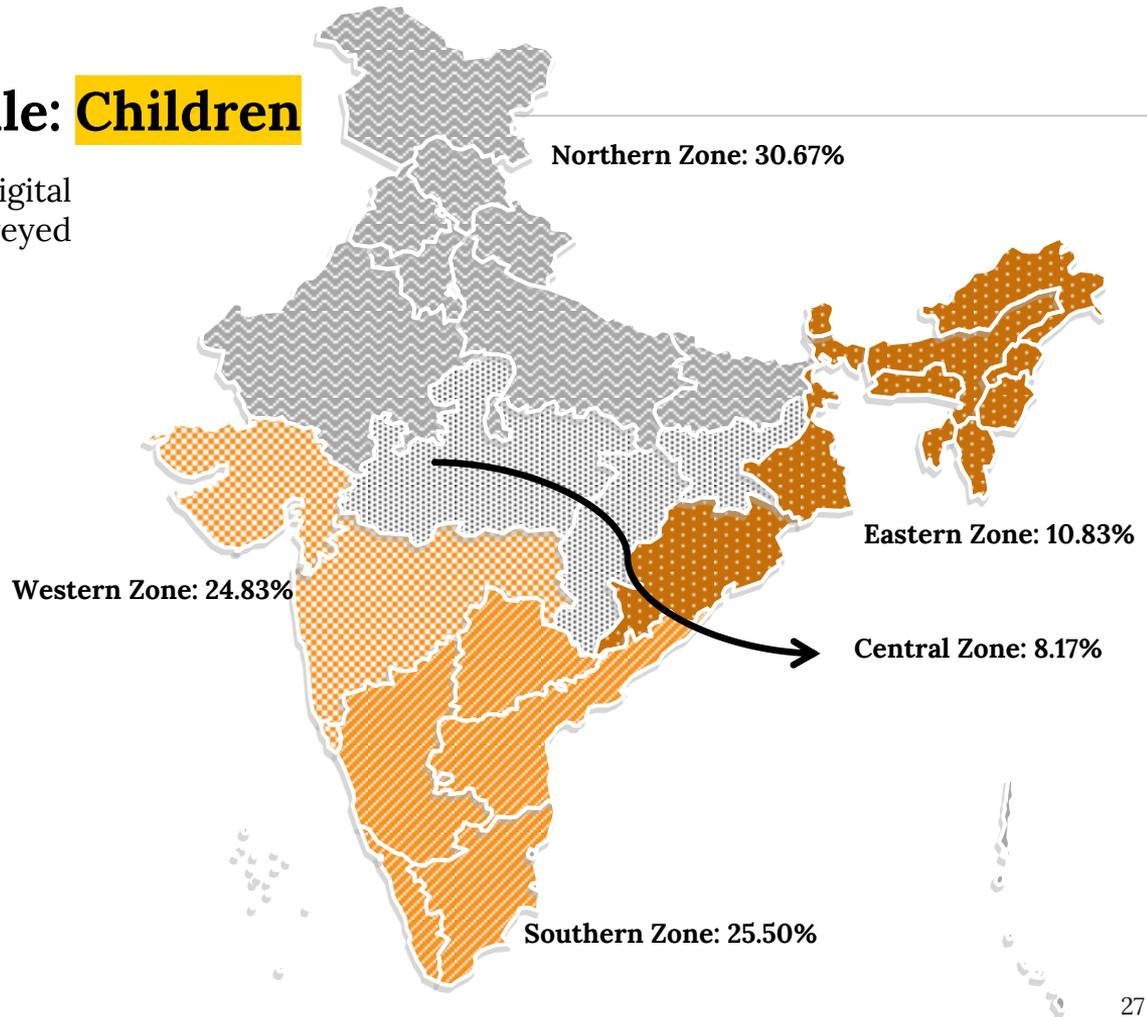


Urban: 362 (60.33%)  
Rural: 189 (31.5%)  
Peri-urban: 49 (8.16%)

### Device Possession



Exclusive Device: 521 (86.83%)  
Shared Device only: 79 (13.16%)





## Respondent Profile: **Parents**

A total of 600 parents of children who use digital technology-driven services were surveyed using an online survey platform.

### Gender



Male: 307 (51%)  
Female: 293 (49%)

### Level of Education



Literate without formal schooling: 18 (3%)  
Completed 10th Standard: 145 (24%)  
Completed 12th Standard: 55 (9%)  
Graduate: 159 (27%)  
Post Graduate & Above: 223 (37%)

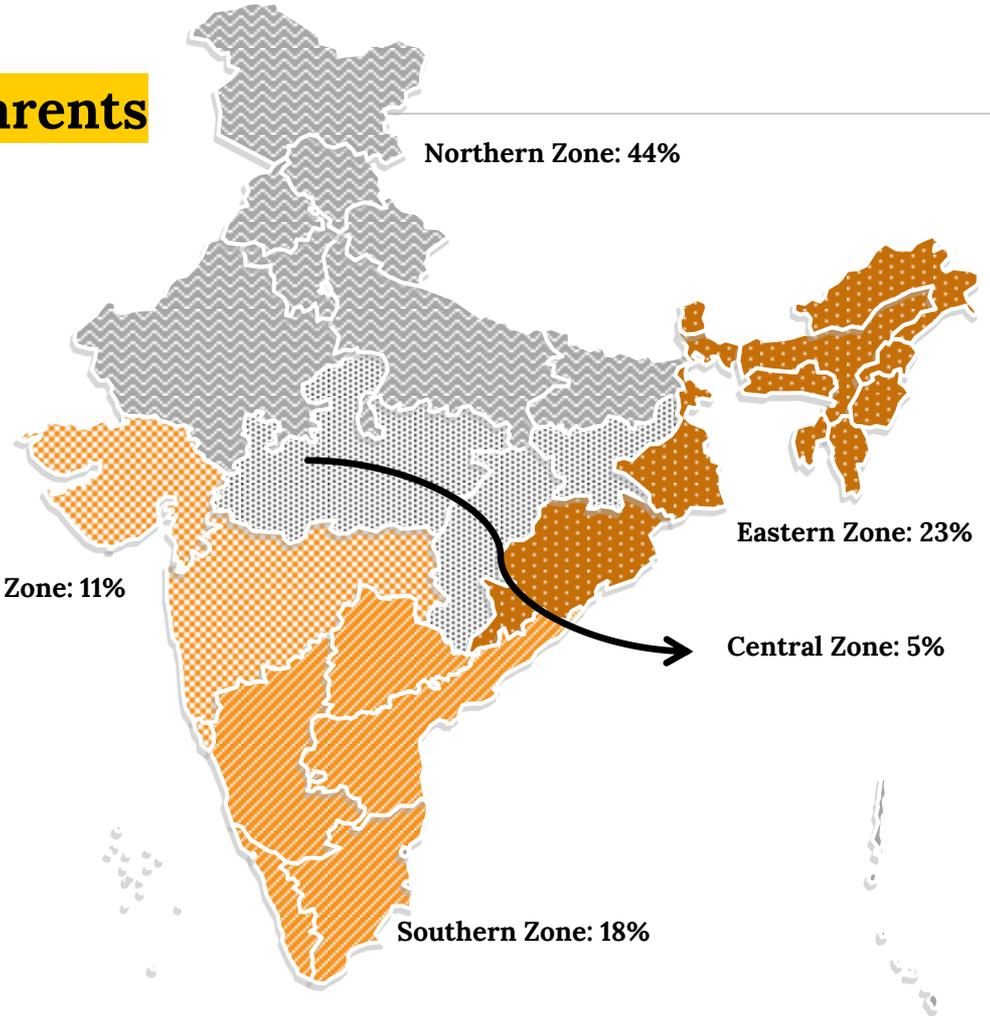
Western Zone: 11%

Northern Zone: 44%

Eastern Zone: 23%

Central Zone: 5%

Southern Zone: 18%





# Thank You

**Comments and suggestions are welcome.**

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