

# Safeguarding children and young people's privacy in New Zealand

April 2024



## **“We need to ensure we do everything to protect our children’s privacy and their futures.”**

Survey respondent.

Between August and November 2023, the Office of the Privacy Commissioner asked key stakeholders for their thoughts on children and young people’s privacy in New Zealand.

Responses came from government agencies, professionals who work with children, academics, and non-governmental organisations who advocate for tamariki/children and rangatahi/young people.

Three key themes emerged from the submissions we received.

### **Theme one**

## **We need to create more guidance for parents and tamariki/children, and for different sectors.**



Respondents told us guidance should:

- Be easy to understand and apply to a range of different situations.
- Be child-friendly and use age-appropriate resources and in multiple formats.
- Help parents understand how they can protect their child’s privacy rights, including what they can expect from agencies collecting their child’s information.
- Help parents understand how they can use technology, such as social media, in a way that protects privacy.
- Recognise that tamariki/children are more vulnerable than adults to privacy harms, and that help is needed to educate them from a young age.

**“Upskill parents/whānau to understand their rights.”**

Survey respondent.

Overwhelmingly, we heard that privacy guidance is needed for professionals who work with tamariki/children and that it should:

- Help professionals working in the education, health, and social service sectors.
- Recognise the daily reality of their work, and that best practice varies based on their job, their sector, and the age or capacity of the child.
- Recognise the difficult situations they deal with and the sensitive information they hold.
- Help them make decisions about tamariki/children’s information, for example, what to collect and when to share it.

**“We’d like to see the development of tools to alert and help young people keep themselves safe online and aware of privacy risks.”**

Government agency/peak body.

## Theme two

### Regulatory changes are required to improve the protection of tamariki/ children’s privacy in New Zealand.



Key themes included:

- A dominant theme was a call for change in New Zealand’s privacy regulation to enhance privacy protections for tamariki/children.
- Other countries have good ideas. For example, they would like to see a child-specific code of practice explored here.
- The creation in New Zealand privacy law of the right to be forgotten – the right to have personal information removed or deleted.

- Respondents suggested a requirement to consider the capacity and best interests of the child is seen as an important way to help protect tamariki/children’s privacy.
- There needs to be higher penalties for organisations who breach a child’s privacy.
- **80%** said they were concerned about how organisations use tamariki/children’s personal information after it has been collected.
- **74%** said organisations should not use tamariki/children’s information without their clear consent.
- **69%** said they wanted digital platforms to be more transparent about how they collect and use tamariki/children’s data.
- **69%** said they wanted the right for children to ask for their information to be deleted from social media.

**“Young people don’t have the capacity to make fully informed decisions about their digital footprint and their long-lasting implications.”**

Survey respondent.

## Theme three

### **There’s great concern about tamariki/children using social media and the risks of the online environment.**



Submissions made it clear that the risks of social media are front of mind for people and they suggested an information campaign to educate parents on the risks of posting images of their tamariki/children on social media.

The most significant concerns raised were:

- How tamariki/children use social media.

- Parents who post their tamariki/children on social media platforms in order to gain a social media following and monetise that content.
- The risks of tamariki/children’s social media data being shared with or used by third parties, a risk which can be exacerbated by tamariki/children using false ages.
- 99% said there should be a minimum age requirement for using social media.

**“This is very difficult, and parents have different levels of understanding and concern about social media use.”**

Survey respondent

## Next steps

We are considering all the feedback now. We’ll aim to finalise the next steps for protecting tamariki/children’s privacy in the coming months.

## Ngā mihi

We’d like to thank everyone who took the time to share their thoughts on tamariki/children’s privacy in New Zealand. We will genuinely consider this valuable feedback to finalise the next steps for protecting tamariki/children’s privacy.