

Data Privacy: Protecting Children in the Digital Age

Prof. Annette Mills

*Privacy Foundation New Zealand
University of Canterbury*

Rebecca Hawkins

Privacy Foundation New Zealand

www.privacyfoundation.nz

Overview

- ▶ Privacy Foundation New Zealand
- who are we?
- ▶ Data Privacy and Protecting Children
- ▶ Challenges, e.g. AI Toys, EdTech
- ▶ Children's Privacy & the Law
- ▶ Recommendations - What can we do?
- ▶ Concluding Comments

Privacy Foundation New Zealand

Advocate for protection of the privacy rights of New Zealanders by providing independent, informed and fair public comment on privacy

www.privacyfoundation.nz

Privacy Foundation New Zealand

Children's Privacy Working Group



Advocate for protection of the privacy rights of *tamariki* and *rangatahi*

Look at privacy-related issues around, e.g.

- (i) Education Technology (EdTech)
- (ii) Profiling and commercialisation of children's data
- (iii) 'Sharenting'
- (iv) AI and children - opportunities, risks and potential harms

Data Privacy: Protecting Children in the Digital Age

There is **global momentum to bolster children's privacy protections** – including New Zealand and Australia. In countries such as the U.K. and the U.S., **privacy reforms** have sought to advance **the best interests of the child, create a safe space** for children to thrive online and empower **responsible parents and caregivers**. Australia's current privacy regulatory landscape requires an overhaul to pursue these goals.

TikTok hit with €345M fine for violating children's privacy

The app unlawfully let anyone potentially watch and interact with teenagers in 2020.

<https://www.politico.eu/article/tiktok-fine-social-media-china-violate-children-privacy/>

The Washington Post
Democracy Dies in Darkness

Amazon will pay \$25 million for child privacy violation charges

Amazon has been charged with illegally collecting and keeping the voice recordings of children by the federal government.

Remote learning apps shared children's data at a 'dizzying scale'

Momentum to better protect children's privacy in Australia

Parental oversharing jeopardises Kiwi kids' privacy

Dads forced to adopt their own children in US to bring them home to New Zealand.



DAVID WHITE/STUFF

Ron and Fabian Eckstrom-French had twin boys via surrogate in the US six years ago. Despite being their legal parents, they were not recognised as their dads in New Zealand.

TECH & MEDIA

Thousands of Android apps may be improperly tracking kids' data

That digital nanny may be a 'gossip.'

<https://www.nbcnews.com/tech/tech-news/thousands-android-apps-improperly-tracking-kids-data-says-study-n866711>

Let's look at Toys...

... Smart but not connected ...



Furby



Smart (and) Connected Toys

My Friend “Cayla”

- Internet connected & able to:
 - Use voice recognition
 - Respond to questions
 - ‘Strike up’ a conversation
- Issues:
 - Threat to safety and security
(could be hacked)
 - Data sharing & ongoing surveillance
 - Direct marketing to children
 - Unclear how data may be used in the future



Experts Warn Smart Toys Could Collect And Sell Your Kids' Data

What did you give your child last Christmas? Experts hope it was not a smart toy due to its inherent risks.

According to their recent reports, such items could be gathering data on your kid and selling it without your knowledge.

Fuzzible Friends Sparkles The Unicorn Plush Light Up Toy - Works with Compatible Amazon Echo Devices for Interactive Activities and Sounds

<https://www.amazon.com/Fuzzibles-Friends-Sparkles-Unicorn-Plush/dp/B085622MMN>

Only
US\$9.67



Amazon, Alexa and all related logos are trademarks of Amazon.com, Inc. or its affiliates. Amazon Echo device is sold separately. Fuzzible Friends™ work through an enabled Fuzzible skill for Alexa on your compatible Amazon Echo device.

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Amazon, Alexa and all related logos are trademarks of Amazon.com, Inc. or its affiliates. Amazon Echo device is sold separately. Fuzzible Friends™ work through an enabled Fuzzible skill for Alexa on your compatible Amazon Echo device.

“

Moxie's eyes can move to console you for the loss of your dog, and it can smile to pump you up for school.”

The New York Times

“

In Moxie, children find a compassionate pal who sends them on missions meant to spur engagement with adults, siblings and peers”

TIME



Meet Moxie, the AI Learning Robot for Kids

Moxie Robot, Conversational Learning Robot for Kids 5-10, GPT-Powered AI Technology, Increases Kids Social Confidence, Articulating Arms & Emotion-Responsive Camera...

Source: <https://moxierobot.com/>

Grimes is working on an interactive AI toy for kids. Meet Grok.

Grok is the first in a line of toys from start-up Curio intended to allow kids to converse with an AI chatbot



BETA

Hello! I'm Grok I'm a rocket that can talk!



Voiced by
Grimes



Designed by
Puffy Puff Puff



Greetings! I'm Grok, Gabbo's spirited rocket. With boundless energy, I'm always zooming off to explore the vastness of the cosmos. Ready to soar among the stars with me?



Screen-Free Fun



Voice-Powered Chat



Endless Conversations



Ages 3+



WiFi Connected



Educational Playtime

AI-enabled teddies could tell children bedtime stories, says toymaker

Technology predicted to offer personal touch in place of parents once costs fall and privacy issues are dealt with



Westend61/Getty Images

- A major toymaker said that AI teddy bears could read personalized bedtime stories to kids by 2028.
- Allan Wong told the Financial Times that smart toys could know a child's name, school, and friends.

Source: <https://www.businessinsider.com/ai-teddy-bears-read-bedtime-stories-kids-2028-toymaker-2023-6>



Image Credit: <https://thelstscrapbook.com/2021/09/5-goals-to-target-using-a-teddy-bear-in-speech-therapy/>

Fears over DNA privacy as 23andMe plans to go public in deal with Richard Branson

DNA?

- ▶ By uploading their children's genetic information on public websites, parents are forever exposing their personal health data.

“Children should have the opportunity to grow up and decide for themselves whether or not this is information they want to know,” (Katie Stoll, genetic counsellor)

Source: <https://www.washingtonpost.com/lifestyle/2018/12/19/should-you-send-your-kids-dna-andme/>

Should you send your kid's DNA to 23andMe?

By Emily Mullin

December 19, 2018 at 9:00 a.m. EST



Sharenting

“Sharenting”—when parents habitually share news, images and videos of their children on social media...

- ▶ On average, parents post over 1,000 images of their children online before they're old enough to have their own social media accounts.
- ▶ In the US, 92% of 2-year olds have an online presence (*Digital Birth*)

TECHNOLOGY

Parental oversharing jeopardises Kiwi kids' privacy

With the ever-increasing presence of social media in people's lives, a privacy law expert says New Zealand has a long way to go in getting child privacy protections up to par



by Matthew Scott 21/06/2022

Share



One of the key concerns around child privacy is third parties who use social media to gather data on, and/or use the data to manipulate, child internet users, said privacy law expert Nikki Chamberlain. Photo: Getty Images

<https://newsroom.co.nz/2022/06/21/parental-oversharing-risks-nz-kids-privacy/>

Potential Dangers

- Oversharing and violating children's privacy
- Shaping children's digital identities and impacting identity development
- Overexposure to data brokers, unwanted surveillance, etc.
- Digital Kidnapping (or physical stalking)
- Identity Theft
- Cyberbullying

TECHNOLOGY

The Impact of 'Sharenting': How Much Info Is Too Much?

By [Cynthia Vinney, PhD](#) | Updated on November 01, 2022

✓ [Medically reviewed by Rachel Goldman, PhD, FTOS](#)



d3sign/Moment/Getty

Image credit: <https://www.verywellmind.com/the-impact-of-sharenting-6361714>

EdTech

- ▶ Improve learning - help students learn in new and innovative ways
- ▶ Make learning more fun
- ▶ Give access to learning resources wouldn't have otherwise
- ▶ Individualise learning
- ▶ Some robots/technologies can teach computer programming skills
- ▶ Improve communication & teamwork
- ▶ Provide early detection of developmental issues
- ▶ Foster creativity and problem-solving ability
- ▶ Support mental/emotional development, social learning

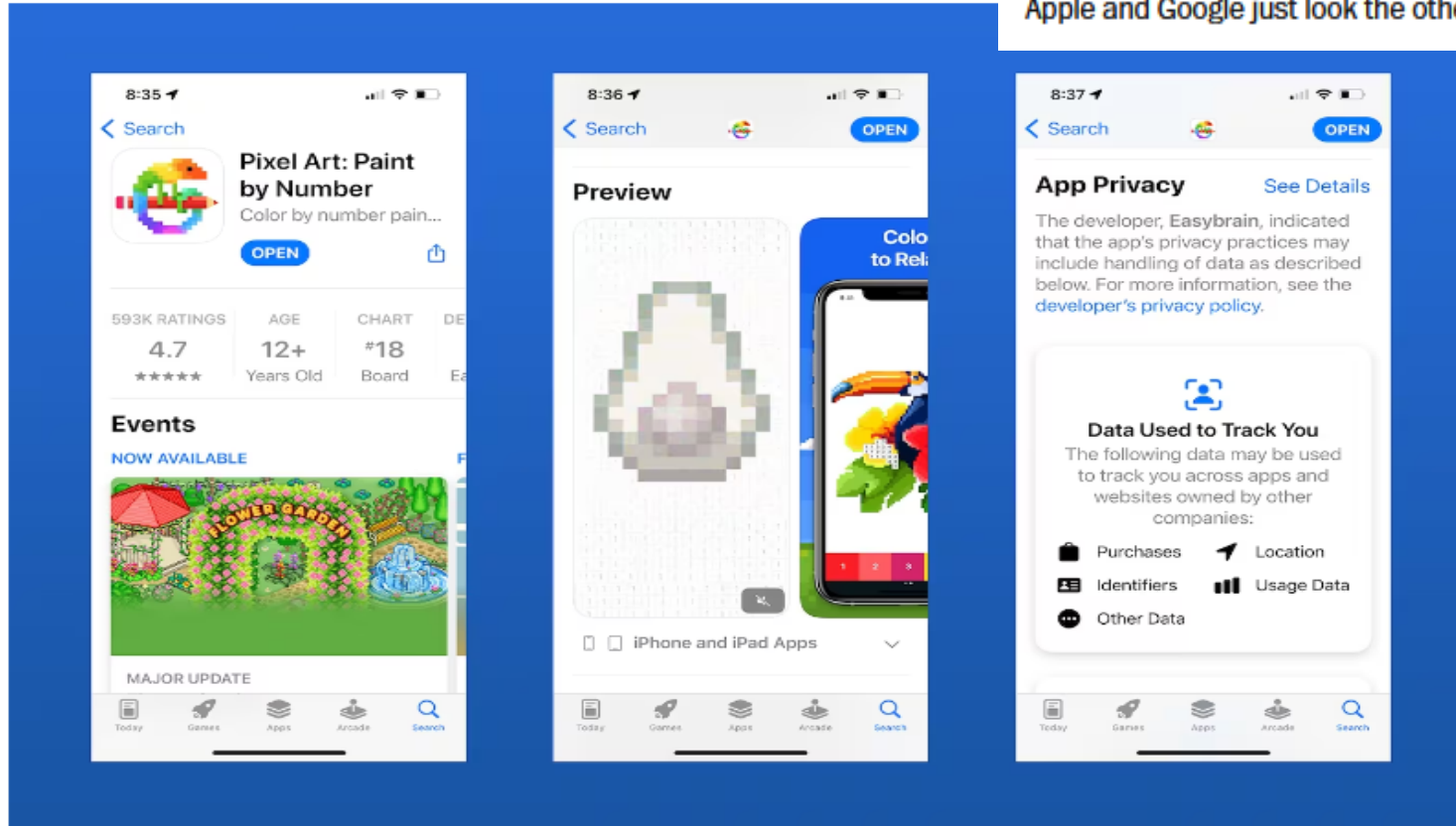
Surveillance Tech for Children?

- ▶ **Normalises Surveillance**
- ▶ **Discovery and exploitation of vulnerabilities.**
- ▶ **Personalisation → Hyper-personalisation (restricts information flow)**
 - Restrict autonomy and freedom in child's development;
 - Impact child's personal development, self-discovery, creativity, development of self-identity etc.
 - Violate human rights, freedom of expression, access to information etc
 - Create echo chambers that perpetuate 'personalisation', bias etc
- ▶ **Promote conformity to the opinions of others (whose culture? Whose values?)**

Potential harms - surveillance, tracking and commercialisation

Your kids' apps are spying on them

Apple and Google just look the other way. Here's how we stop it.



The Apple App Store listing for the coloring app Pixel Art: Paint by Number. Its developer says the app is for adults. (Apple/Washington Post illustration)

Protecting Children's Privacy

GDPR



ICO Children's Code



COPPA



NZ Privacy Act



Protecting Children's Privacy

NZ Privacy Act



- Privacy Act 2020 (IPP4, IPP6, IPP7)
- Official Information Act 1982 (OIA)
- UNCROC (1960) Article 16
(expressly protects a child's right to privacy)

Related provisions:

- Care of Children Act 2004 (CCA 2004)
- Broadcasting Standards Act 1989
- Harmful Digital Communications Act 2015
- Common Law of Torts
(e.g. Tucker v News Media Ownership Ltd; Hosking v Runting); Intrusion into Seclusion

What can we do?

- ▶ Further strengthening of the law with respect to tamariki and rangatahi is required
 - ▶ **Opportunity to learn from international contexts**, and
 - ▶ Develop provisions that can provide comprehensive protection for tamariki and rangatahi, and avoid patchwork measures
- ▶ **Adopt a rights-based approach to provisioning of children's privacy,**
- ▶ **Appoint a Children's Privacy Commissioner**
- ▶ **Strengthen requirements for Privacy Impact Assessments**

What can we do?

Privacy Foundation Tips:

[Digital-platforms-for-communication-and-information-sharing.pdf \(privacyfoundation.nz\)](#)

"Geolocation is a good example of a lesser-known privacy risk. Many apps and games use this feature, which can be used track the location of the child. However, it's something that can be easily managed by having the right privacy settings on a device."

[Office of the Privacy Commissioner | New survey shows we all need to sharpen up about privacy risks for kids privacy.org.nz](#)

What can parents do?

- Familiarize yourself with the Privacy Policies of the sites where you share
- Check privacy settings.
- Careful when sharing your **child's location**
- Before you post
Remember ... **your child has a right to privacy**

*Data Privacy:
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**“Children have a right to privacy,
and a right to be protected”**

Thank you

Prof. Annette Mills & Rebecca Hawkins