



**Want a cookie, little girl?**

**World Summit on Media for Children**  
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Barbara Biggins

ACCM  
Australian Council on  
Children and the Media

**“Want a cookie, little girl?”**

**Two major threads in paper**

- 1) Invasion of privacy when marketers use cookies, web bugs, competitions and more, to sell goods to children
- 2) Case studies of Australian action to protect privacy from marketing of non-core foods – like cookies

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**UN Convention on Rights of Child**  
**Article 16**

1. No child shall be subjected to arbitrary or unlawful interference with his or her privacy, family, home or correspondence, nor to unlawful attacks on his or her honour and reputation.
2. The child has the right to the protection of the law against such interference or attacks.

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**Australia's Privacy provisions**  
(contain nothing specific to children)

- Privacy Act 1988 reviewed by Aust Law Reform Commission (ALRC) 2006-8
- Obesity Coalition and ACCM have big concern with chn's loss of privacy when using internet

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**Concerns about direct marketing**

- Widespread use of technologies to interact directly with children/ unsupervised access
- Can children deal effectively?
- At what age can they
  1. recognise messages as marketing?
  2. recognise risks of providing personal info?
  3. give informed consent to use of info?

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**Research on age differences in decision making**

**Adolescents cf adults**

- Long term consequences less important
- Sensation seeking higher priority
- social status among peers important
- Give info for discount/ prize

(ALRC 2008)

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### Young children:

Willoughby and Cupit (2010) surveyed 5 to 8yr olds

- when prompted could recollect risks
- when faced with, failed to recognise and react
- responded to invites to parties/ walks/ games/ competitions
- did not associate giving name, school phone numbers with provision of personal information



### Young children (ctd):

Livingstone et al (2011) found

- more likely to have social network profiles public
- those with public profiles more likely to display personal info (p.i)
- half children on s.n.s had some p.i visible
- protections not easily understood



### ALRC final report 2008:

*"The internet is now an integral part of modern marketing techniques. Given their familiarity and high usage of the internet, and their significant consumer power, it is not surprising that this medium is used to target children and young people"*



### ALRC report: *For your information*

- restated the important principle that "personal information collected in the online environment is subject to the same laws as any other personal information"
- No **specific** recommendations to protect children,
- But recommended review of Australia's Privacy Principles.



### National Centre for Children and Youth Law

Reviewed Australian children's privacy protections in 2011

- found no significant improvements for children
- no child-specific mechanisms for complaints to Australia's Information Commissioner
- complaints limited to actions of govt, some large private organisations



### Australia's new Privacy Principles March 2014

- an outcome of the 2008 ALRC review
- now includes APP 7 –direct marketing

*"7.1 If an organisation holds personal information about an individual, the organisation must not use or disclose the information for the purpose of direct marketing."*

(Australia. Office of the Privacy Commissioner 2014)



### Do existing Laws and Principles protect Australian children?

- APP 7 on direct marketing, allows disclosure of personal information, provided individual knows purpose or gives consent
- Spam Act 2003, Sec 16(1) requires unsolicited commercial messages (with Australian link) not to be sent



### Are Australian children now better protected?

- no effective protections from invasions of privacy from internet marketing yet.
- can a framework be developed that protects children until they can give informed consent to providing personal information?
- if not, what then?
- will online marketers consider their corporate social responsibility to vulnerable children?



### For some measure of protection children need:

Regulators to determine a framework which requires determination of

- an agreed age by which most children could give informed consent to providing the information requested, and if not
- **how** their parent's or guardian's informed consent is to be **actively and accurately obtained**



### Australia's Obesity Policy Coalition

Online Marketing that invades children's privacy is a tactic often used by food marketers.

Reaches children behind parent's backs and influences children's eating preferences



### In Australia, the Obesity Policy Coalition

Is critical of present age verification mechanisms:

- Asking children to tick age boxes
  - Suggesting they ask parents for consent
- Unlikely to do this if it's a desired activity.

Urges **verified** parental consent for those under 14

Prohibit providing p.i as entry condition if under 14



### Case studies: action by Austr. health groups

Flinders Uni study:

Oliver and his friend on facebook-tactics by e.d.n.p food marketers  
all use viral marketing

FU group: food marketing via s.n.s unethical  
engages children in branded communication below cognitive radar



### Australian case studies 2:

Obesity Policy Coalition

- Complained to Privacy Commissioner re Kelloggs' X Box 360 promotion
- Aimed at children, required to give name address and email addresses
- Not clear that info going to third parties

Action failed as complaint has to come from the individual whose privacy infringed



### Australian case studies 3:

Obesity Policy Coalition

Complaint to the ACMA based on *Spam Act* re McDonalds *Happy Meal: send to a friend*

STF tab on all games and activities pages.

If user consents, messages sent to friends

ACMA found the sending of the emails to others w.o their consent was Spam



### Australian case studies 4

Obesity Policy Coalition to ACMA, 2013

- *Spam Act* should extend to cover peer to peer social media messaging (marketing)
- Examples included Cottee's cordial, CocaCola, Chupa Chups, Smarties, and Paddle Pops.
- ACMA declined- wait till legislation updated



### The US and Children Online Privacy Protection Act (COPPA)

puts parents in control

US Federal Trade Commission enforces the COPPA Rule: spells out what operators of websites and online services must do to protect children's privacy and safety online

COPPA Rule updated in 2013 to reflect changes in technology.



### What needs to be done to protect privacy?

Usual response is education

- mainly helps older children
- when given must emphasise: no p.i no matter how enticing.
- Media Smarts classroom curriculum

Education puts the onus of protection on the user of internet



### Not all users of internet have equal competence to protect themselves

- media education or filters OK for some
- need strategy of safety by design where producers of internet content have obligation to protect users (Livingstone 2011)
- onus on developers to protect consumers' privacy



### CROC calls for support for parents Art 18(2)

*For the purpose of guaranteeing and promoting the rights set forth in the present Convention, States Parties shall render appropriate assistance to parents and legal guardians in the performance of their child-rearing responsibilities and shall ensure the development of institutions, facilities and services for the care of children.*



Support should be available to every parent

to understand benefits and risks

And to Start Smart and Soon with Screens for Safe use through childhood

For information about this paper

please contact:

Barbara Biggins

Hon. CEO

Australian Council on Children and the Media

PO Box 447, Glenelg South Australia 5045

[bbiggins@ozemail.com.au](mailto:bbiggins@ozemail.com.au)

[www.childrenandmedia.org.au](http://www.childrenandmedia.org.au)