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Dear Commissioners,

I would like to commend the Office of the Australian Information Commissioner on its initiative to develop a Children's Online Privacy Code in line with the *Privacy and Other Legislation Amendment Act 2024*. It is encouraging to see that children are being put at the centre of privacy protections in a rapidly changing world of technology. I welcome the opportunity to contribute to this important conversation to support the Office in your work.

## The role of the Advocate for Children and Young People

Established under the *Advocate for Children and Young People Act 2014*, the Advocate for Children and Young People is an independent statutory appointment overseen by the Parliamentary Joint Committee on Children and Young People. The Advocate promotes the safety, welfare and wellbeing of children and young people aged 0-24 years and their participation in decisions that affect their lives. The Act requires the Advocate to 'give priority to the interests and needs of vulnerable and disadvantaged children and young people' and to 'focus on systemic issues affecting children and young people.' Further information about the Advocate for Children and Young People's work can be found at: [www.acyp.nsw.gov.au](http://www.acyp.nsw.gov.au).

Children and young people get information about privacy from a range of sources, and it is important that information is provided through a variety of platforms to reach children of different ages, abilities and backgrounds.

During 2019 consultations with 608 children and young people aged between 10 to 24 on creating child safe organisations lead by the Advocate and team, when asked how they would prefer to be informed of their rights, 46% of children and young people mentioned campaigns on social media or other online channels:

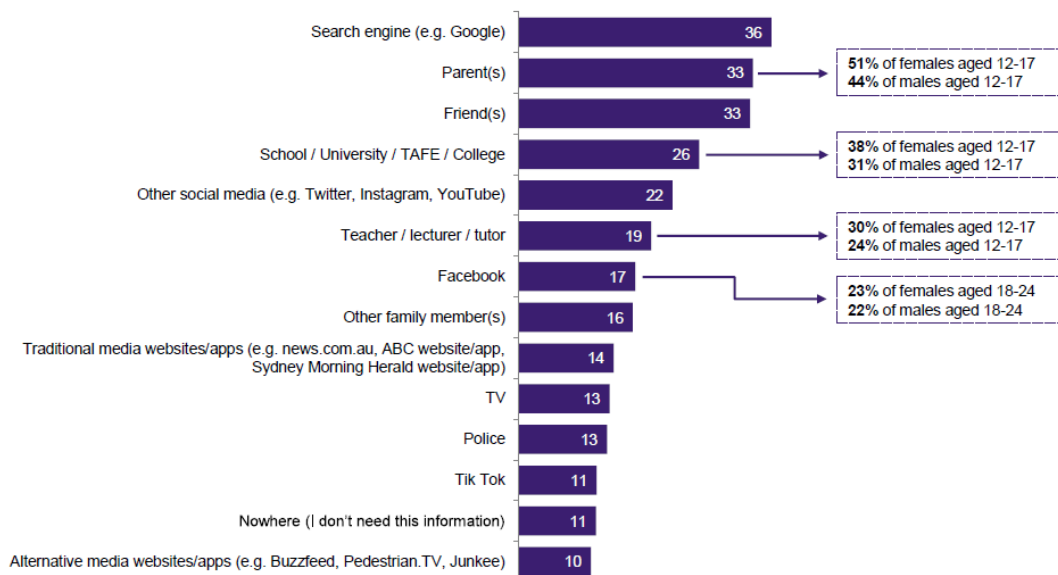
- Female children and young people were more likely than their male counterparts to prefer to be informed through advertising campaigns on social media or other online channels (50% compared with 42%).
- Children and young people who speak a language in addition to English at home were more likely than those that only speak English at home to prefer to be informed of their rights through advertising campaigns on social media or other online channels (55%).

We also asked children and young people where would they go for information about their rights, with the overwhelming majority, at the time, preferring to use a search engine like Google (71%). Children and young people who speak a language other than English at home were more likely than those who speak English at home to prefer a Google search (76%).

These findings were consistent with 2021 Youth Week polling, which found that information about protecting privacy online would most likely be sought by children and young people aged 10 to 24 through a search engine, parents or friends, while children aged 12 to 17 years were most likely to ask parents or their education provider.

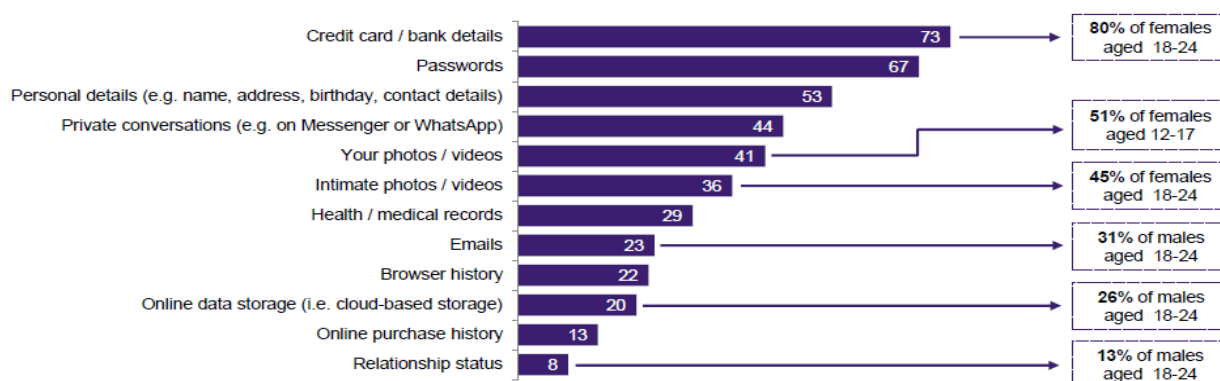
It is important that entities that comply with Australian Privacy Principles (APP) use relevant platforms that children and young people are known to use the most to access privacy content.

In addition, information provided should recognise the developmental maturity of children and specifically vulnerable children and young people, such as those with disabilities and those where English is not their first language (culturally and linguistically diverse).



**Q. Where do you get information about how to protect your privacy online // Base: all participants (n=972) (Source: 2021 Youth Week Polling)**

Privacy for bank details, passwords and personal information is most important for children and young people, with four in five reporting concern about online privacy and young women demonstrating more concern across a range of information.



**Q. Please choose five (5) things from the list below that you would be most concerned about keeping private online // Base: all participants (n=972) (Source: 2021 Youth Week Polling)**

In addition to preferences for accessing information about privacy, 2021 Youth Week polling also explored children and young people's privacy concerns related to specific information. More than three quarters of young people (78%) were concerned about their privacy online.

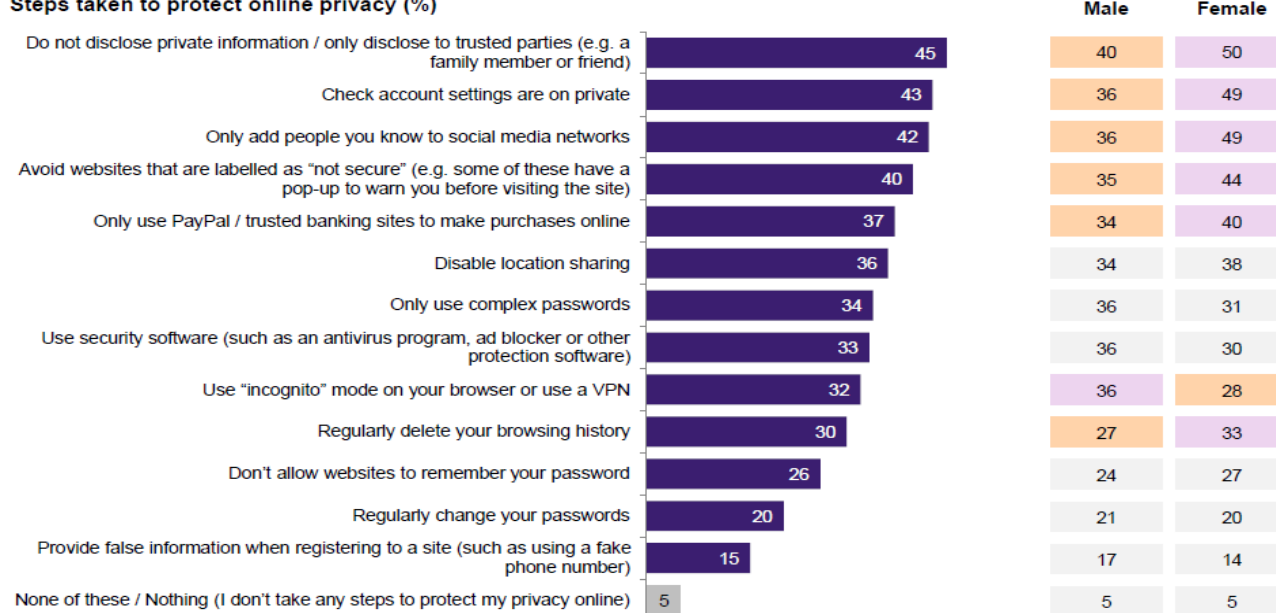
Concern is most acute among those who live in metropolitan areas and younger women. Female respondents aged 18 to 24 were most concerned about keeping their bank details and intimate photos private, while male respondents in the same age group are more likely to want to keep their emails, stored data and relationship status to be private.

**Almost all young people take steps to protect their privacy online, although young women reported being more proactive than young men, with some children and young people demonstrating confidence in their understanding about online privacy.**

More than 95% of children and young people reported taking steps to protect their privacy online. A range of different privacy measures are used by children and young people with the most common being to restrict online activity to trusted groups, utilise privacy settings and stick to secure websites.

Despite the vast majority of children and young people taking some steps to protect their privacy, the variation in the rates that they use specific steps suggests that children and young people are not utilising all available methods of protecting their privacy online. In particular, across most steps young women reported being up to 13% more likely to use a range of measures compared with young men.

**Steps taken to protect online privacy (%)**

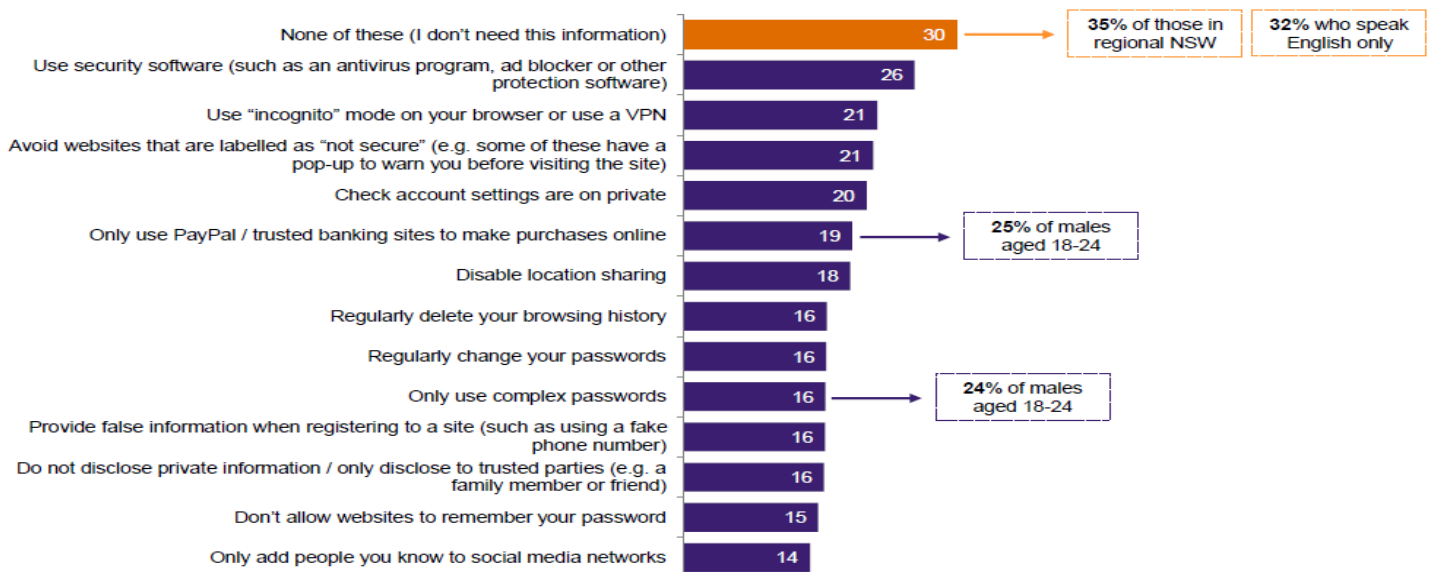


**Q. Which, if any, of the following things do you currently do to protect your privacy online // Base: all participants (n=972). Note: Shading indicates statistically significant difference between subgroups (Purple = higher; Orange = lower). (Source: 2021 Youth Week Polling)**

Children and young people's interest in information about protecting online privacy was limited, with no more than a quarter interested in any of the individual practices suggested and almost a third reporting they did not need any information.

With the majority of children and young people reporting that they take steps to protect their privacy, any messaging regarding information will need to highlight how it will supplement existing understanding given 30% of children and young people reported no interest in any information about online privacy. Children and young people wanted information about security software, 'incognito' mode, and how to avoid websites which are not secure.

Interest in information about online privacy (%)



**Q. Would you like to more information about any of the following ways of protecting your privacy online // Base: all participants (n=972) (Source: 2021 Youth Week Polling)**

APP entities should ensure children, and their parents, can easily make privacy-related inquiries or complaints by making reporting feel safe and easily accessible.

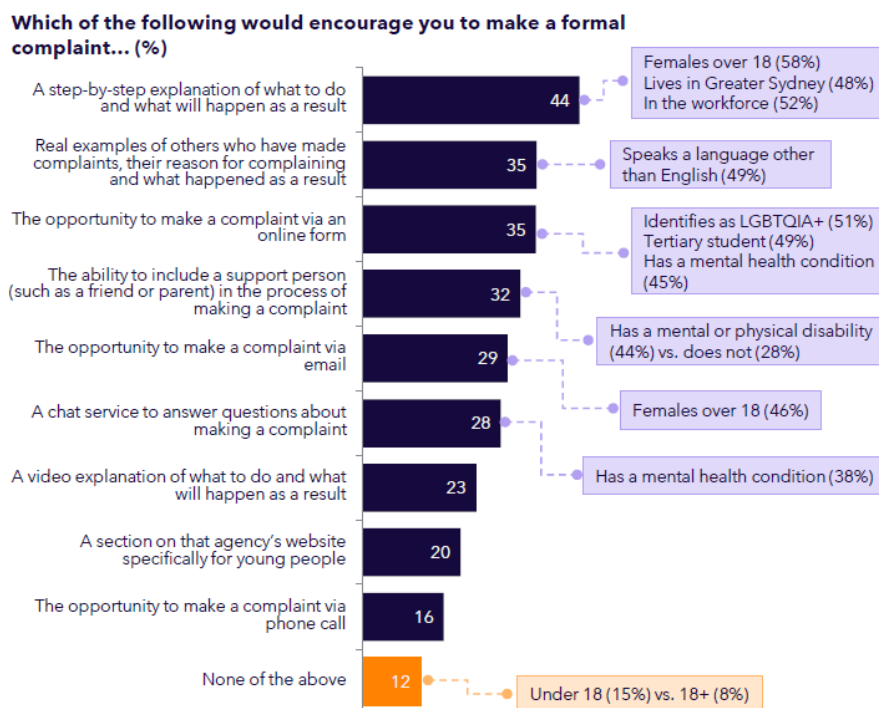
In the 2019 consultations with children and young people on creating child safe organisations, children and young people were asked what would make them feel comfortable to speak up and make a report or recommendation. Children and young people said:

- Have a simple and anonymous method of reporting. Having the option to make a report or recommendation anonymously was raised by every focus group. Ideas included suggestion boxes, websites, online reporting and easily accessible helplines. If the child or young person was required to identify themselves, they emphasised the importance of maintaining their privacy and confidentiality.
- Children and young people also highlighted the importance of making reporting mechanisms simple and accessible. They discussed that children do not always know how to raise a concern or make a report. One idea was to have "how-to guides" and fact sheets with simple, jargon-free explanations. These could be advertised on social media. They also suggested making the reporting process online or via a helpline.

Children and young people were also asked what would make them comfortable to speak up and share their opinions and or report misconduct:

- Children and young people think the key things that would make them comfortable to speak up and share their opinions and or report misconduct are a guarantee of anonymity including online anonymity and anonymous feedback surveys, if they thought their opinions were valued and that speaking up would make a difference, encouragement from others who have experienced a similar issue and acknowledgement of the difficulty of speaking up and reassurance from relevant authorities that there would be no retaliation or consequences of speaking up.

2023 Youth Week Polling also explored children and young people's experiences with discrimination, and particularly their awareness of complaint mechanisms and ways to encourage making a formal complaint.



**Q. Which of the following would encourage you to make a formal complaint if you had experienced discrimination? Base: Participants who consented to answer questions on discrimination (n=630)**  
(Source: 2023 Youth Week Polling)

I acknowledge the work you have undertaken to consult with children and young people and would be happy to facilitate any additional engagement if that would be of assistance.

Thank you once more for the opportunity to provide a submission to this inquiry. I would be happy to work with Commissioners to explore these topics further, and trust that this information has been of some assistance. Should you wish to discuss these matters, please do not hesitate to reach out via: [acyp@acyp.nsw.gov.au](mailto:acyp@acyp.nsw.gov.au).

Yours sincerely,



**Zoë Robinson**  
Advocate for Children and Young People