

Protecting children's online privacy

Report by Judith A Sullivan

WHILE SOME EUROPEAN COUNTRIES have expressed interest in bolstering data protection on websites for children, none has yet to pass legislation as strict as the United States' 1998 Child Online Privacy Protection Act (COPPA).

Efforts are underway in France and the United Kingdom to alert children, parents, teachers and others on how to stress the importance of data protection from a young age. But, neither has yet followed the US example and legislated on what is acceptable and what is not. According to COPPA, child-orientated sites have to be very clear about the data they collect and why. With some statutory exceptions, they must also obtain "verifiable parental consent" before collecting, using or disclosing personal information from children. The rule became effective on April 21st 2000, and gave websites six months to come into compliance with the requirements. The statute authorises the Federal Trade Commission to bring enforcement actions and impose civil penalties for violations of the rules.

Outside the US, website operators tend toward self-regulation and professional level guidelines.

FRANCE'S PROPOSALS

France's Data Protection Agency (CNIL) is pushing to reform national law to include provisions related to websites geared at under 16s.

Like many institutions in France, CNIL is today in a legislative limbo awaiting elections later this month. The organisation, which has worked with the national department of education to make kids aware of their privacy rights in a humorous and youthful fashion, last year made four specific recommendations. The second one of these mandates that websites geared at children collect data neces-

sary for final use only. Under the new proposals, gathering data concerning the family situation, parental lifestyle or socio-professional status would be deemed "excessive and disloyal".

Another element of the CNIL's "reinforced guarantees" would be explicit signs in chat rooms that children should not provide a phone number, address or in any way reveal their true identities. The CNIL also recommends that no photograph of a minor be posted on a website without parental approval and that no site may ask a child to contact it other than by e-mail. The same rule applies to sites that wish to contact children.

The proposed new guidelines stem from a joint effort by the CNIL and the Ministry for Education during the Fête de l'Internet in March 2001 to alert children to the need for vigilance when surfing the web. Following a survey that revealed 62 per cent of parents were concerned about their children's use of the web, the CNIL has taken on a proactive role. Its site now offers a special junior segment, complete with games and easy to understand suggestions on what information is safe to provide and what is riskier. This year, the focus was on schools, and 50,000 of them organised an open house on a Saturday during which schoolchildren made presentations on their own surfing habits.

The rationale behind the effort is simple, explained CNIL's Director of Communications and Administration, Thierry Jarlet. "We need to explain a

minimum of information to kids... They have the right to surf the web in peace." The main point is educational, he said. "We hope to turn them into better informed, more mature adults... We don't want to wait until a problem occurs."

CIEM is another group interested in online child protection. Formed in August 2001, it acts as an umbrella organisation for almost 30 family-related associations (including the Boy Scouts, religious groups, teachers unions and parent-teacher associations). Its goal is to monitor the relationship between children and the media, and contribute to policy development on media regulation and educational programmes. The effort has received the support of the previous Minister for the Family, Ségolène Royal.

UK INITIATIVES

Across the Channel, UK companies, parents and children have access to a wide range of guidelines and suggestions as to what works and what does not, but there is no effort underway to impose fines on operators of websites that might, for example, blatantly encourage younger children to provide personal information that their parents would not.

The UK's stance is very similar to that of France. In its data compliance document, the Office of the Information Commissioner (OIC) spells out a separate heading for websites aimed at children based on the standard adopted by Trust UK, a not-for-profit organisation aiming to promote trust on the Internet. The

standard says data collection among under-12s should be contingent on "the explicit and verifiable consent of the child's parent/guardian." The data should be collected only to send the child a limited online communication and the child should understand what is involved. Tricking the child into providing information about a third party or giving information about themselves would constitute a breach of the Data Protection Act.

Operators of 17 websites geared at children, often offshoots of charities or high street companies, were recently interviewed as part of an OIC survey. The conclusions were upbeat, finding that 86 per cent of such sites "do not give any particular cause for concern." Many of the sites examined provided an "excellent privacy policy and make an effort to make it understandable to children." One exception to the good news was that only 60 per cent of the sites had a privacy statement.

AN EDUCATIONAL APPROACH TO ONLINE PRIVACY

For now, UK initiatives for making young web surfers privacy conscious stems more from parents and educational groups than it does from central government. Speaking at the May 22nd PL&B conference on website privacy, Iain Bourne, Strategic Policy Manager at the OIC, said the matter of special data protection measures for children

"is not really an issue at this time."

The Department for Education & Skills (DfES) has very much embraced the issue of online privacy for children. In alliance with the Parents Information Network (PIN), it has set up a DfES Superhighway Safety channel on its site. The DfES cites local education authority, school and association projects that alert children to online safety. Many of the tips and suggestions on the site relate more to issues of security in general than to privacy *per se*, but the two are invariably linked. Several professional bodies, for example the Direct Marketing Association, have explicitly spelled out guidelines when dealing with children online.

EUROPEAN EFFORTS

Comparable efforts exist in other European countries. One of the highest profile initiatives is the Schoolnet project, which brings together online the education ministries of over 20 European countries, from EU Member States, to Switzerland, Slovenia and Iceland.

Observers of children's online behaviour have noted changes in just the past 18 months. "Kids are less naïve than they used to be," said PIN's education advisor Jane Mitra. Addressing data protection issues early on is vital, she added. "Teachers have to address the issue very early. At the secondary

level it is more difficult."

Mitra's anecdotal comments are backed up by fact. A recent NOP Research Group kids.net survey of more than 1,000 7-16 year-old Internet users found a clear majority (60 per cent) saying that they would not wish to give out their home or e-mail address over the Internet. This report was the first to show that there are more cautious young people than ones willing to provide information.

Self-regulation aside, commercial tools can help parents and kids ensure their privacy in a virtual world. One example is filtering programmes like Net Nanny. Washington-state based Net Nanny just this year signed a contract with a company in Germany to distribute the software in Europe. Currently only available in English, the package will eventually, through the distributor, be translated into German, French, Spanish and Italian. Net Nanny CEO and CTO Gordon Ross said that children's online privacy is becoming an issue in Europe. "They are waking up and smelling the coffee...The issue with children is that when you ask a question, they will give you an answer."

SELF-REGULATION

In some cases, website operators take it upon themselves to educate younger visitors about privacy while they are on the site. Habbohotel.com, "a chill-out space... primarily for teens in the UK," offers a Scambusters segment on its home page and cautions visitors in no uncertain terms. "If you use someone else's Habbo [online nickname] to get into the hotel (without asking) you are breaking the law. It's called 'unauthorised entry'. We will ban you forever and you could even be arrested."

Useful URLs:

United States:

Federal Trade Commission's COPPA 1998 Act
www.ftc.gov/opa/1999/9910/childfinal.htm

Centre for Media Education

www.cme.org/children/index_chld.html

France:

CNIL - www.cnil.fr/juniors

United Kingdom:

Department for Education and Skills (DfES)
www.safety.ngfl.gov.uk/parents/

The Internet Watch Foundation

www.iwf.org.uk

Parents Information Network

www.pin.org.uk

Guidelines and children's sites of note:

Habbohotel - www.habbohotel.com

Fox Broadcasting Companies privacy statement for children

www.foxkids.com/corporate/privacypolicy/privacy_full.asp

Childnet International

www.childnet-int.org

European Schoolnet - www.eun.org



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