

KNOW YOUR RIGHTS AND HAVE YOUR SAY!



A Consultation by the Data Protection Commission
on the Processing of Children's Personal Data
and the Rights of Children as Data Subjects under the
General Data Protection Regulation

SUPPORTED BY THE OMBUDSMAN FOR CHILDREN'S OFFICE



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A MESSAGE FOR TEACHERS FROM THE DATA PROTECTION COMMISSION (DPC)

Thank you very much for taking part in this important public consultation on data protection and children's issues. The DPC has created a pack of consultation materials which aim to help you to explore with your students the concept of personal data and data protection rights in a social media context. We hope that in using these materials, you can enable your students to contribute to our public consultation by providing their opinions on key issues. These materials have been developed for use in the classroom with children and young people aged 8 and above, with the support of the Ombudsman for Children's Office (OCO), and have been tested by the DPC with different age groups in a series of pilot workshops that were facilitated by the OCO in October 2018.

HOW TEACHERS CAN USE THESE MATERIALS

This document contains (1) a Quick-Start Guide to Data Protection for Teachers and (2) a lesson plan. The Quick-Start Guide gives teachers some background to the lesson plan with an initial overview of the basics in data protection, while the lesson plan will assist teachers to facilitate a discussion about core data protection issues.

The lesson plan includes three activities, which together we estimate will take a total of 2-3 hours of teaching time, depending on the age of the class. Each activity has different sets of discussion points aimed at three different class groups: (1) 8-12 year olds, (2) junior cycle secondary students, and (3) senior cycle secondary students. However, teachers should feel free to tailor these discussion points as they see fit.

► **Activity 1 – What is personal data?**

The purpose of this activity is to introduce the concept of personal data and how people share personal data when they use social media.

► **Activity 2 – What are my data protection rights?**

The purpose of this activity is to introduce the concept of (1) data protection rights and (2) the types of "terms and conditions" that social media companies apply concerning their use of personal data.

► **Activity 3 – Have your say!**

This activity gives children and young people the opportunity to tell us what they think about the issues raised in the earlier activities. Students can contribute their views in response to six questions presented on a set of feedback posters. We are asking teachers to record the views of their students on these posters and to submit one set of posters per class.

ADDITIONAL MATERIALS

The DPC has also provided the following materials in the email sent to schools to help teachers conduct the lesson and complete the consultation:

- ▶ A link to a short video message from the Commissioner for Data Protection, Helen Dixon, explaining why the DPC is running this consultation and what's involved.
- ▶ A lesson plan slideshow – These slides should be used for the different activities described in the lesson plan.
- ▶ A set of PDF feedback posters (to be printed off or filled in electronically by teachers). Teachers should use these feedback posters to record the opinions of their students in response to the questions set out on the posters.

These materials can also be downloaded from the DPC's website (www.dataprotection.ie).

QUICK-START GUIDE TO DATA PROTECTION FOR TEACHERS



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WHAT IS PERSONAL DATA?

Personal data is any information that relates to you personally or would identify you. In other words, it is any piece of information that helps someone to know who you are, such as your full name, your date of birth, your email address, your phone number, or your address. Personal data doesn't have to be in written form. It can also be information about what you look like or sound like, for example photos or videos that you have posted online, or your voice recordings. Personal data can also include information that you're not aware is being collected about you, e.g. your image might be captured on a CCTV system in a shopping centre or information might be collected from your phone when you log on to a public Wi-Fi network.

WHAT IS DATA PROTECTION?

Data protection law is about everyone's fundamental right to the protection of their personal data. When you give your personal data to an organisation, they have a duty to comply with certain rules which limit what they can do with your personal data. Collectively, these rules, together with the rights that someone has to protect their personal data, are known as data protection. Data protection law applies just as much in the offline world as it does in the online world.

Organisations which control how and why your personal data is used are known in data protection law as data controllers, while people who give their personal data to such organisations are called data subjects.

WHAT DOES "PROCESSING" MEAN?

Data protection law sets out the rules that apply to the processing of personal data by organisations. Processing basically means using personal data and doing anything with it, from collecting it to storing it, retrieving it, consulting it, sharing it with someone else, erasing it and destroying it.

WHAT IS THE “GDPR”?

The General Data Protection Regulation (GDPR) is an EU law which came into force on 25 May 2018. It is essentially a new set of data protection rules designed to give people in the EU more control over their personal data.

One of the many changes the GDPR has brought about is the new emphasis placed on the importance of the protection of children’s personal data. Before the GDPR, there was no mention of children at all under the old EU data protection law. The GDPR says that children merit specific protection when it comes to the processing of their personal data because they may be less aware of the risks, consequences and safeguards involved as well as their data protection rights.

WHAT DOES THE DATA PROTECTION COMMISSION DO?

The Data Protection Commission (DPC) is responsible for ensuring that data protection laws are complied with. The DPC can take action against organisations who don’t comply with these laws.

One of the DPC’s main tasks is to promote public awareness and understanding of the risks, rules, safeguards and rights in relation to processing personal data. This is one of the reasons why the DPC is launching this consultation. However, the DPC also has other important functions such as handling complaints lodged by individuals, investigating whether data protection laws are being complied with, and cooperating with data protection authorities in other EU Member States.

The DPC deals with data-protection-specific issues only, such as the age at which a child can exercise their own data protection rights, the use of children’s personal data for targeted advertising, and the obligation on organisations to provide clear privacy policies in child-friendly language, amongst other things. These issues are explored in this consultation. However, issues such as cyberbullying, fake news, and harmful content do not fall within the DPC’s remit and, as such, do not form part of this consultation.

OUR DATA PROTECTION RIGHTS

We all have a range of rights when any organisation processes our personal data. These rights apply just as much in an offline context as they do in an online context. However, the lesson plan that you will deliver to your class looks at data protection rights in the context of social media usage only, and focuses on the following four rights in particular:

- The right to be informed (transparency)
- The right to access your personal data
 - The right to rectification
 - The right to erasure

1. THE RIGHT TO BE INFORMED (TRANSPARENCY):

Individuals have the right to be informed about the collection and use of their personal data. Organisations must provide individuals with information such as why their personal data is being processed, how long their personal data is going to be kept for, and who their personal data will be shared with. The information should be presented in a concise and transparent way and written in clear and plain language. This is especially important when the individual is a child. This information is usually presented in an organisation's privacy policy.

3. THE RIGHT TO RECTIFICATION:

If an individual thinks that their personal data might be incomplete or inaccurate, they can ask the organisation who holds it to correct it. The organisation must do this without undue delay (usually 1 month) or provide the individual with a reason as to why they cannot comply with their request.

2. THE RIGHT TO ACCESS YOUR PERSONAL DATA:

Individuals have a right to ask an organisation to confirm if they hold any personal data about them, and to obtain a copy of their personal data. This is often referred to as an "access request" and it should be easy to make an access request to an organisation. Organisations have one month to respond to this request and should provide individuals with a copy of their personal data free of charge.

4. THE RIGHT TO ERASURE:

An individual can request that their personal data be erased by an organisation when, for example, the data the organisation holds on them is no longer needed or when their data has been used unlawfully. The right to erasure is particularly relevant where someone gave their consent to the processing of their personal data when they were a child but later wants to have their personal data removed, for example from an internet site or webpage.

LESSON PLAN



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The background features a light blue rectangular area with a dotted orange border. Above the text 'ACTIVITY 1:', there is a graphic of a rainbow with multiple concentric white and light blue arcs. Below the text, there are several concentric white circles. The entire page is decorated with various geometric shapes in orange, pink, and light blue, including diamonds, triangles, and circles.

ACTIVITY 1:

WHAT IS
PERSONAL DATA?

LEARNING OBJECTIVE:

To introduce the concept of personal data and how people share personal data when they use social media.

STARTER ACTIVITY:

ALL AGE GROUPS

STEP 1:

Explain to the class that they are going to be talking about the concept of “personal data” today. Begin the discussion by asking the class firstly what they think “data” means, and secondly what “personal” means? Ask the class to give examples of what they think personal data might be.

STEP 2:

Start a discussion about social media usage by showing Slide 2 of the Lesson Plan Slides (different social media logos) and asking the following questions (reassuring the younger students that no-one will get in trouble for saying they use social media):

Teacher's note:



Personal data is any piece of information that helps someone to know who you are, such as your name, your date of birth, your email address, your phone number, where you live, photos or videos of you that you've posted, etc.

For more information on what personal data is, please see the Quick-Start Guide to Data Protection for Teachers in your lesson plan pack.

8-12 YEAR OLDS

- ▶ Do you recognise these logos?
- ▶ Can you name all the different companies?
- ▶ Have you ever used any of these apps?
- ▶ Do you have any of these apps on your phone?
- ▶ What do you use them for?
- ▶ How often do you use them?
- ▶ Do you know how old you have to be to use these apps?
- ▶ Did you get your parents' permission to sign up to these apps?

JUNIOR CYCLE

- ▶ Do you use any of these apps?
- ▶ Which would you say is the most popular among your age group?
- ▶ What do you use these apps for?
- ▶ How often do you use them?
- ▶ Do you know how old you have to be to use different social media apps?
- ▶ Did you get your parents' permission to sign up to any of these apps?
- ▶ Have you ever had to enter your date of birth in order to sign up to apps like these? Do you think this works in terms of keeping younger children off the platform?

SENIOR CYCLE

- ▶ Do you use any of these apps?
- ▶ Which would you say is the most popular among your age group?
- ▶ What do you use these apps for?
- ▶ How often do you use them?
- ▶ Do you know how old you have to be to use different social media apps?
- ▶ Did you get your parents' permission to sign up to any of these apps?
- ▶ Have you ever had to enter your date of birth in order to sign up to apps like these? Do you think this works in terms of keeping younger children off the platform?



STEP 3:

Start a discussion with the class, which you can do using the questions below, about the different reasons why people use social media and why people enjoy it. For example it might be because they want to; chat with their friends every day; keep in touch with family and friends who live abroad; share photos and videos; play games; read about celebrities; see and read posts about things they like; etc.

8-12 YEAR OLDS

Ask the class the following questions:

- ▶ Why do you like using social media?
- ▶ What's your favourite social media app and why?
- ▶ What kind of things can social media help you do that you couldn't do if you didn't have it?
- ▶ What's your favourite thing to do on social media?

JUNIOR CYCLE

SENIOR CYCLE

Split the class into groups and ask them to discuss the following questions and write down their answers:

- ▶ Why do you think people like using social media?
- ▶ What do you think is the most popular social media app amongst your age group, and why?
- ▶ What kind of things can social media help you do that you couldn't do if you didn't have it?
- ▶ What's your favourite thing about social media?

Ask one person from each group to read out their group's answers and, together as a class, identify the most common answers to each of the questions above.

Teacher's note:



Most social media apps have their own rules about minimum user ages. The majority of apps say that users have to be at least 13 years old before they can sign up for their service.

In Ireland, if a social media app requires your consent to sign up, you need to get the permission of your parent or guardian if you are under 16.

Emphasise this point to the class and stress that if they are under 13 and using any social media app, they should really tell their parents and they need to be smart about how they use it and understand what they're agreeing to.

MAIN ACTIVITY:

8-12 YEAR OLDS

STEP 1:

Show the slide of Emily and her friends (Slide 3). Tell the class that Emily is 16 years old and wants to join a social media platform so that she can chat with her friends and share photos and videos. Ask the class to pick one social media platform for Emily to join. In groups, ask the class to write down three pieces of personal data that Emily will have to give to the social media company if she wants to sign up for an account. Ask one person from each group to read out their group's answers and write the answers on the board.

JUNIOR CYCLE

SENIOR CYCLE

Ask the class to imagine a scenario where a 16-year old wants to sign up for a social media account. Ask the class to pick one social media platform for this exercise. In groups, ask the class to write down three pieces of personal data that users have to give to social media companies if they want to sign up for an account. Alternatively, simply ask the class to call out examples of personal data that users have to give to social media companies upon sign-up.

STEP 2:

Show the class the registration process flow for a new app called SquadShare¹, a fictitious social media app used for hanging out with friends, playing games, sharing photos and creating videos (Slides 4-7). Talk through with the class all the different pieces of information that a person signing up for SquadShare will have to hand over. Reiterate to the class that this kind of information is known as "personal data" and that personal data is any piece of information that helps someone to know who you are, such as your name, your date of birth, your email address, your phone number, where you live, photos or videos of you that you've posted, etc.

¹SquadShare is a fictitious app created by the DPC for educational purposes only in the context of this consultation. The materials created for this consultation are not intended to recreate, replicate or represent any existing app/platform/service and/or the specific terms and conditions, interface or otherwise of any app/platform/service.

ACTIVITY 2:

WHAT ARE MY DATA PROTECTION RIGHTS?

LEARNING OBJECTIVE:

To introduce the concept of (1) data protection rights and (2) the types of “terms and conditions” that social media companies apply concerning their use of personal data.

STARTER ACTIVITY:

ALL AGE GROUPS

STEP 1:

Begin the discussion by asking the class what they think a right is. Encourage them to give examples of different kinds of rights (e.g. right to education, right to healthcare, etc.) This can be done in groups or as whole class discussion.

Explain to the class that they also have rights when it comes to their personal data and that there is an organisation in Ireland called the Data Protection Commission (DPC) whose job it is to make sure that companies which collect people’s personal data keep that personal data safe and secure and obey the laws on data protection. It’s also the DPC’s job to make sure that people know about their own data protection rights.

STEP 2:

Explain to the class that they’re going to be looking at data protection rights in the context of social media. Explain that when people sign up for a social media account, they have to agree to follow certain rules before they can use it. Different social media companies might have different rules about what they can do with a user’s personal data, and these rules are usually explained in a document called Terms and Conditions. Because these documents are often very long and can be difficult to understand, lots of people don’t read them. And because of this, people often don’t understand the rules that they’re agreeing to and what their data protection rights are.

Show the class/hand out copies of Slide 8-9 and explain that these are the Terms and Conditions for SquadShare, the fictitious social media app they saw earlier in the lesson. Tell the class that these are the rules that users will have to follow

Teacher’s note:

For more information on the role of the Data Protection Commission, please see the Quick-Start Guide to Data Protection for Teachers.

if they want to sign up for SquadShare.

In groups, ask the class to discuss what they think about these rules, to highlight any rules or statements that they think are unfair or surprising, and whether they would sign up to SquadShare based on these rules.

Once the discussion has ended, explain to the class that the rules they have just read are actually typical of the types of rules that many real social media companies ask users to agree to. Facilitate a discussion around this using the following questions:

8-12 YEAR OLDS

- ▶ Did you know about these kind of rules before you signed up for the social media apps that you use?
- ▶ Are there any rules that you don't like/agree with, and why?

JUNIOR CYCLE

SENIOR CYCLE

- ▶ Did you know about these kind of rules before you signed up for the social media apps that you use?
- ▶ Are there any rules that you don't like/agree with, and why?
- ▶ Do you think social media companies make it clear that you have to agree to rules like these before you sign up?
- ▶ Would you have signed up for these apps if you had known about these kind of rules beforehand?

Teacher's note:

Individuals have a right to know what their personal data is being used for. This is known as "the right to be informed", or "transparency" information. For more information on the right to be informed, see the Quick-Start Guide to Data Protection for Teachers.

MAIN ACTIVITY:

STEP 1:

Talk to the class about how it's clear from these types of terms and conditions that social media companies can get a lot of personal data about you when you use their apps. For example, they can know how many messages you've sent to a particular friend, when you've messaged that friend, what you search for in the app, the kind of videos you watch, what kind of posts you click on the most, the places you've been, details about photos and videos on your phone and they can even tell you what your likes and dislikes are.

Explain to the class that because of data protection law, they have the right to find out what information any company, including social media companies, has about them if they want to know. This is called a "Right of access" under data protection law. Most of the time, you have to write to or email a company to get this kind of information but a lot of social media companies allow users to do this online.

Facilitate a discussion about this using the following questions:

ALL AGE GROUPS

- ▶ What do you think about social media companies having all of this personal data about you?
- ▶ Do you think you would ever want to submit a request to get a copy of all of your personal data? Can you think of an example of when you might want to do this?
- ▶ Do you think your parents should be allowed to ask a social media company what personal data they have about you without checking with you first? In what circumstances?

JUNIOR CYCLE

SENIOR CYCLE

- ▶ Why do you think companies collect this personal data?
- ▶ Do you think there are any downsides to sharing this personal data with social media companies?

STEP 2

Ask the class to think about the following scenario: 16-year old Emily signed up for a SquadShare account three months ago and now she keeps seeing posts and videos about Ariana Grande*. Emily never

Teacher's note:

For more information on the right of access, see the Quick-Start Guide to Data Protection for Teachers.

Teacher's note:

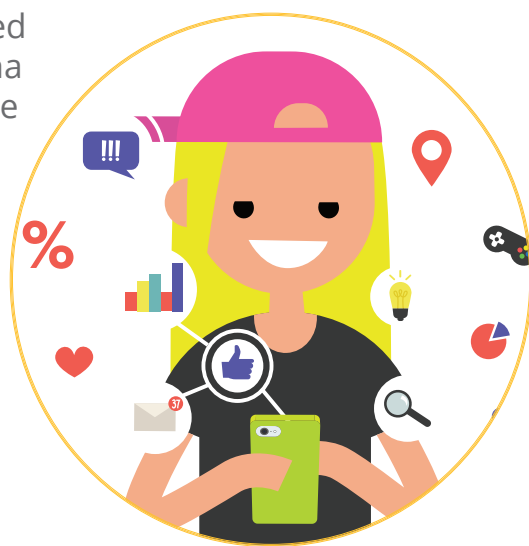
* Please feel free to change this reference to Ariana Grande to whatever celebrity/singer/band/actor/athlete you think your class will be most receptive to.

told SquadShare that she liked Ariana Grande but she did go to see her when she played in Dublin a while back, and she definitely posted about the concert on SquadShare. Emily has recently learned that the reason she's seeing so many posts about Ariana Grande is because SquadShare has worked out that she likes her because of the videos she has viewed online and the things she has posted about Ariana Grande. Emily didn't realise that SquadShare were showing her these posts on purpose.

Ask the class to think about this:

ALL AGE GROUPS

- ▶ Can you think of any types of ads that you see all the time on your social media feed?
- ▶ Why do you think you're seeing them?
- ▶ Do you like seeing these ads? Are they helpful? Are they annoying?



JUNIOR CYCLE

SENIOR CYCLE

- ▶ Did you realise that you were seeing these kind of ads because social media companies knew you would be interested in them?
- ▶ Did you know that social media companies make money from showing you these ads because they are being paid by the company who wants to show the ad? What do you think about this?
- ▶ Do you think social media companies should let people your age decide if they agree to their information being used for advertising purposes?

Tell the class that Emily has decided that she doesn't like Ariana Grande anymore and is tired of always seeing posts and videos about her.

Ask the class:

- ▶ Do you think there's a way for Emily to stop seeing posts and ads about Ariana Grande?

Explain to the class that there is a way to do this. If a company holds information about you that is incomplete or inaccurate, you have the right to have that information changed so that it's correct. This is known as the "Right to rectification" under data protection law. In most cases, you will need to write to the company which holds your information to have this incorrect information changed. However, some social media companies allow you to change your information in the app settings themselves. Facilitate a discussion about this topic using the following questions:

Teacher's note:

For more information on the right to rectification, see the Quick-Start Guide to Data Protection for Teachers.

ALL AGE GROUPS

- ▶ Did you know you can generally update your details and information about you in the app settings of social media apps?

JUNIOR CYCLE

SENIOR CYCLE

- ▶ Have you ever done this?
- ▶ When and why might you decide you want to do this?

STEP 3

A few months later, Emily decides she doesn't want SquadShare to keep any information about her anymore.

ALL AGE GROUPS

- ▶ Do you think there's anything Emily can do about SquadShare having all of her information?

Explain to the class that Emily can delete her SquadShare account, and can make sure that all of the information that the company has about her is also deleted. She can contact SquadShare and tell them that she wants them to delete her account as well as all of her personal data. Emily has a right to do this under data protection law and this right is known as the "Right to erasure".

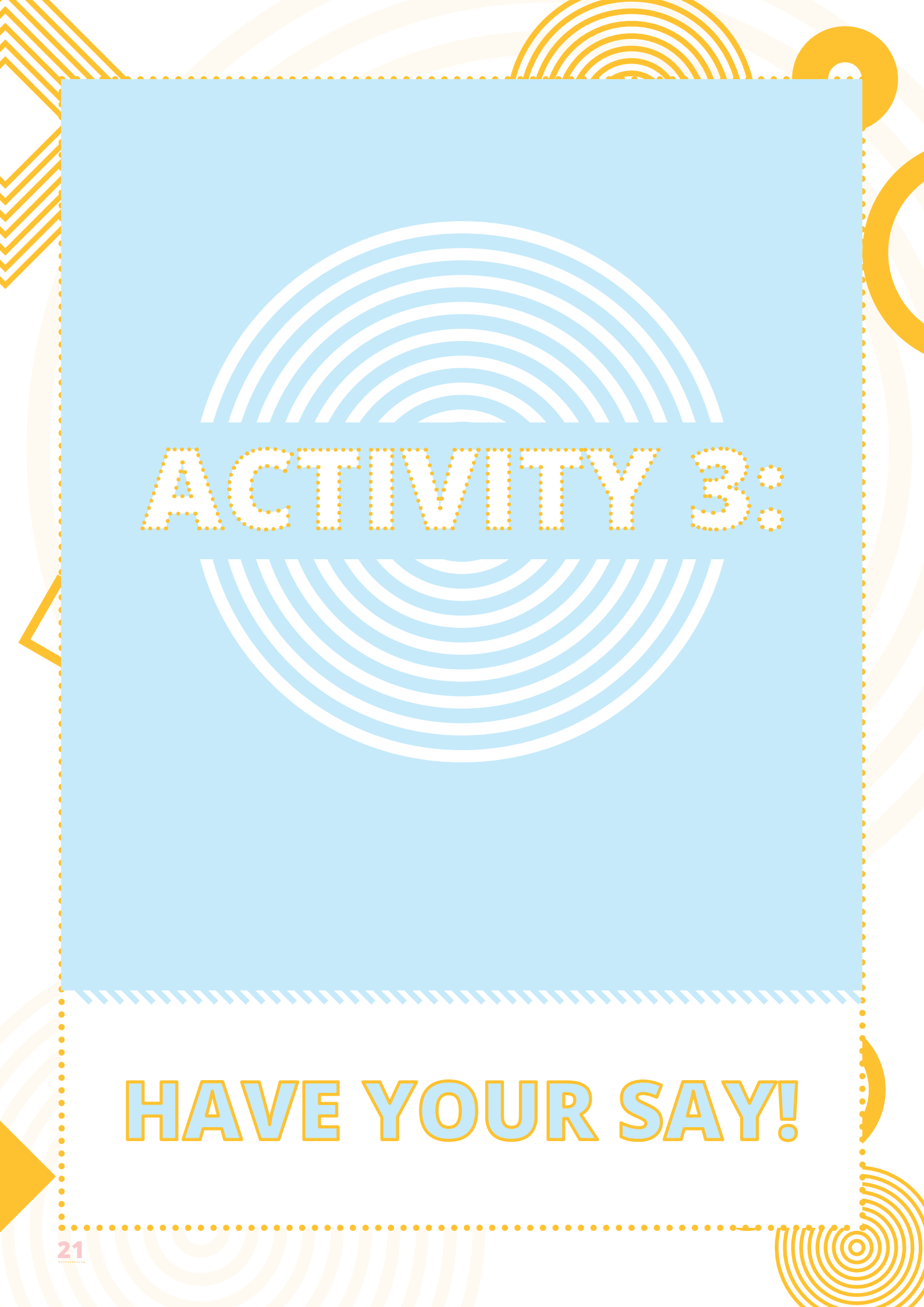
Teacher's note:

For more information on the right to erasure, see the Quick-Start Guide to Data Protection for Teachers.

FINAL QUESTIONS:

Conclude this activity with a discussion on the following questions, which should help to bring together all of the learning points from the lesson.

- ▶ What age do you think you should be before you are allowed to tell a social media company to delete all your personal data?
- ▶ Do you think your parents should be involved when it comes to your data protection rights? How?
- ▶ Would you sign up for SquadShare if you knew that they were going to use your information to show you ads?
- ▶ Do you think it's easy to find out what companies like SquadShare are going to do with your information when you first give it to them?
- ▶ Do you think companies like SquadShare make it clear to you what the rules are before you sign up for a social media account?
- ▶ Do you think you'll ever want companies like SquadShare to delete your personal data?
- ▶ Considering what you've learned today, why do you think social media companies have age restrictions on their platforms?



ACTIVITY 3:

HAVE YOUR SAY!

This activity involves the class producing its own submission to the Data Protection Commission's public consultation on children's data protection rights by giving their opinions on the questions set out on each of the six feedback posters (there is one question on each poster).

For this activity, you'll need to either print off the set of posters contained in your lesson plan pack, or display the posters on an overhead projector.

Ask the class to think about the six different questions set out on these posters and to come up with answers together as a group. Please fill in the answers given by the class to the six questions. There can be more than one response/viewpoint to each question, and these can contradict each other. We would just ask that you complete and submit **only one set of posters per class**. Remember, there are no right or wrong answers here - we simply want to hear the views of the children you teach!

You can submit your class's set of posters to the DPC in a couple of different ways. Firstly, the posters can be printed off and filled in by hand, and you can either take photos of the completed posters or scan them, and then email them back to us at childrensconsultation@dataprotection.ie.

Alternatively, the posters can be filled in electronically (click the "Fill & Sign" tool when you open the file in Adobe Acrobat) and emailed back to us. Please ensure that **no personal data whatsoever**, for example students' names or addresses, **is recorded on these posters**. You may, however, like to include the class group on the posters, e.g. 4th class/6th class/2nd year, and you'll find a space to do so under each speech bubble.

KNOW YOUR RIGHTS AND HAVE YOUR SAY!

Q.1: How do you think companies could do a good job of explaining to you what they do with your personal data?



Class: _____



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