

# Children Front and Centre: Fundamentals for a Child-Oriented Approach to Data Processing

## About 5Rights Foundation

5Rights develops new policy, creates innovative frameworks, develops technical standards, publishes research, challenges received narratives and ensures that children's rights and needs are recognised and prioritised in the digital world. While 5Rights works exclusively on behalf of and with children and young people under 18, our solutions and strategies are relevant to many other communities.

Our focus is on implementable change and our work is cited and used widely around the world. We work with governments, inter-governmental institutions, professional associations, academics, businesses, and children, so that digital products and services can impact positively on the lived experiences of young people. Our mission is to build the digital world young people deserve.

## Welcoming the Fundamentals

Data protection plays a significant but unsung role in providing a more equitable digital environment for children, as it offers both protections from risk and harm, and promotes child centred design and governance. 5Rights warmly welcomes the [Fundamentals for a Child-Oriented approach to Data Processing](#) as a significant step toward building the digital world young people deserve.

## Key strengths

- Recognition that a child is anyone under 18.
- Recognition that children use multiple services, not only those that are directed at them.
- The requirement that all children should be offered a 'floor of protection' in the digital environment.
- The understanding that children should be included in the digital world while offering them the data protection they deserve.
- The emphasis on default settings that guards against placing disproportionate responsibility on children to make services safe.
- The acknowledgement that risks come in many forms and accumulate as design features are used in combination. For example, see [Risky by Design](#).
- Robust prevention of advertising and the commercial targeting of children.

- Recognition of the role of automated systems, inferred data and profiling as key factors that determine a child's lived experience in a digital world. For example, automated systems determine the kinds of content that children are recommended.

5Rights commends the Irish Data Protection Commission for their extensive consultation with children and the emphasise they place on children's rights, particularly the inclusion of [UNCRC General Comment \(No. 25\) 2021](#) on children's rights in relation to the digital environment.

## Comments on the draft

1. Redraft Executive Summary (pg. 6) to make clear that companies must adhere to *all* Fundamentals, rather than pick and choose.

Suggested rephrasing;

*"They [Fundamentals] introduce 14 child-specific data protection principles that are mandatory for all applicable services. These are accompanied with recommended measures that set out how platforms could enhance the level of protection afforded to children against the data processing risks posed to them by their use of/ access to services in both an online and offline world."*

2. The Fundamentals would benefit from more clarity about the expectations of age assurance in terms of its approach and qualities. Please see the below list of principles which forms part of 5Rights report; [But how do they know it is a child? Age assurance in the digital world.](#)

Age assurance must be privacy preserving  
 Age assurance should be proportionate to risk and purpose  
 Age assurance should be easy for the child to use  
 Age assurance must enhance children's experiences, not merely restrict them  
 Age assurance providers must offer a high level of security  
 Age assurance providers must offer routes to challenge and redress  
 Age assurance must be accessible and inclusive  
 Age assurance must be transparent and accountable  
 Age assurance should anticipate that children don't always tell the truth  
 Age assurance must adhere to agreed standards  
 Age assurance should be rights-respecting

3. It may be clearer for those implementing if the Fundamentals were reordered to reflect the life cycle of a digital product or service and how these might be

approached in practice. For example, beginning with principles of design, assessment, age assurance then followed by the principles related to transparency.<sup>1</sup>

4. Clarity about the status of, and appetite to enforce the Fundamentals both at a regulatory and individual level would be welcome. There is increasing concern that the promise of data law to give users, particularly vulnerable users, a more equitable digital experience has not been fully realised. A promise of swift and robust action on behalf of children would be welcome.

We welcome this important document and would be happy to discuss any of our points further.

5Rights Foundation

For more information please contact:



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## Building the digital world that young people deserve

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<sup>1</sup> Suggested order: Floor of protection; Bake it in; Do a DPIA; Zero interference; Prohibition on profiling; Clear-cut consent; Consent doesn't change childhood; Know your audience; Minimum user ages aren't an excuse; Don't shut out child users or downgrade their experience; Your platform, your responsibility; Information in every instance; Child-oriented transparency; Let children have their say