

Data processing of minors

Children deserve specific protection with regard to their personal data because they may be less aware of the risks, consequences and safeguards involved and of their rights related to the processing of personal data.

This specific protection applies in particular to the use of personal data relating to children for marketing purposes or for the creation of personality or user profiles and to the collection of personal data relating to children when using services offered directly to a child. In the latter case, the consent of the holder of parental responsibility is not necessary.

The GDPR contains a specific provision concerning the child's consent.

Indeed, Article 8 provides that in the context of the direct offer of information society services (e.g.: open an account on social media), the controller must obtain the consent of the holder of parental authority where the processing of personal data concerns a child under 16 years of age.

Good to know:

Social media:

Minors are not sufficiently protected on social networks. This is the conclusion of a report published by the European Commission on the implementation of the «EU principles for safer social networks». This self-regulatory agreement has been signed by 21 companies and aims to ensure children's online safety.

Neelie Kroes, former Vice-President of the European Commission and responsible for the Digital Agenda, said: «I am disappointed that most social networking sites do not guarantee that minors' profiles are, by default, only accessible to people on their approved list.» Indeed, only two social networking sites (Bebo and MySpace) examined have default settings that provide that

these profiles are only accessible to people on their approved list and only four sites (Bebo, MySpace, Netlog and SchuelerVZ) guarantee by default that minors can only be contacted by their friends.

While the European Commission notes that efforts have been made since 2010, particularly with regard to information for minors, the results are not very satisfactory. 77% of European internet users aged 13-16 and 38% of 9-12 year-olds use these community sites and, according to Kroes, «do not understand all the consequences of the online disclosure of too many details about their private lives. Parental education and supervision are necessary, but we need to strengthen them with additional protection until young people are able to make decisions with full awareness of the consequences.»

