

# WHEN **FREE** ISN'T **BUSINESS, CHILDREN AND THE INTERNET**

*"There is a need for restrictions on profiling... sometimes it feels like cyber stalking".*

Young girl, eNACSO focus group, Denmark

*"The attitude shown by a number of websites and apps suggested little regard for how anyone's personal information should be handled, let alone that of children".*

Information Commissioner's Office, UK

1 in 3 of every internet user in the world is under the age of 18. Children and young people are the fastest growing group of users. They influence purchasing decisions within the wider family, but are also substantial economic actors in their own right purchasing items to be consumed wholly online or ordering goods to be delivered and consumed in the offline world.

Modern e-commerce is, therefore, not just concerned with attracting young users in order to develop their loyalty to a brand with a view to retaining them as customers in the future. It can equally be about persuading children and young people to part with their pocket money or part-time earnings in the here and now.

There has been a proliferation of products, promotions and media targeted at children. The range of online advertising tools is ever expanding, and the nature of marketing on the internet is changing, becoming increasingly interactive, ubiquitous and personalised. It is sometimes difficult to distinguish between editorial content and commercial promotions.

In *When "free" isn't* eNACSO highlights how many of the new online business practices fail to respect children's and young people's rights as set out in the UN Convention on the Rights of the Child.

Aggressive and deceptive marketing practices ignore the best interests of children and their right to information presented in a way which they and their parents can understand. Children's rights to privacy are not always adequately or properly protected when data are gathered for commercial purposes. Lack of age verification allows children to access and buy content and products which are intended for adults e.g. pornography and alcohol.

Over many years societies have developed elaborate rules to protect children and young people from exposure to various aspects of the adult world. For example children are not allowed to go into casinos, or sex shops. There are laws about the purchase of products such as tobacco. However, many of the rules and practices which were established to protect children and young people from unfair commercial practices offline or which bar access to legally proscribed areas or age sensitive materials and products, have not been fully translated into the virtual space.

The law and law enforcement have not kept up with the commercialization of the Internet.

The new General Data Protection Regulation will become law in 2018. Ahead of that the national Data Protection Authorities and the European Data Protection Supervisor need to work with all relevant stakeholders to focus on developing new rules and policies which address the specific position of children and young people as economic actors and as targets of data collection practices in the online world.

*"I don't know whether it is advertising or not because when I go to the stadium I also see background ads, so it's all part of the game as such."*

**Young boy on football advergaming in eNACSO focus groups**

*"New media and marketing techniques raise some ethical concerns about potential deception and threats to privacy: the public is not currently well-informed about this area, and existing regulation is insufficient in some respects."*

**Buckingham, David et al. (2009): 'The Impact of the Commercial World on Children's Wellbeing**

## RECOMMENDATIONS

### 1.

#### RECOGNIZE AND PROTECT

- The role of children as economic actors and their specific rights should be explicitly recognized perhaps through a Communication or Staff Working Document or in some other appropriate way.
- Sustainable mechanisms need to be established to enhance the capacity of children's rights organizations to engage with EU and other relevant institutions in relation to consumer protection and privacy issues as they impact on children and young people both in the context of the evolution of the Digital Single Market and more widely.
- Data Privacy Commissioners and the EDPS - European Data Protection Supervisors should give detailed considerations to companies' obligations to children in the specific context of e-commerce.
- Individuals with access to potentially sensitive data about children should be subject to pre-recruitment checks and be appropriately managed once employed.

### 2.

#### UPDATE AND STRENGTHEN

- All future policymaking concerning e-commerce, both generally but also specifically in relation to tracking technologies, online advertising and data collection practices, should include an impact assessment in respect of children.

- Before launching any new marketing or advertising initiative, companies and advertising agencies should satisfy themselves that they have considered all the relevant child safety and child welfare aspects, including data collection and usage.
- There is an urgent need to develop a new EU-wide agency with the ability to engage with enterprises in a more granular way in the interests of consumers in general and children in particular. The USA's Federal Trade Commission provides a potential model. It has substantial powers in respect of online child protection.

### 3.

#### BUILD AWARENESS

- Continued and massively increased investment in education and awareness campaigns is essential to promote greater media literacy on the part of children and young people, their parents and teachers and professionals who work with Children.

## eNACSO

The European NGO Alliance for Child Safety Online is a children's rights NGO network working to make the internet a better and safer place for children and young people. The network was established in 2008 and currently has 19 members from across the EU and 5 from non-EU countries.

eNACSO's mission is based on the UN Convention on the Rights of the Child (UNCRC). eNACSO promotes and supports actions at national, European and international level, to protect children and promote their rights in relation to the internet and its associated technologies.

([www.enacso.eu](http://www.enacso.eu))

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Funded by the European Commission