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Commissioner Jourova
DG Justice
European Commission

14th April 2016

Dear Commissioner,

I am writing to you in my capacity as Labour MEP for London and rather than as Chair of the Civil Liberties, Justice and Home Affairs Committee. As you are aware this week the Data Protection package will be voted on in the European Parliament, which is a significant achievement in terms of improving data protection safeguards for citizens.

I wanted to draw your attention to one aspect of the General Data Protection Regulation which I think deserves closer attention. Specifically, article 8 of the GDPR which requires that parental consent is granted for the processing of personal data of a child below the age of 16, or a lower age between 13 and 16 if provided for by Member State law. While this will ensure that parental consent is required for a child to be able to open a social media account, it does not address two issues: namely, that millions of children have become and remain members or users of social media sites which are not meant for them, and the default age of consent of 16 provided by the GDPR breaches Articles 12 and 13 of the UN Convention on the Rights of the Child¹.

Given these two issues, I would like to call upon the Commission to look more closely at the issues, challenges and sensitivities which exist around questions associated with the age of consent for the use of the Internet and online services. In its assessment, I would like to emphasise the importance of making sure that the Commission consult with a wide range of stakeholders and draw on acknowledged experts from the relevant fields of interest. I hope you take my letter into consideration and report back to the European Parliament with a detailed account of your findings.

¹ Article 12 refers to States' obligations to guarantee a "child who is capable of forming his or her own views the right to express those views freely in all matters affecting the child", and Article 13 uses similar language: "The child shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of the child's choice"

Best Regards,

Claude Moraes

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