



**WARNING:
TOXIC**

Personal
Data

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Asset

THE GENERAL DATA PROTECTION REGULATION (GDPR): ADDRESSING THE CHANGES FOR COLLECTING DATA FROM CHILDREN

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GDPR Key links

- GDPR link

http://ec.europa.eu/justice/data-protection/reform/files/regulation_oj_en.pdf

- EU Overview

<http://www.eugdpr.org/eugdpr.org.html>

- UK Data Bill

<https://www.gov.uk/government/collections/data-protection-bill-2017> Key for archival derogation

- DLA Piper Comparisons across regimes

<https://www.dlapiperdataprotection.com/>

GDPR principles

1. processed lawfully, fairly and in a transparent manner in relation to individuals;
2. collected for specified, explicit and legitimate purposes and not further processed in a manner that is incompatible with those purposes; further processing for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes shall not be considered to be incompatible with the initial purposes;
3. adequate, relevant and limited to what is necessary in relation to the purposes for which they are processed;
4. accurate and, where necessary, kept up to date;

GDPR principles

5. kept in a form which permits identification of data subjects for no longer than is necessary for the purposes for which the personal data are processed; personal data may be stored for longer periods insofar as the personal data will be processed solely for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes subject to implementation of the appropriate technical and organisational measures;
6. processed in a manner that ensures appropriate security of the personal data, including protection against unauthorised or unlawful processing and against accidental loss, destruction or damage, using appropriate technical or organisational measures.

GDPR - definitions

- Children are “vulnerable natural persons” deserving “special protection” under the GDPR. Recital 38.
- Age range for children not strictly set in GDPR although considered 16 years unless a Member State has made provisions for a lower limit which may be no lower than 13
- Consent process must be actively managed with parental consent for children but taking into account online consent for teenagers (Article 8)

GDPR - consent

- Children **under the age of 13** can never, themselves, give consent to the processing of their personal data in relation to online services.
- For children **between the ages of 13 and 15** (inclusive), the general rule is that if an organisation seeks consent to process their personal data, then parental consent must be obtained, unless the relevant individual Member State legislates to reduce the age threshold – although the threshold can never drop below 13 years of age.
- Children **aged 16 or older** may give consent for the processing of their personal data themselves.

Sensitive personal data

- racial or ethnic origin;
- political opinions;
- religious or philosophical beliefs;
- trade union membership;
- data concerning health or sex life and sexual orientation;
- genetic data and biometric data where processed to uniquely identify a person.

GDPR - considerations

- Anticipated that more specific Codes of practice will be developed at national levels so services need to take account of any rules.
- Take into account rights of children above the organization
- Article 6(1)(f) GDPR notes that the rights and freedoms of a data subject may “in particular” override the interests of the controller or third party where the relevant data subject is a child.

“Privacy by Design”

- DP documentation of processes
- Privacy Impact Assessments
- Design systems to minimize DP risks
- Fair processing notices
- **Consent – real choice**
- **Right to be forgotten**
- No subject access charges
- Breach processes
- Fines

GDPR Responsibilities

- Data Controller(s)
- A Data Protection Officer with 'expert knowledge' (whistleblower) is required for:
 - public authorities
 - **core activities** require regular and systematic monitoring on a large scale
 - processing personal data on a **large scale** or sensitive data