

Know Your Rights

A Guide to Children's
European Rights to
Online Privacy and Safety



**CHILDREN'S
RIGHTS
ALLIANCE**
Uniting Voices For Children


**communicating
europe**

This publication has been developed by the Children's Rights Alliance with assistance from the Communicating Europe Initiative of the Department of Foreign Affairs.

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About this Guide

This guide has been written by the Children's Rights Alliance, and it tells you about your rights as a child or a young person using the internet and apps on your phone and your data protection rights. This guide focuses on the rights you have when online, that come from European Union law.

We have written the guide mainly for 12-18-year olds, but you may find that some areas are more difficult to understand, and we suggest reading them with an adult. Normally your parent or guardian looks after some of your rights on your behalf. If you do not have a parent or guardian to help, you might have another adult acting in the place of a parent. This guide also answers questions they may have about protecting your rights online.

If you are struggling to understand anything, the Children's Rights Alliance can give you legal information and advice that can help you. We provide free information over the phone and we can organise an appointment for you with our solicitor who will give you free legal advice about your rights.

Contact us

You can contact us in the Children's Rights Alliance by:

- phone, 01-902 0494
- email, help@childrensrights.ie

Acknowledgements

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Disclaimer

In this guide, we aim to give general information about your rights. We have done our best to make sure the information is accurate and up to date, but it is not legal advice.

1. Introduction



What is the European Union (EU)?

The European Union is not a state, but a unique partnership between European countries, known as Member States. Together they cover much of the European continent. The EU is home to over 446 million people, which corresponds to around 6 per cent of the world's population. Citizens of the EU Member States are also citizens of the European Union. The EU is currently made up of 27 countries. In June 2016 the United Kingdom voted to leave the EU and left in 2020.

Why is the EU important for online privacy and safety?

The EU plays a significant role in the everyday lives of its citizens. In the area of online safety, the EU has laws which have created important rights for you here in Ireland. This guide will give you information on the different laws and the different rights that you have.

2. Keeping my Personal Data Safe and the GDPR

What is my personal data?

Your personal data is information about you. Personal data includes your name, address, date of birth, your medical information, your personal email address, your location data and your mobile or device's IP address (this is a unique code for your device that allows it to operate on the internet) and your behaviour online. For example, what websites and content you are viewing, what platforms you are communicating on, what content you put online and what you are purchasing online. Sometimes this is called your digital signature or your digital story.

Why do companies want your data?

3.48 billion people use the internet every day, accessing sites such as Google, TikTok, Facebook, Twitter and Instagram. Some sites like Netflix charge a monthly subscription fee for their service. Most of the content that we access on the

internet is available to us for free and companies behind these websites are some of the wealthiest in the world.

One way that companies make money without charging a subscription fee is by collecting data. When you use a website or app, information is stored as data about:

- what you look at,
- your location,
- your interests,
- the type of things you buy.

This data can then be used by companies to create and change marketing and advertising campaigns to target specific customers. This means that companies will be able to send an ad your way based on information about you such as your:

- age,
- gender,
- race,
- location.

The companies might also sell data about you to other companies or share data about you with other people, organisations and companies.

You can find more information about who has your data and what they do with it using the myprivacy.uk toolkit.

How do I keep my data private online?

If you have accessed an internet website, app or social media platform, it is very likely that some of your data will have been stored online. This happens by accepting the terms and conditions of the website or app that you have used. While you can't keep all of your online data private, there are some easy steps you can take to make your information and data as safe as possible.

Check your privacy settings - It is important to be conscious of privacy settings. Most sites and apps offer privacy settings for users. This gives you the freedom to know how much and what kind of information is shared. Make sure to choose the option that shares the least amount of information possible. When filling out any personal details, also ensure that you only fill in the required fields without providing any extra unnecessary information. If asked about your age, be honest to ensure that you get to benefit from the special protections online as a child.

Use a privacy conscious browser – You can use a browser that offers more privacy like Brave or incognito mode on Chrome. You can also use an app like Signal or Telegram for sending messages.

Read the privacy policy – While a company's privacy policy can be long and complex to read, it tells you about site security and how it controls personal information. It also specifies how it uses the information, and whether it provides information to other people. If you can't find a privacy policy on a site or if you're not comfortable with a company's privacy policy, it might be a good idea to use a different website.

Delete old profiles – There may be social media sites that you used before but have not been on in a number of years. Close down any online service that you no longer use. If your profile remains active, your personal information could be sold if the online service eventually disappears.

Passwords – Although it might seem inconvenient or time consuming, ensure that you create strong passwords and change them regularly. Try to not store a list of your passwords as this will put you and your data at a greater risk of hacking. You can also use a password manager to help keep your passwords fully protected. Some password managers you can try include LastPass and Dashlane which both have free versions and can be used on your computer (you will need to pay to sync with mobile devices), or Myki which allows you to manage passwords on your phone and is free to use.

Be mindful of cookies - When you use an internet site you will often be asked to accept cookies. A cookie is a small file that may be stored on your computer or mobile device by a website you visit. Cookies can allow sites to record your activities or preferences or contain data useful for website to work properly. Cookies can be set by the owner of the website or by other services that the website owner allows access to, to do things like web analytics. You have to individually decide to allow cookies or not for each site. However you should be aware that if you do not allow cookies, you might not have full access to all the services the website has. While it can be tiring to check your cookies on every new site you use, it is important to do so to keep your data safe.

What is the General Data Protection Regulation (GDPR)?

GDPR stands for General Data Protection Regulation. It is a law created in the EU to protect the personal data of people living in the EU. The GDPR tells companies of all sizes what they can and cannot do with your personal information. It also gives you rights over how your personal data is used.

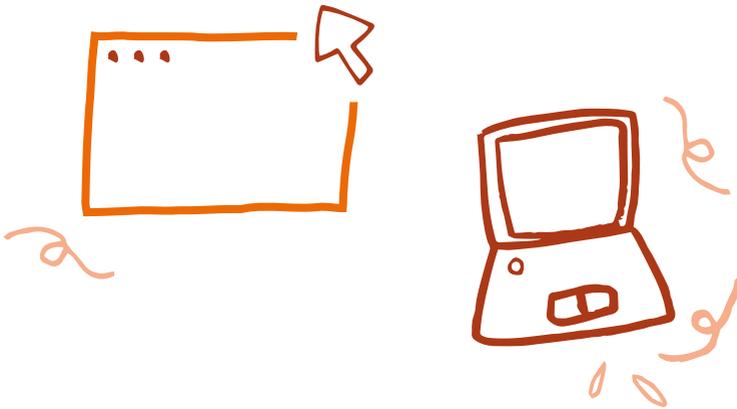
Under the GDPR companies can use your data only in specific circumstances including:

- Permission is given by you or your parent or guardian to use your data for a specific purpose. For more information see '[Can I give consent to the use my personal data?](#)' below.
- If it is necessary to comply with the law (for example in a criminal investigation).
- If it is necessary to protect someone's life.
- If it is in your legitimate interests.

Do I have rights over my personal data?

Yes. Under the GDPR you have the same rights as an adult over your personal data. You also have special protections as a young person under the GDPR. Your rights include to:

- Be informed about who the company is and how they will use your data. This means they need to clearly state what information they keep and why. This explanation should be easily available to you.
- Be given a copy of the personal data a company has about you.
- Have data that is wrong about you fixed and have data that is incomplete completed.
- Have your data deleted. This can only take place in certain circumstances for example when your data is being held for longer than is necessary. For more information on this see '[Do I have the right to have my personal data deleted?](#)' below.



Are my privacy/data protection rights the same in the online world and the offline?

Yes, the GDPR covers both online and offline. Data protection rights are as important in the offline world as they are in the online world. Both online and offline companies need to be transparent about how they use your data. This means they need to clearly state what information they keep and why. This explanation should be easily available to you. Both online and offline you have the right to:

- access your personal data offline,
- ask for any personal data that is not correct to be changed,
- ask for companies to delete all data they have about you.

Do companies have to protect my personal data?

Yes. Companies must protect your data. Companies should only collect the minimum amount of data about you. Under the GDPR they must treat you as a child and take special care to be transparent about how they use your data. This means they need to clearly state what information they keep and why. This explanation should be easily available to you. Often the information is not easy to access for both adults and children. Companies must only use your data for the reasons that they collected it.

Do I have a right to absolute privacy?

No. You do not have the right to absolute privacy. Protecting your data is important and it must be done in a fair manner. There are times when your rights to privacy must be balanced with other things. For example, where a crime is being investigated, your privacy may not be absolute.

Can I give consent to the use of my personal data?

For most online information services, such as Google, there is no law on what age you can access them. If a social media platform uses your personal data you have to be 16 years old to sign up without your parent or guardian's consent. This applies to information services that are being offered to children and young people directly and where they are using consent as the basis for using your data. By social media platforms, we mean apps like Snapchat, YouTube, Instagram and TikTok. It doesn't apply to services like online counselling. Some providers will not ask you your age, they will assume you are old enough to consent before you sign up.

The company looking to use your personal data must make a reasonable effort to ensure that your parent has given their permission. It is very important not to lie about your age online. If you are a child, you have special protections under the GDPR like greater rights to have your data deleted. You may not get to benefit from these protections if you are not upfront about your age. However, this will depend on the platform and their system for collecting your data.

Do I have the right to know how my personal data is being used?

Yes. If an organisation or company uses your personal data, they must tell you how it is being used. The GDPR says that this information should be clear, concise, easy to access and written in a way you can understand.

You also have the right to get a copy of your data being held by the organisation. You can get this by making a Data Access Request. This is where you contact the company and ask them to give you a copy of all the data they have about you. In general, you will need your parent or guardian to do this for you. You can find more information about how to make a Data Access Request by contacting the [Data Protection Commissioner](#).

Why is it important to know how my data is being processed?

It is important to know how your personal data is being processed in case your data is being used in a way that is harmful to you.



Do I have the right to have my personal data deleted?

Yes. The GDPR says that in some circumstances you have the right to have your personal data deleted. This is known as the right to be forgotten.

This is very important for young people because you have special protections under the GDPR. If you gave consent as a child and did not know the risks to your data being used you can later ask for it to be deleted. Some examples of times that this can happen are:

- your personal data is no longer needed for the reason it was collected,
- you had given your consent and now you wish to take it back,
- your data was collected in a way that is against the law.

If you ask the company holding your data to delete it for one of these reasons, they have to take reasonable steps to do so.

This right to be forgotten does not apply where the collection of data is necessary for:

- exercising the right of freedom of expression and information,
- compliance with a legal obligation which requires collecting data by EU or Irish law,
- for reasons of public interest in the area of public health,
- for the establishment, exercise or defence of legal claims,
- or for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes.



In America, YouTube and Google were using 'cookies' to collect children's data without the consent of their parents. They were using this data to track people who watched channels for children on YouTube. They were then using this data to send direct ads to children and charge companies a lot of money to do this.



3. The EU Audiovisual Media Services Directive



What is the EU Audiovisual Media Directive?

The EU Audiovisual Media Directive is a new law coming from the EU that each country has to make part of their own law. It contains rules to protect children from online content that can harm them. The new law will not be in place until later in 2020.

What types of content will the law be about?

The new law will mean that steps will have to be taken to protect you from content that is harmful for you to see. It will also contain rules about how companies can advertise to you. It will cover:

- Television,
- On demand services like Netflix or Amazon Prime,
- Online video sharing platforms like YouTube.

What to do if an image or video of my child is shared online?

If images or videos of your child have been used for a purpose for which you did not consent, you can contact the person who used them and ask them to take them down.

You can also contact the person who holds the copyright for the image (for example if you consented to the school taking the photo for a particular purpose) and let them know it is being used for something for which you did not give permission. The copyright holder can then ask a platform to take the image down.

You can also contact the [Data Protection Commissioner](#) to make a complaint.

What should I do if an intimate image or video of my child is shared online?

If your child is under the age of 18, any intimate photos involving them could be considered child sexual abuse material or child pornography. It is illegal for anyone to share these images or possess them.

You should report this to the Gardaí and keep any evidence of where the material has been shared and who shared it. If you know who has shared or posted the images it may be a good idea to check to see if they have shared the images with anyone else.

4. Sharing Photos Online

Is it legal for me to share intimate photos of myself online or through a messaging app?

If you are under 18 and you send a sexual image of yourself it is considered child exploitation material under the law. This means that you and the person you send it to could be in very serious trouble. This is because possessing or distributing explicit images of a young person under 18 is illegal and can lead to criminal prosecution.

Penalties can include jail time, a fine and being placed on the Sex Offenders Register. If you find yourself in this situation you can seek help from a social worker or the Gardaí who might be able to help contain the image or video.

Is it legal for me to share intimate photos online of someone else who is under the age of 18?

No. It is not legal to share intimate photos of someone else who is under the age of 18. The law views posting or spreading pictures like these as distributing child sexual abuse material often referred to as child pornography.

Possession of these types of photos is also illegal, even if you have not posted them anywhere else or shown them to anyone.

What should I do if someone under 18 shares an intimate photo of themselves with me?

Creating, distributing or even possessing any explicit image of someone under 18 is a potentially criminal act and should be reported to An Garda Síochána.

What should I do if I see something that troubles me online?

Most websites have a system where you can report a post or picture that you find distressing or troubling. If you come across something more serious that you suspect to be illegal like child sexual abuse material, you can report it anonymously in a secure and confidential way on www.hotline.ie

You should also talk to a trusted adult about what you have seen and discuss how it made you feel.



5. Bullying



If I am being bullied online what should I do and who can I complain to?

Bullying happens online as well as offline. Online bullying or cyberbullying is like offline bullying but it happens through technology. It can take the form of unwanted messages, videos, audio or pictures that are harmful or abusive.

If you feel that you are being bullied, there are a number of things you can do.

Tell an adult

If you are being bullied, it is important to tell an adult you feel you can trust like a parent, teacher or guidance counsellor.

If there is nobody around, you can call **Childline** on 1800 66 66 66 or **Teenline** on 1800 833 634 to talk to someone supportive.

If the bullying is focusing on you being gay, lesbian, bisexual or transgender, you can contact a support organisation like [BeLonG To](#).

Don't reply

Don't reply to bullying texts, emails or abusive postings on social media websites. Replying can often make the situation worse.

Keep a record

If possible, keep a record of the upsetting or hurtful messages (you don't have to read them). If they are text messages, keep them or take a screenshot. If there are online posts or messages, take a screenshot or email them on to an adult you trust.

Check your privacy settings

If someone bullies you online, you can use the privacy settings to make sure the bully cannot see your information or write comments to you.

Remove hurtful comments

If someone leaves a hurtful comment, you can:

- remove it yourself,
- hide it,
- restrict people's access to post on your page.

You can also contact the site administrators and ask them to take it down immediately. Generally, for a comment to be taken down it will have to go against the standards that the site have put in place.

Tell the Gardaí

If the bullying is persistent or someone makes racist or inappropriate sexual comments to or about you online, you can report this to the Gardaí.

What to do if someone confides in you

If someone you know tells you that they are being bullied online, it is important to tell an adult or someone you trust so that the bullying can be dealt with. You should also encourage them to talk to a trusted adult.



6. Where can I go for help?



There are many places that you can go to get more information or to get help. We have listed some of them below.

Data Protection Commissioner

The Data Protection Commissioner investigates complaints by individuals who feel their right to privacy has not been adequately protected or their personal details have been wrongly used. If you give any personal details or information to an organisation or individual, they have a responsibility to respect your right to privacy by keeping your information safe and private.

The Commissioner's website has a plain English guide on your rights under data protection law, as well as a chart for young people outlining their data protection rights and responsibilities. They also have a template for you to use if you are looking to make a data access request to an organisation on [their website](#).

Data Protection Commission



21 Fitzwilliam Square South
Dublin 2
D02 RD28

Phone: 057 8684 800
076 1104 800

Webforms: <https://forms.dataprotection.ie/contact>
www.dataprotection.ie/

Opening hours 9.15am to 5.30pm (5.15pm Friday)

Children's Rights Alliance Legal Information and Advice Service



The Children's Rights Alliance provides free legal information and advice on children's rights for children, young people, families and those working with them.

Children's Rights Alliance
7 Red Cow Lane
Smithfield
Dublin 7

Helpline: 01 902 0494
Email: help@childrensrights.ie
www.childrensrights.ie

Open Monday 10am -2pm, Wednesday 2pm -7pm and Friday 10am to 12pm

Childline

Childline is provided by the Irish Society for the Prevention of Cruelty to Children (ISPCC) to help and support children and young people. You can contact Childline in different ways:

24 Hour Hotline: 1800 666666

Text 'Talk' to 50101-and receive a call back

Leave a public or a private message on the Childline website.

www.childline.ie



CyberSafeIreland

CyberSafeIreland works to empower children, parents and teachers to navigate the online world in a safe and responsible manner.



You can find articles, tips and answers to typical questions on lots of different topics on their website.

cybersafeireland.org

Irish Internet Hotline

The Irish Internet Hotline provides you with a way to securely and confidentially report child sexual abuse material also known as child pornography and other forms of illegal online content and activity.



You can make a report by email, post, telephone or by using an app (available on their website).

Irish Internet Hotline
Unit 25 Sandyford Office Park
Blackthorn Avenue,
Dublin 18

Phone: 1890 610 710
Email: info@hotline.ie
www.hotline.ie

SpunOut.ie

SpunOut.ie is a website created by young people for young people. It promotes general wellbeing and healthy living. The website provides easy access to relevant, reliable, and non-judgmental advice to help young people between the ages of 16 and 25 to make sound life decisions.



SpunOut.ie
48 Fleet Street
Temple Bar
Dublin 2

Phone: 01 675 3554
Email: info@spunout.ie
www.spunout.ie

Think Before You Click

Think Before You Click is a set of class plans, information resources, advice flyers and action project materials for young people and their teachers who wish to explore the issue of online privacy in the context of online rights and responsibilities.

www.thinkb4uclick.ie

Watch Your Space

Watch Your Space is an awareness raising initiative by Webwise. It promotes safe, effective use of the internet among young people through awareness raising, resources and campaigns. The Watch Your Space website contains useful resources, advice and campaign materials on issues like online bullying and safe internet use.

www.watchyourspace.ie

Webwise



Webwise is the Irish Internet Safety Awareness Centre. Webwise works with the Office for Internet Safety to develop national initiatives and education programmes promoting the safer use of the internet by children and vulnerable people.

Dublin City University,
Dublin 9

Email: internetsafety@pdst.ie
www.webwise.ie

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An Roinn Leanaí
agus Gnóthai Óige
Department of Children
and Youth Affairs



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