

Family Pods? Legal challenges regarding child data

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Towards family (?) pods?

- Information, incl. personal data, about children
 - Identity information, e.g. registering children for certain services
 - Health data, e.g. annual 'CLB' surveys
 - Data about media consumption, e.g. recommendations
- Children can often not act alone
 - Legal incompetence
 - Holder of parental responsibility represents the child('s interests)
- 'Family' has evolved over time

Processing children's personal data

- Children merit specific protection (recital 38 GDPR)
- Children must be informed in a child-friendly way (article 12 GDPR)
- Different lawful grounds (article 6 GDPR)
 - Consent
 - Contract
 - Legal obligation
 - Public interest
 - Legitimate interests (balancing controller's interests with children's interests)

Processing children's personal data

Consent

- Who gives consent?
 - Information society services: child from the age of 13
 - Other contexts:
 - No age in the GDPR
 - Consent by the holder of parental responsibility
 - Parent, guardian or others
 - Practical implementation might be difficult; could others also give consent (e.g. school)?
 - Does the holder of parental responsibility understand processing better than the child?
- Is (no) consent given by the holder of parental responsibility always in the child's best interests?
- What about the views of the child?

Potential of family (?) pods

- Cooperation holders of parental responsibility and children
 - Children want to have a say
- Evolving capacities
- Safeguarding children's rights and interests

Questions?

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