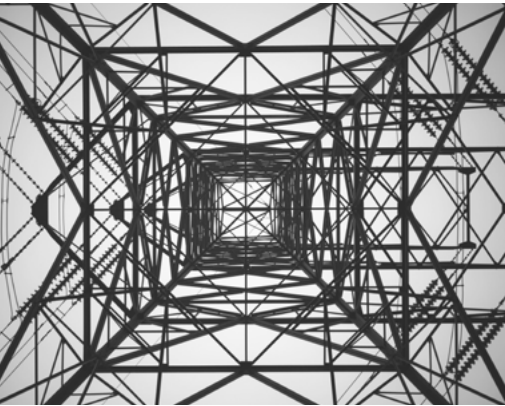


The Case for Better Governance of Children's Data: A Manifesto

SUMMARY



Data governance encompasses the universe of rules and norms that dictate why and how data are captured and used and who holds responsibility for the process.

Data, if used responsibly, can solve social problems and challenges while offering tremendous potential for innovation. This is as true for children as it is for adults.

Why do we need a Manifesto?

Data collection and processing now underpin many health, education and social services used for and by children. Governments, the private sector, civil society organizations, humanitarian actors – all collect data from and about children. Children’s data are often used to make assessments and determinations of children’s needs, abilities and future prospects.

Data also provide a rich evidence base from which companies and governments can improve their effectiveness and efficiency – so much so that they underpin an entire data economy.

However, this digital ecosystem is so complex and data processing so seamless that neither children nor their adult guardians are fully aware of how their data are being captured and used and thus what are the potential benefits and risks. The digital ecosystem is intertwined with every part of a child’s life, with governments, private companies, non-profit organizations and even parents, guardians and children themselves generating, sharing or collecting data.

Today’s data ecosystem demands a reassessment of the governance of children’s data.

While data on individuals tend to be treated the same way regardless of who the individual is, children’s data deserve to be treated differently. Children are more vulnerable than adults, and are less able to understand the long-term implications of consenting to their data collection.

Existing privacy and fairness concerns stemming from the collection of adults’ data are magnified when it comes to the collection of data from children, given their greater cognitive, emotional, and physical vulnerabilities.

The implications of surveillance and tracking are also more significant for children due to greater exposure over their lifetime, and due to the importance of childhood as a time for development and experimentation with identity. How data are collected, stored and processed affects how data are then used to inform decisions that affect children's current and future lives.

In standard approaches to data governance, the onus is placed on the individual to advance and advocate on behalf of their own interests. Yet this approach cannot be relied on for children given their evolving age and capacity. Instead, a different approach is required.

As global recognition of the need to improve the governance of data rises, a proliferation of data protection measures have been introduced across the world. Some [128 countries and territories](#) had data protection laws in place by the end of 2020 and by [2030 close to every country](#) will have a data protection framework. But, so far, very few of these have included adequate protection for children and their rights.

As all areas of children's lives become increasingly enmeshed with digital technologies, it is possible to envision a future in which these technological advancements are primarily applied in service of children and their communities.

To achieve this future, guiderails and benchmarks need to be established that will help govern children's data in a responsible way. This means that harnessing of data for social good can't come at the expense of children's privacy, protection, or well-being. It also means that the benefits of data collection and use should be spread evenly across the developed and developing world.

Better data governance for children, with clear duties, standards and responsibilities, is critical to ensure that children are protected, and that data are used as a force for good for generations to come.



What are the challenges?

See the paper from Working Group affiliates Katherine Montgomery, Jeffrey Chester and Katarina Kopp for more information and recommendations on [**Data Governance for Young People in the Commercialized Environment**](#)

See Working Group member Steve Feldstein's paper for more information and recommendations on [**State Surveillance and Implications for Children**](#)

The hurdles standing in the way of better governance of children's data are many and complex, and they have been allowed to grow largely unchallenged as data have come to play a growing role in children's lives.

What are the challenges?

These hurdles will become even more difficult if they are not overcome. Only through wholesale change can some of the key challenges facing children and their use of data begin to be addressed. These include:

- **Surveillance culture threatens children's freedom and privacy.** Surveillance by corporations and governments can have a chilling effect on children at a key development stage, and the permanence of data can have a negative impact on their futures.



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What are the challenges?

- **Poor protection of children’s sensitive data paves the way for even more surveillance and use in unanticipated and harmful ways.** The lack of clear regulation, standards, and limits on how children’s data are managed – including the commercialization of these data – creates both short- and long-term risks.
- **Predictive analytics can amplify existing discrimination and bias.** Artificial Intelligence is increasingly used to make critical decisions for children, such as allocation of welfare benefits or where schools should be built. When these systems use biased data sets, discrimination can result.
- **Children’s data can be used to manipulate and influence their behaviour.** Civil society organizations, governments and social media platforms increasingly deploy ‘microtargeting’ to shape children’s beliefs on issues such as gender or political participation. Children are highly susceptible to these techniques, which if used for harmful goals, are unethical and undermine children’s freedom of expression.
- **Legal frameworks generally overlook the risks for children of group data profiling.** Social media companies, for example, use children’s data to group them into segments and microtarget them with advertising. Such group data, if exploited, can reveal characteristics, attributes, and locations of children. Aggregated, non-personal data need further exploration and adequate regulation.

See Working Group member Lindsey Barrett’s paper for more information and recommendations on [**Governance of Student Data**](#)

See UNICEF’s [**Policy Guidance on AI for Children**](#) for more information and recommendations

See Working Group member Andrew Young’s paper for more information and recommendations on [**Responsible Group Data for Children**](#)

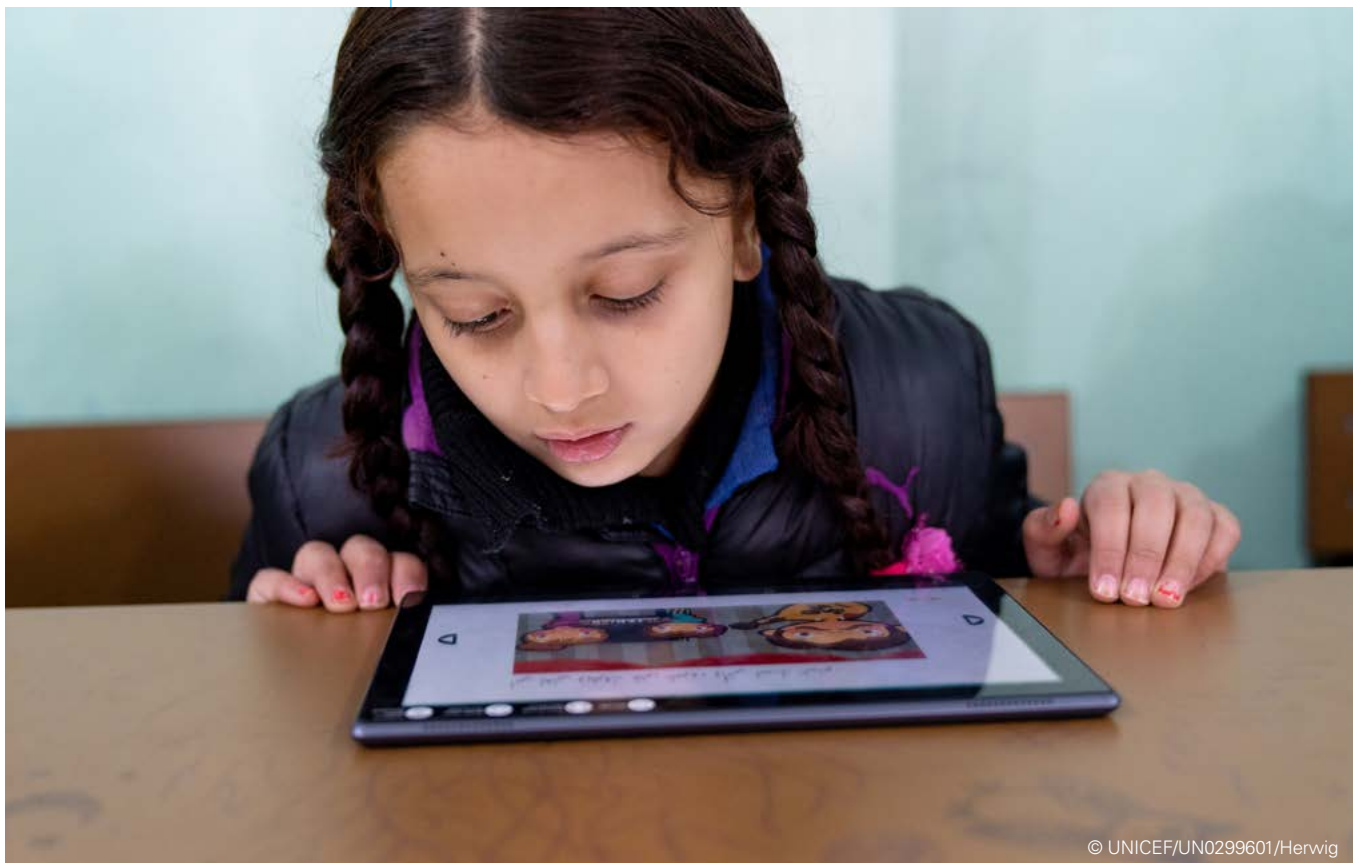


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What are the challenges?

See the paper by Working Group member Emma Day and colleagues for more information on [Encryption, Privacy and Children's Right to Protection from Harm](#)

- **Balancing conflicting rights is challenging.** Emerging tensions between seemingly conflicting rights – for example, protection and privacy – can be difficult to reconcile. Issues such as age verification, encryption and use of parental controls must be considered in connection with children's wishes, capacities and freedoms.
- **Data governance does not account for children's evolving capacities and different experiences.** Children and adolescents have differing levels of awareness of what information is collected online and for what purposes. But data privacy laws and policies at best treat children as a homogeneous group.
- **Most data regimes do not adequately address consent, child protection and representation.** Using age to indicate that a child can understand terms and conditions and consent to data collection may not be meaningful or appropriate. In addition, the internet makes it tough to obtain parental consent, while current consent frameworks may lead to parents and guardians overriding children's rights to freedom of expression and participation.



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To maximise the benefits of data use for children and to protect children from harm requires a new model of data governance that is fitting for the 21st century.

What are the solutions?

A new data governance model has two critical elements. First, it requires a global approach to harmonizing legal systems and creating a fair data economy, to help address power imbalances among nations, companies, and children and those responsible for the realization of their rights, while supporting cross-border data flows. Second, it should be based on the [UN Convention on the Rights of the Child \(CRC\)](#) and other international human rights laws and norms that have already been widely negotiated and adopted around the world.



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See [Responsible Data for Children \(RD4C\) Principles](#).

The RD4C principles provide guidance, tools and leadership to support the responsible handling of data for and about children

See the paper from Working Group Member Pedro Hartung on [The Children's Rights-by-Design Standard for Data Use by Tech Companies](#)



The Manifesto

These ten actions form a Manifesto that articulates a vision for a better approach to children's data.

The international community must consider these actions when developing and implementing data governance frameworks:

- 1. PROTECT children and their rights through child-centred data governance.** Such data governance should adhere to internationally agreed standards that minimize the use of surveillance and algorithms for profiling children's behaviour.
- 2. PRIORITIZE children's best interests in all decisions about children's data.** Governments and companies should give priority to children's rights in their data collection, and processing and storage practices.
- 3. CONSIDER children's unique identities, evolving capacities and circumstances in data governance frameworks.** Every child is different and children mature as they get older, so data governance regulations must be flexible. Marginalised children must never be left behind.
- 4. SHIFT responsibility for data protection from children to companies and governments.** Extend the protection measures to all children below the age of 18, regardless of the age of consent.
- 5. COLLABORATE with children and their communities in policy building and management of their data.** Through distributed models of data governance, children and their communities should have more say in how data is processed, by whom it can be processed, and with whom it can be shared.
- 6. REPRESENT children's interests within administrative and judicial processes, as well as redress mechanisms.** It is imperative that children's rights are integrated into existing mechanisms, such as the work of data protection authorities.

- 7. PROVIDE adequate resources to implement child-inclusive data governance frameworks.** Data protection authorities and technology companies must employ staff who understand children’s rights, and governments should allocate funding for regulatory oversight.
- 8. USE policy innovation in data governance to solve complex problems and accelerate results for children.** Policy innovation can help public authorities to make the most of data, while at the same time safeguarding children’s rights.
- 9. BRIDGE knowledge gaps in the realm of data governance for children.** There are some urgent knowledge gaps that need further research to ensure that data governance regulations are evidence-based.
- 10. STRENGTHEN international collaboration for children’s data governance and promote knowledge and policy transfer among countries.** This Manifesto calls for greater global coordination on law and policy. Uncoordinated national-level data governance laws can lead to competing assertions of jurisdiction and conflict.

This Manifesto is the beginning of a process, and the first step in ensuring that children’s rights are given due weight in data governance legal frameworks and processes as they evolve around the world. Those who are concerned about child welfare and their rights are encouraged to go beyond this document to develop more concrete action points.

See Working Group member Sean Martin McDonald’s paper for more information and recommendations on [**A Fiduciary Approach to Child Data Governance**](#)





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This Manifesto is the product of a year-long process and the collective wisdom and work of 17 global experts who formed the **Data Governance Working Group** and provided analysis, insights, guidance and comments to inform the final report. We are grateful to over 100 experts from various institutions, organizations and companies who contributed to this Manifesto through providing comments and taking part in consultations and informal interviews. The Manifesto was produced by UNICEF's Office of Global Insight and Policy under the leadership of Laurence Christian Chandy (Director) and Jasmina Byrne (Chief of Policy). The report was authored by Jasmina Byrne, Emma Day (UNICEF) and Linda Raftree (independent consultant).

UNICEF works in the world's toughest places to reach the most disadvantaged children and adolescents — and to protect the rights of every child, everywhere. Across 190 countries and territories, we do whatever it takes to help children survive, thrive and fulfill their potential, from early childhood through adolescence. And we never give up.

The Office of Global Insight and Policy serves as UNICEF's internal think-tank, investigating issues with implications for children, equipping the organization to more effectively shape the global discourse, and preparing it for the future by scanning the horizon for frontier issues and ways of working. With dedicated expertise in seven policy areas — digital technology, human capital, governance, the environment, society, markets, and finance — the Global Insight team assists the organization in interpreting, and engaging in, a rapidly changing world.

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