

Questions Taken on Notice

Inquiry	Influence of International Digital Platforms
Question No.	UNICEF - 001
Topic	UNICEF Policy Guidance on AI & Additional Information for Children's Privacy Code
Reference	Public Hearing - July 26th 2023
Committee member	Chair Senator Andrew Bragg

Question

1. Committed to provide the UNICEF policy guidance on AI to the Committee:

Answer

The UNICEF policy guidance on AI can be found online at

<https://www.unicef.org/globalinsight/media/2356/file/UNICEF-Global-Insight-policy-guidance-AI-children-2.0-2021.pdf>

Question

2. Committed to provide more information on which agency could enforce a children's privacy code in Australia.

Answer

The decision on responsibility for a children's privacy code ultimately rests with the Government, but is one worth prosecuting further through robust debate. As it currently stands, were a children's privacy code implemented in Australia, there could be instances where responsibility for certain matters was shared by both the Information Commissioner and the eSafety Commissioner, given existing legislation. For example, a children's privacy code could dictate that children's privacy settings on social media platforms are defaulted to maximum privacy settings, and given the code would likely fall within the purview of the Privacy Act, responsibility for this would likely sit with the Information Commissioner. However, under the Online Safety Codes currently being developed as per the Online Safety Act, for which the eSafety Commissioner is responsible, there are also requirements concerning children's privacy settings on social media platforms. This is just an illustrative hypothetical example of where there could be overlap or duplication in responsibility for two separate independent authorities. What we can safely say is that any responsible regulator/s would need to be adequately resourced to perform their functions, and while UNICEF Australia cannot currently propose a solution for this hypothetical situation, we would direct the Committee to Chapter 6 of the European General Data Protection Regulation for further information, which may be of assistance as it provides guidance on independent supervisory authorities, their establishment, competence, tasks, and powers.