ADIA
AUSTRALIAN DATA AND INSIGHTS ASSOCIATION

Children's Online Privacy Code

Consultation Submission on Issues Paper

Office of the Australian Information Commissioner (OAIC)

31 July 2025

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Sent via email: copc@oaic.gov.au

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Re: **Submission in response to Issues Paper to develop a Children's Online Privacy Code**

ADIA is grateful to have the opportunity to comment on this issues paper in relation to the development of a Children's Online Privacy Code. Many of our members conduct online data collection, including with children, and our members' activities will therefore fall within the remit of the proposed Code. Our members' online research surveys facilitate communication with and the collection of data from the target audience. In this submission we have provided some relevant background information in relation to the way that our members currently interact with children online and have provided responses to the specific questions raised in the issues paper, where relevant. We look forward to continued engagement with the OAIC in relation to the development of a Children's Online Privacy Code.

1. ABOUT THE AUSTRALIAN DATA AND INSIGHTS ASSOCIATION (ADIA)

ADIA is the industry peak body for the market and social research industry. We have close to 90 member organisations and represent an industry that is responsible for over $4 billion dollars annually in economic activity representing over 5,000 personnel.

Our members service the majority of the top 200 ASX companies and almost all state and Australian Government organisations. ADIA's key mission is the responsible and ethical collection, storage and analysis of personal and other data which can assist amongst other things, the nation's planning for future and current health programs, urban and regional planning, commuter transport, planning based on demographic trends, private and public investment, education services and much other public and private decision-making about future economic and social needs.

2. ADIA: ITS OPERATING ENVIRONMENT

ADIA recognises that its members have an ethical responsibility to collect, store, analyse and transmit personal data with the highest level of care and due diligence. Public trust, which includes both clients and consumers, is the critical lynchpin for our members.

ADIA therefore has taken significant steps to ensure that the community's trust is protected through several key commitments and mandatory requirements.

These include:

a) A privacy protection regime centred on a mandatory privacy code, the ADIA Privacy (Market and Social Research) Code 2021 registered under s26U of the Privacy Act 1988. This is the only industry APP privacy code registered under the Privacy Act and is based on the only private sector Code first registered in 2003.

b) A suite of processes to support that Privacy Code such as the continuation of an experienced Privacy Compliance Committee to provide advice, manage the Code through its Administrator (ADIA), organise and provide training and privacy awareness programs to ADIA members, survey and assist ADIA members with privacy compliance and any incidental or ongoing problems with privacy related issues and ensure that ethics and standards such as the global Market and Social Research Industry ISO 20252:2019 are complied with.

c) Regular reviews by the ADIA Privacy Compliance Committee of national and overseas developments with APEC and the OECD and International Data Protection Commissioners as well as ADIA quality assurance activities which have implications for privacy.

3. RELEVANT PRINCIPLES OF THE PRIVACY (MARKET & SOCIAL RESEARCH) CODE 2021

Operating under the Privacy (Market and Social Research) Code, our members currently collect data via online surveys under the following general principles which align well with the objectives specified for the Online Children's Privacy Code:

- Transparency of data management – making sure to manage personal data in a transparent way.
- Privacy policies – having a clearly expressed and up-to-date research information privacy policy about the management of identifiable research information by the Organisation.
- In the conduct of Market and Social Research, a Research Organisation must not collect identifiable research information (other than sensitive information) unless the information is reasonably necessary for that research.
- Sensitive information – our members may only collect sensitive information about children (whether from an individual or from a third party) where the individual has consented, and the information is reasonably necessary for a research purpose, or if the collection is required by Australian law or a court/tribunal order.
- If an ADIA member holds identifiable research information about an individual that was collected for a particular purpose (the primary purpose), the Organisation must not use or disclose the information for any other purpose (the secondary purpose).
- Informed consent is a core principle which applies to all the research work we undertake, including with children.

- Control over personal data and privacy – noting that control over personal data and privacy was a recurrent concern raised in consultations with children, ADIA members only collect information with explicit consent and only use that data for the specified and agreed purposes. ADIA members delete respondent data once it is no longer required for either research purposes or auditing purposes.
- Data minimisation – ADIA members seek to minimise data collected to that required to achieve specified research purposes.

4. RESPONSES TO SPECIFIC QUESTIONS

In general, we note that ADIA members currently operate in a way that is aligned with the envisaged framework for the Children's Online Privacy Code.

1. Scope of services covered by the Code

We believe ADIA members, while not belonging to any of the three identified types of service providers, do use such services in the conduct of their work – specifically in relation to collecting information from or about children using online surveys.

2. Age range-specific guidance

ADIA members operate under The Research Society's *Code of Professional Behaviour* and as such members are encouraged to make a distinction between children aged 14-17 and those aged under 14. In general children aged 14-17 are deemed acceptable to interview provided the research topic is not of a sensitive nature (e.g. health or finance related topics). For sensitive topics children aged 14-17 need parental permission to participate in research surveys. For children under the age of 14 our members would usually not seek to directly interview them, and would instead interview a parent, guardian or other appropriate responsible adult. [Industry guidelines on interviewing children are available and can be provided if required.]

In relation to the other questions posed in the Issues Paper, ADIA members already operate in line with the general principles outlined.

In Conclusion

ADIA understands that The Code, mandated by the Privacy and Other Legislation Amendment Act 2024 (the Act), will enhance privacy protections for children who engage in the digital world, where substantial amounts of personal information is collected from an early age. This objective aligns with the interests of ADIA members, who depend on public goodwill to gather information that supports evidence-based decisions made by the Government or commercial entities.

In general, ADIA has no overall concerns in relation to the development of the Children's Online Privacy Code, as we believe our members currently operate within the framework envisaged by the Code.

We look forward to continued engagement with the OAIC in relation to the development of a Children's Online Privacy Code. One possible source of discussion may be the extent to which the Privacy (Market & Social Research) Code 2021 under which our members operate, might be adapted to also explicitly conform with all the requirements of Children's Online Privacy Code. Under this scenario, we believe it may be possible for ADIA to be excluded from coverage of the latter code.

Please do not hesitate to contact ADIA if you have any queries in relation to our submission.

Yours sincerely,

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