

22 September 2025

Senator Varun Ghosh
Chair, Environment and Communications Reference Committee

Dear Chair,

As the NSW Advocate for Children and Young People, I welcome this opportunity to provide feedback on the Inquiry into the Internet Search Engine Services Online Safety Code.

The role of the Advocate of Children and Young People

Established under the Advocate for Children and Young People Act 2014, the Advocate for Children and Young People is an independent statutory appointment overseen by the Parliamentary Joint Committee on Children and Young People. The Advocate promotes the safety, welfare and wellbeing of children and young people aged 0-24 years and their participation in decisions that affect their lives. The Act requires the Advocate to 'give priority to the interests and needs of vulnerable and disadvantaged children and young people' and to 'focus on systemic issues affecting children and young people.' More information can be found at: www.acyp.nsw.gov.au.

Focus and sources for this submission

Given the focus of the Advocate's work, and how the topics of online safety regulations relate to children and young people, this submission is focused on the following aspects of the terms of reference:

- a. privacy and data protection implications of age verification;
- g. any other related matters.

This submission is informed and underpinned by the voices of children and young people across NSW. The evidence outlined in this submission is drawn from several sources including the Advocate and team's polling and face-to-face consultations such as:

- Unpublished Youth Week Polling: The Advocate and team conduct annual Youth Week polling to track sentiment and identify emerging issues impacting children and young people in NSW. This polling has been shared with NSW Government Ministers

and agencies. In this submission, data has been drawn from the 2021 Youth Week poll.

- The Advocate's submission into the eSafety Commissioner consultation on the implementation of the social media restrictions. This was informed by the Advocate and their team's consultations with a small sample of young people.
- The Social Media Summit: The Advocate and the Minister for Youth (the Honourable Rose Jackson MLC) held two workshops with 100 young people aged 12-25 years as part of the NSW Government's Social Media Summit.

Children and young people's views on privacy and data protection

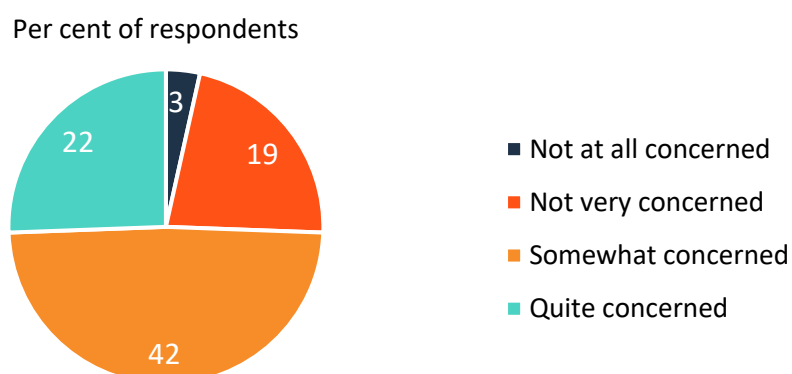
Children and young people have consistently raised harmful online content and privacy as a significant issue.

Some of the themes highlighted by children and young people in the 2024 Social Media Summit and the Youth Week Polling data include concerns around harmful exposure to pornography, disordered eating content and fake news.

The better regulation of online content, and the promotion of more positive content and mental health resources is something young people have been asking for and is a significant step forward in making the online world safer for children and young people.

More than three quarters of young people surveyed as part of the 2021 Youth Week Polling expressed at minimum, a mild concern about their online privacy (Figure 1).

Figure 1 In general, how concerned are you about your privacy online?

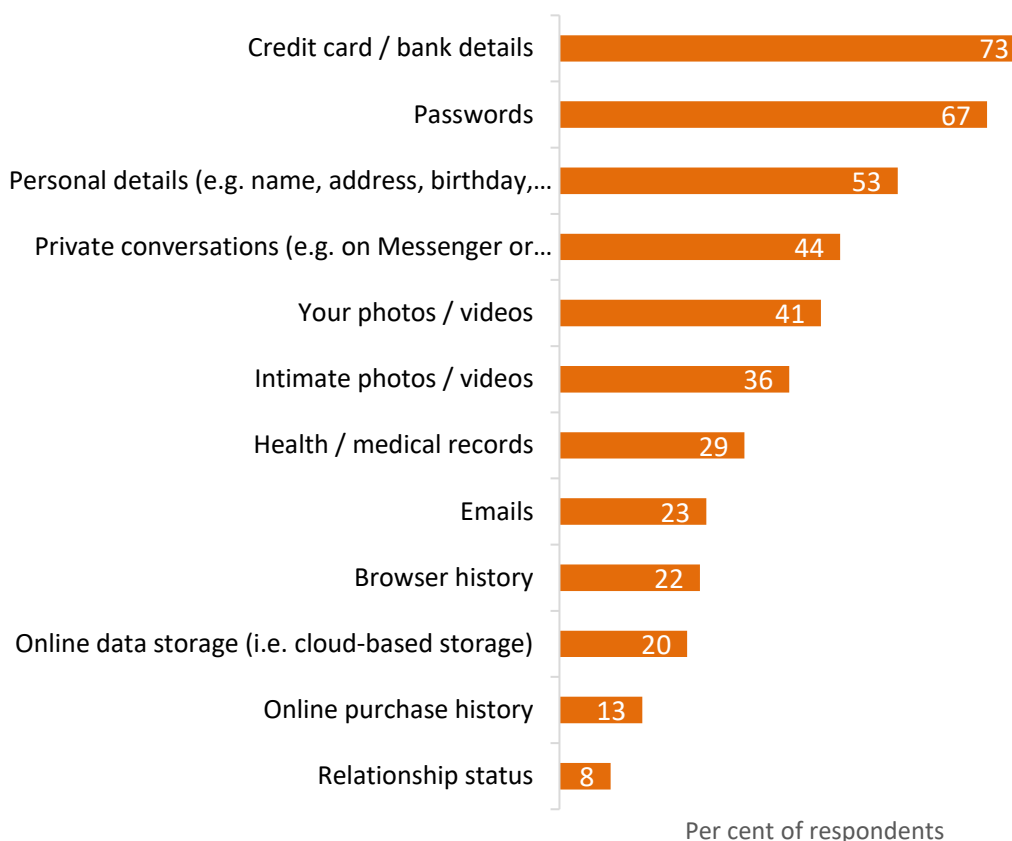


Source: Youth Week Polling 2021. Base: all participants (n=972)

Keeping financial information such as credit card and bank details secure was a key concern in 2021 Youth Week Polling.

This is followed by keeping passwords secure and keeping private information such as name, address, birthday and contact details protected (Figure 2). Children and young people have raised the concern that data breaches are becoming more common and invasive age verification methods that collect, and store data are a significant privacy concern and may increase vulnerability.

Figure 2 Please choose five (5) things from the list below that you would be most concerned about keeping private online?

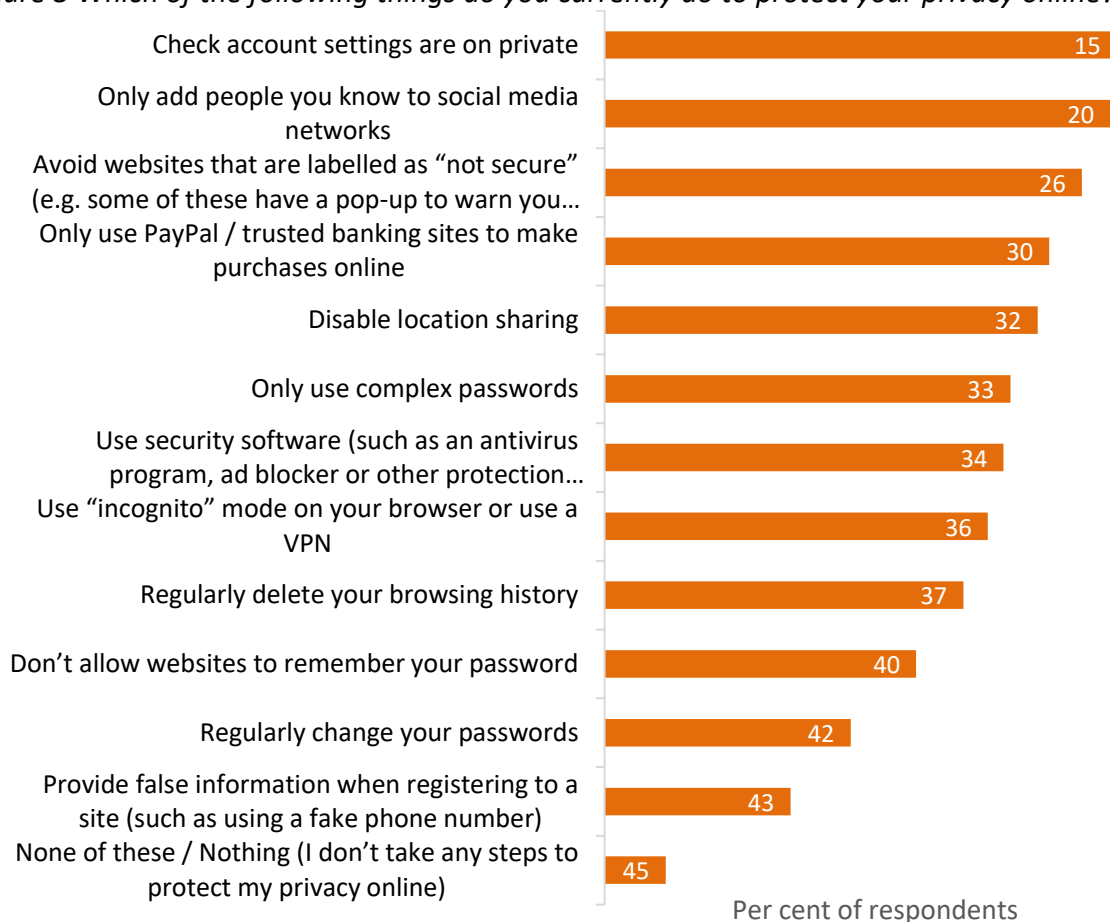


Source: Youth Week Polling 2021. Base: all participants (n=972)

Young people are actively managing their own privacy online.

Almost all children and young people surveyed (95%) reported utilising a broad range of behaviours such as not disclosing private information, using incognito mode or VPNs and providing false information to ensure their online privacy (Figure 3).

Figure 3 Which of the following things do you currently do to protect your privacy online?



Source: Youth Week Polling 2021. Base: all participants (n=972)

Age verification methods

Through the Advocate and team's consultation for the eSafety submission, insights were gathered on the age assurance methods. Key themes and insights include:

Privacy first approaches should be prioritised

A 15-year-old young person stated, *“there should be a focus on user privacy as tech companies are vulnerable to cyber-attacks.”* a 25-year-old respondent suggested *“facial recognition should not be used (who is the facial recognition being trained on? what facial features, what races, what about disfiguration/tattoos? genders?), and it is hard to imagine other identification methods that are completely safe from being leaked after many people are uploading their most sensitive identification documents.”*

One response by a 18-year-old young person suggested age verification methods such as *“Privacy-Enhancing Age Verification (e.g., Cryptographic Proofs of Age, Zero-Knowledge Proofs, Third-Party Digital Identity Services / Age Verification Services (AVS), Reusable Digital ID Wallets / Age Tokens and Federated Identity Systems (secure login with age attribute)”* should be used as privacy-first approaches. Further stating that this *“aligns perfectly with data minimisation and privacy-by-design principles, significantly reducing privacy risks”* and *“keeping the verification process separate from the platform, meaning the platform doesn't directly handle sensitive user data (like ID documents). This reduces the platform's data liability and security burden.”*

Age verification methods should be fair and non-discriminatory

It was also suggested by an 18-year-old young person that *“the chosen method should be able to correctly determine a user's age under various conditions. It should be robust enough to work in real-world deployments and resistant to circumvention attempts. Fairness is crucial, meaning the method should not produce significant bias or discriminatory outcomes, especially for methods relying on AI or machine learning.”*

Additionally, they mentioned that *“Age assurance methods should be easy to use and work for all users, regardless of their characteristics, socioeconomic status, race, or other factors. Methods that require specific documents (like government IDs or credit cards) can create barriers for those who lack access to them. Special consideration should be given to vulnerable children, such as those in care, to ensure they aren't excluded from online access.”*

There needs to be transparency and accountability from platforms

An 18-year-old young person stated *“Platforms should have governance methods in place to be accountable for their approach to age assurance and to demonstrate compliance with regulations. They should also be transparent with users about how age assurance is*

implemented.” Another response by a 16-year-old regionally located young person suggested that platforms using age verification processes should “ensure consent at every stage of the process especially with facial rec. software, ensure there are a variety of options and not restricted to one. Ensure transparency and accountability with methods.”

Other related matter

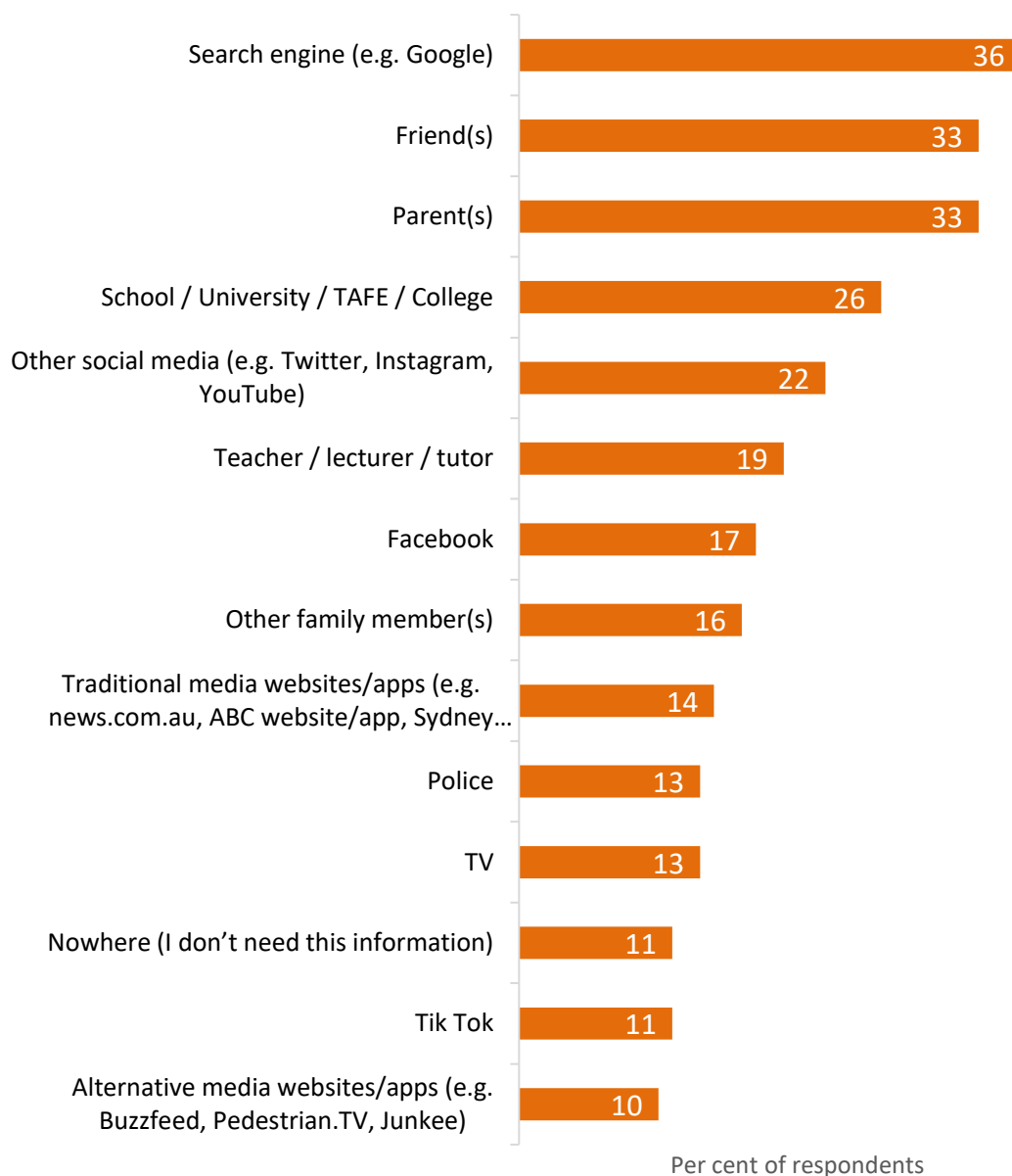
There are a variety of ways of communicating about the online safety codes to children and young people.

As illustrated in Figure 4 children and young people prefer to seek information about privacy from a range of different sources. Primarily, young people prefer using search engines (36%) such as google or asking parents (33%) and friends (33%) about how to protect their online activity.

As part of the Advocate’s submission to the eSafety Commissioner, young people were asked how they would prefer information to be communicated to them on the social media restriction. A 15-year-old respondent suggested that information *“should be communicated everywhere, all young people should know about it, especially in schools.”* In relation to the social media restrictions a response by a 17-year-old stated, *“it needs to be further explained why this decision has been made as currently most people think that this act is just a way to further punish and restrict young people, rather than tackle the actual issue which is what is created and shared by adults.”*

Additionally, the responses suggested advertising information through Spotify ads, on bus stops and buses and in shopping centers would be the most effective methods to communicate with young people. They also suggested spreading educational material at sport and community events and through workshops in schools.

Figure 4 Where do you get information about how to protect your privacy online?



Source: Youth Week Polling 2021. Base: all participants (n=972)



Thank you once more for the opportunity to provide a submission to this inquiry. Should you wish to discuss these matters, please do not hesitate to contact my office via:

[REDACTED] or ph: [REDACTED]

Yours Sincerely,

[REDACTED]

Zoë Robinson

Advocate for Children and Young People

Office of the Advocate for Children and Young People