

New advertising formats and children's fundamental rights

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Prof. dr. Eva Lievens

Comparing Children's Media around the World: Policies, Texts and Audiences, 4 September 2015, London



Introducing the AdLit project

Advertising Literacy in a
New Media Environment
Investigating Minors'
Persuasion Knowledge in
Relation to New
Advertising Formats

2014-2018



New advertising formats aimed at minors

- distributed through a variety of emerging platforms
- highly sophisticated, interactive
- advertising content **embedded** in the non-promotional content



New advertising formats aimed at minors

→ collecting minors' personal data



CREATE USER ACCOUNT

1. Username
2. Profile information
3. Done

Welcome

Before you can get started you must ask your mother or father to open the email message we sent them, so they can approve your new LEGO ID.

To parents

We have sent an email message with a link you can use to approve your child's new LEGO ID. If you do not receive the email message, you can have it sent again by clicking on the button below.

[SEND ACTIVATION EMAIL AGAIN](#)

[Help ?](#)

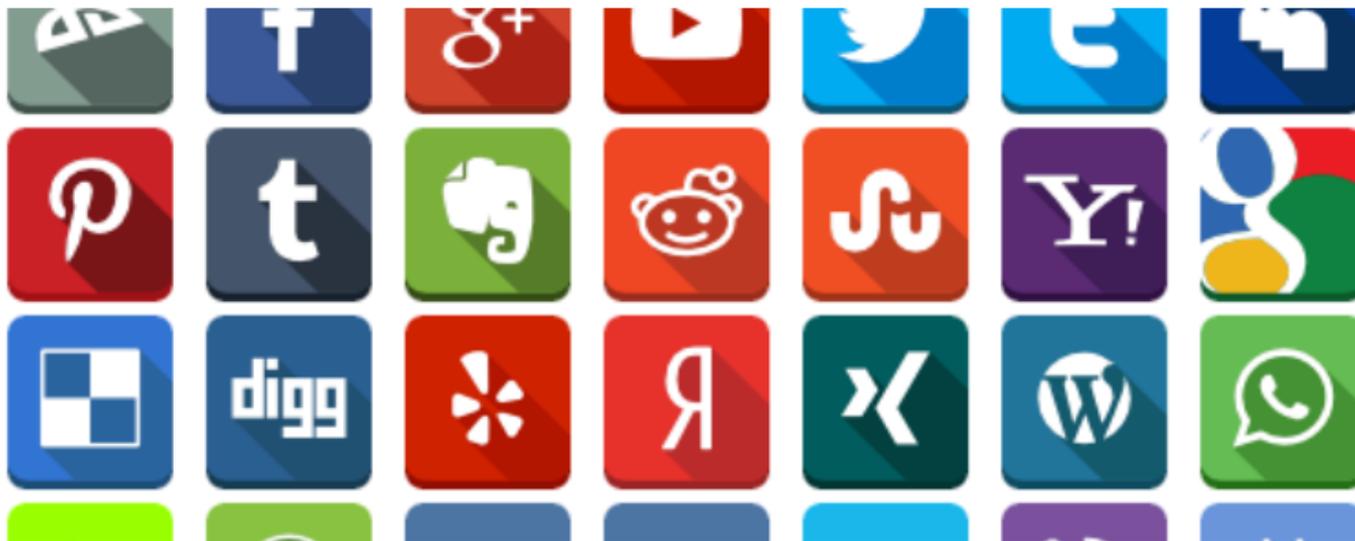
[ALREADY HAVE AN ACCOUNT?](#)

[Privacy Policy](#) [Cookie Policy](#)

New advertising formats aimed at minors



SEPTEMBER 3, 2015



UK Data Protection Agency Investigates Apps and Sites collecting data of children

It's been reported that the UK's Data Protection Agency has held an investigation into what and how much data is being collected on children via sites popular with the demographic. The investigation looked at 1500 websites and apps, the results aren't surprising but scary nonetheless. An article has been posted on the BBC website here, and...

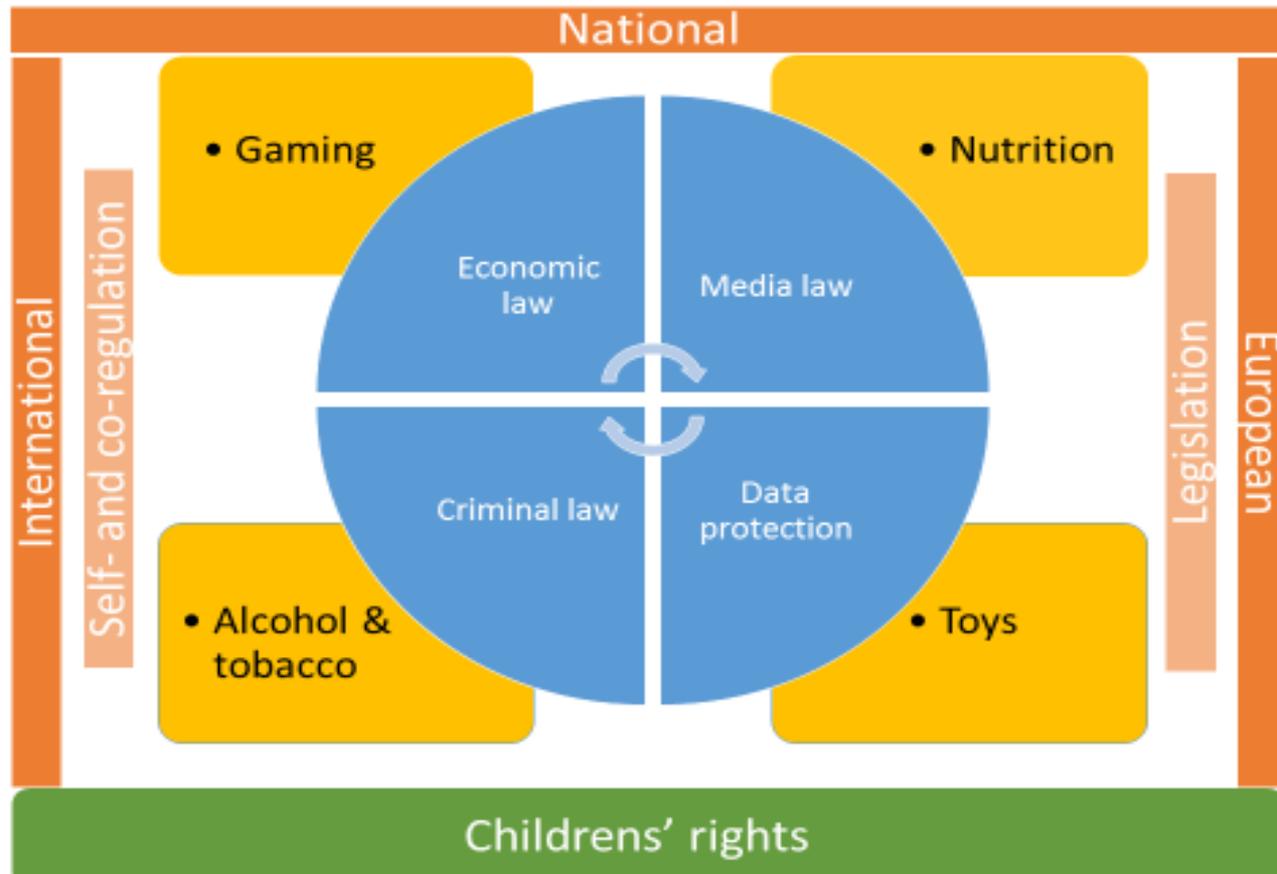


New advertising formats aimed at minors

- personalised content
- building strong and lasting interaction and connection
- significant societal impact



Advertising rules (it's complicated)



Children's fundamental rights

- Best interest principle
- Right to freedom of expression
- Right to privacy and data protection

CONVENTION
ON THE RIGHTS OF THE CHILD

European Convention
on Human Rights

EU data protection framework

European Data Protection Directive (1995) – requirements for the lawful processing of minors' personal data



- Legitimate ground for processing



- Data quality principles



- Data subject's rights

EU data protection framework

→ Legitimate ground: Consent

How can valid consent be obtained?

Who needs to consent?

How will consent be given in practice?

EU data protection framework

→ Legitimate ground: Consent

- ✓ take into account child's perspective
- ✓ parental consent in case the child has not reached “the level of discernment”



EU data protection framework

→ Data subject's rights: Right to be informed



EU data protection reform

→ Legitimate ground: Consent

- ✓ General Data Protection Regulation: minimum age 13 years, “verifiable consent”, “taking into consideration available technology”
- ✓ Lessons from US Children’s Online Privacy Protection Act: “verifiable parental consent”, “taking into consideration available technology”, concrete methods

→ Data subject’s rights: Right to be informed

- ✓ “clear and plain language so that the child can easily understand”



Recommendations

- Clear, practical guidelines for 'verifiable (parental) consent'
- Increase advertising literacy through innovative ways of providing information (e.g. layering, participatory design, labels or cues)
- Convey legal communication in a way that children can understand the content and implications

Future project work

- Map the different legal and self- regulatory frameworks and analyse overlaps in the context of new advertising formats
- Research on cues across different advertising formats
- Educational packages

THANK YOU

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