

## Children

Q1: Can parents give consent on behalf of their children for GDPR purposes?

Q2: I would like to include photographs of a recent event in the parish newsletter. Do I need to get consent for this?

Q3: Do we need to get written consent when taking photos for the church from all people or just children? In the past we have used an 'opt out' withholding of consent for photos – is that no longer allowed?

With regard to children, the ICO has stated that if an organisation offers services over the internet directly to children (in the UK, under the draft Data Protection Bill, this will be anyone under the age of 13), then you will need parental consent in order to process their personal data lawfully.

Other than this, there is little fundamental change to the rights of children, who are considered as individuals in the own right. Children's data, (where on-line services are not involved) is covered by the fact that children are considered to be a vulnerable group and therefore warrant specific consideration and protection (i.e. they must be provided with clear information about what, why, how etc, and must be able to understand the risks, consequences and safeguards and their rights), but otherwise are accorded the same protections as adults in the DPA and the GDPR.

Specifically:

- a. You must have clear and age-appropriate privacy notices for children.
- b. The right to request erasure is particularly relevant when consent was given when the individual was a child.
- c. The concept of competence remains valid under GDPR – you may wish to give an individual with parental responsibility for a young child the ability to assert that child's data protection rights on their behalf or consent to processing their data.
- d. If an older child is not deemed competent to consent or exercise their own rights, you may allow an adult to do this.
- e. You can still process a child's data under legitimate interests.
- f. Privacy by design is the same and should be properly considered when processing children's data.
- g. So, for example with regard to a youth group mailing list, parental consent may be considered appropriate depending on age and competence i.e. *do the children understand the implications of the collection and processing?* If yes, they can give their own consent unless it is clear they are acting against their own interests.

Q1: Can parents give consent on behalf of their children for GDPR purposes?

Under the GDPR in the UK, children are able to give consent at age 13, which means that consent should come from the child rather than the parent/guardian from age 13 unless there are other reasons why the child does not have the capacity to consent. If you are

seeking consent from a child, you must have a child-friendly privacy notice in place. If the child is under age 13, parental consent is required.

Q2: I would like to include photographs of a recent event in the parish newsletter. Do I need to get consent for this?

Yes, you will need to do so in the vast majority of cases. You will need parental consents for children under 18 under the Children Act 2004.

Q3: Do we need to get written consent when taking photos for the church from all people or just children? In the past we have used an 'opt out' withholding of consent for photos – is that no longer allowed?

Yes, you should ask people for consent if you are going to use their photographs, particularly if they are going to feature on your website or newsletters. You will need parental consents for children under 18 under the Children Act 2004.