Children and the GDPR: 
a quest for clarification and the integration of child rights 
considerations

Prof. dr. Eva Lievens – CPDP, 27 January 2017

"GENERATION ZERO"- DATA & DIGITAL MARKETING PROTECTIONS FOR CHILDREN AND TEENS UNDER THE GDPR, COPPA 
AND THE NEW FCC PRIVACY RULES
“Child”?
Article 8: Conditions applicable to child's consent in relation to information society services

1. Where point (a) of Article 6(1) applies, in relation to the offer of information society services directly to a child, the processing of the personal data of a child shall be lawful where the child is at least 16 years old. Where the child is below the age of 16 years, such processing shall be lawful only if and to the extent that consent is given or authorised by the holder of parental responsibility over the child.

   Member States may provide by law for a lower age for those purposes provided that such lower age is not below 13 years.

2. The controller shall make reasonable efforts to verify in such cases that consent is given or authorised by the holder of parental responsibility over the child, taking into consideration available technology.
Lawfulness
Fairness
Transparency
Proposal e-Privacy Regulation: No reference to children
VAGUE, UNCLEAR concepts: important to clarify in light of legal certainty for data controllers & data subjects

INTEGRATE CHILD RIGHTS CONSIDERATIONS in decision-making processes by various actors
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