Targeting children with personalised advertising:
How to reconcile the (best) interests of children & advertisers

Prof. dr. Eva Lievens
Freedom under Pressure, Ghent, 8 December 2017
Advertising Literacy in a New Media Environment
Investigating Minors’ Persuasion Knowledge in Relation to New Advertising Formats

'A children’s rights perspective on privacy and data protection in the digital age: a critical and forward-looking analysis of the General Data Protection Regulation and its implementation with respect to children and youth'
Children as ‘consumers’

Target group for advertisers
- Primary market
- Parental market
- Future market

Advertising revenue

Creation and maintenance of
- good-quality content
- digital platforms

Exercising children’s rights
integration – interaction –

personalisation – entertainment
Children's rights perspective

↑ effectiveness?

personal characteristics / behaviour

integration – interaction – personalisation – entertainment

children often do not **recognise** or **understand** the persuasive intent

difficulties in applying advertising literacy skills
manipulative effect
increased parent-child conflicts

recognise understand intent critically evaluate
tracking

profiling

targeting
Regulatory framework

GDPR

• Specific protection of personal data of children, in particular in the context of marketing & profiling (rec 38)
• Consent or legitimate interest (children's rights?)?
• Profiling of children (rec 71)?
Article 29 WP Draft guidelines on profiling

Because children represent a more vulnerable group of society, organisations should, in general, refrain from profiling them for marketing purposes. Children can be particularly susceptible in the online environment and more easily influenced by behavioural advertising.
## Regulatory framework

<table>
<thead>
<tr>
<th><strong>GDPR</strong></th>
<th><strong>e-Privacy</strong></th>
<th><strong>Unfair Commercial Practices</strong></th>
<th><strong>Self-regulation</strong></th>
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<tbody>
<tr>
<td>• Specific protection of personal data of children, in particular in the context of marketing &amp; profiling (rec 38)</td>
<td>• No specific mention of children (↔ EP IMCO: “[children] are among the most active internet users and their exposure to profiling and behavioural targeted advertising techniques should be prohibited”)</td>
<td>• ‘Aggressive’ commercial practices: “by ... undue influence significantly impair the freedom of choice or conduct of the average consumer”   - data = power?  - repetitive element?  - prevent display of other ads?</td>
<td>• Strong tradition in advertising sector  - ICC Code, D7.4: “Segments specifically designed to target children 12 and younger for OBA purposes should not be created”</td>
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<td>• Consent or legitimate interest (children’s rights!)?</td>
<td>• Profiling of children (rec 71)?</td>
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<td>• Granular settings? (EP)</td>
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best interests of the child

Article 3 UNCRC

Right to privacy / data protection
Article 16 UNCRC

Right to development
Article 6 UNCRC

Right to protection from economic exploitation
Article 32 UNCRC

shaping preferences, compartmentalise children, hinder experimenting

monetisation of personal data

social v institutional
Challenges

- Child(‘s age)?
- Consent?
- Covert?
- Child rights / data protection impact assessments?
- Changes in advertising techniques?
- Commercial digital literacy?
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