

[REDACTED]

Office of the Australian Information Commissioner
GPO Box 5288
Sydney 2001
NSW

2 April 2026

Dear Commissioner Elizabeth Tydd,

I am writing in regards to the public consultation on the draft Draft Children's Online Privacy Code.

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The Australian social media ban has been condemned by Amnesty International, UNICEF Australia, the Australian Human Rights Commission, and many more as a blunt and disproportionate approach to a nuanced topic. This proposed 'privacy' code runs into the same issues through requiring age verification for much of the internet.

I believe that age verification in any form is a death knell for both privacy and the internet which we now rely on for so many services. There is no way to gauge a users age with any accuracy without forcing all users – both adults and children – to hand over sensitive data to companies who have repeatedly suffered data breaches. Just last year Discord caused the release of 68,000 Australian identity documents,¹ causing immense harm to the victims. These were the same documents which Discord promised to immediately delete. As would be required, but completely unverifiable, under this code.

Other well established issues² include;

1. Scammers and other threat actors now have a more legitimate sounding excuse to perpetrate identity theft.
2. Age verification requirements place onerous demands on small platforms which cannot always afford to comply. This leads to further consolidation of the internet and is massively harmful to independent creators.
3. Age verification prevents anonymous use of digital platforms. Anonymity has many legitimate use cases for journalists, whistleblowers and more. An abuse victim who uses social media now has to fear data breaches revealing their online presence to their abuser.
4. Research has consistently shown that persons of colour and persons with disabilities face higher error rates for facial age estimation. This means any restriction will be fundamentally discriminatory.

1 <https://ia.acs.org.au/article/2025/discord-breach-hits-68-000-australians.html>

2 <https://www.eff.org/deeplinks/2025/12/10-not-so-hidden-dangers-age-verification?language=en>

5. False positives can leave adults unable to access digital services with no recourse to appeal.
6. Age verification blocks young people's access to a source of support and information. Social media has many real downsides, but one of its best features is connecting marginalised youths to a wider community where they can find a lifeline. Many queer children face rejection or abuse from their families, and age restriction can prevent the crucial realisation that they can be who they want to be, and love who they want to love.
7. Age verification creates a false sense of security for parents. Since children are theoretically not present on age-restricted platforms, there is no incentive for the platforms to ensure their safety once the verification scheme is inevitably breached. This will result in cuts to the moderation and reporting schemes which protect everyone from harm. Yet still the promise that children cannot make accounts on these services will also reduce the incentive for parents to monitor their children's online activity.

The above reasons show that age verification doesn't make the internet safer for children, it makes it more dangerous for everyone. Any privacy system which relies on age verification is diametrically opposed to the goal of privacy.

Instead of creating a flawed and discriminatory privacy framework, I suggest that some of the common sense protections in this code be expanded to cover all Australians.

For instance section 9(1) of the code³ is a great principle which should protect everyone, not just children. Despite digital services claiming to value our privacy, most services automatically opt users into the highest level of data collection and ad targeting. This isn't just an issue for kids, it affects all Australians. These companies bury such conditions in long privacy policies and rely on the assumption that users will not notice the intrusive settings, and many don't. This is not consent by an enthusiastic yes, it is consent by omission.

Whenever I create an account for any platform, I have to spend several minutes delving through the menus to find and turn off all the personalisation and data collection options. It is ridiculous that privacy is not the default for all services and all users, not just children.

Going a step further, my ideal privacy framework would include these tenets:

- Any information collected about users by a digital service shall be only be used for the purposes of delivering a service.
- Information collected about users by a digital service shall not be sold, given, transferred, or supplied to any entity unless required by law.
- Information collected about users by a digital service shall not be used for marketing, tracking, or any similar purpose. General advertising is permitted, but cannot be targeted to an individual or group.
- Digital services which fail to adequately protect user information will be criminally liable and face

3 An entity must implement technical and organisational measures that ensure that, by default, the entity only collects, uses or discloses personal information about a child that is strictly necessary to provide the entity's service.

jail time for repeated offences.

- No platform shall require proof of age or identity in any form for any reason not specified by an act of parliament.

In conclusion, the proposed code will not protect the privacy of Australians. It forces children and adults to hand over sensitive information to untrustworthy and often foreign companies in order to prove their age, while having no strong method to prevent the misuse of that information. Any children who evade the inherently fallible verification measures will still be subject to the same privacy intrusions before. Adults who cannot prove their age will be isolated and cut off from services, and small platforms which cannot afford to comply may be pushed to close or withdraw from Australia.

This code as it stands is not fit for purpose, and should be replaced with a framework which offers strong privacy by default to all Australians.

Thank you for your consideration.

Yours sincerely,

