



Submission on the Children's Online Privacy Code Issues Paper

1. Executive Summary

The Australian Publishers Association (APA) welcomes the opportunity to provide input into the OAIC's development of the Children's Online Privacy Code. As the peak industry body for the Australian publishing sector, the APA represents a wide range of publishers, including many producing digital and print content for children, schools, and young adults.

The APA supports the Code's goal of strengthening online privacy protections for children and recognises the importance of clear, age-appropriate standards for the collection and handling of personal information in the digital environment.

While the Code rightly targets high-risk areas such as social media, targeted advertising, and opaque consent mechanisms, it is essential that its scope and obligations also reflect the lower-risk, educationally focused activities of trusted content providers such as educational publishers.

We note the strong support among our member organisations for the Code's intent and for a collaborative approach to implementation. As one publisher commented, "publishers are the nation's ethical partners in this issue" — and are ready to contribute constructively to the creation of privacy-protective, developmentally appropriate digital environments for children.

We also point to and support the submission from EduGrowth: Australia's education technology and innovation industry hub— and one of the key voices for the education technology sector.

2. About the Australian Publishers Association

The APA represents over 200 Australian publishers, including major international companies, independent publishers, and specialist educational content providers. Our members produce a

significant proportion of Australia’s digital and print educational materials, curriculum-aligned digital platforms, and children’s books,

Educational publishers play a crucial role in delivering age-appropriate, accessible, and pedagogically sound materials to support learning in classrooms across the country. Many of these services are used under institutional licenses by schools, operate within a framework of teacher and parent oversight, and do not rely on advertising or invasive data practices – and consequently present a very limited or no threat to the well-being of children or students.

3. General Comments on the Code

The APA supports the development of a strong, principled, and evidence-based Children’s Online Privacy Code. In doing so, we offer the following general observations:

- A clear distinction must be made between **commercial social platforms** and **trusted educational services**.
- Many APA members operate under **institutional agreements with schools** and collect minimal personal data, often on behalf of schools or educational departments.
- The Code should take a **risk-based approach**, where obligations scale with the nature of the service, the data collected, and the intended audience.
- Age-appropriate privacy practices should be promoted, but care must be taken not to **inhibit access to legitimate educational resources**.
- The publishing sector brings a high standard of **ethical data handling**, including practices such as:
 - Data minimisation and purpose limitation;
 - Robust consent management mechanisms;
 - Security infrastructure, including encryption, SIEM, and third-party penetration testing;
 - Dedicated privacy and data governance teams;
 - Age-appropriate design and privacy-by-design implementation.

Our members anticipate an increasingly complex digital learning environment driven by AI, analytics, and personalised learning. As these innovations evolve, regulatory clarity — particularly around the ethical use of AI in EdTech — will be essential. We recommend the OAIC provide more practical and enforceable guidance on this topic.

4. Feedback on Key Issues

4.1 Scope of Services (Q1.1–1.3)

We recommend that the Code **exempt or separately categorise educational platforms** used by schools under formal procurement or licensing agreements. These services differ materially in purpose, data usage, and risk profile from general commercial digital services including social media.

Criteria for inclusion should reflect:

- Whether the service is **ad-supported** or relies on **data monetisation**;
- Whether it is used **within a school environment** or by individual consumers;
- Whether **institutional consent frameworks** are already in place.

4.2 Application and Thresholds (Q2.1–2.7)

The APA supports a contextual threshold for assessing whether a service is "likely to be accessed by children". Services used **under teacher or school supervision** should be viewed differently to open-access public platforms.

We recommend the Code:

- Avoid a blanket application to all platforms hosting child-facing content;
- Include practical examples of when a service is considered "likely to be accessed by children";
- Encourage **privacy-by-design** principles without creating unnecessary barriers to educational use.

4.3 Age-Specific Guidance (Q3.1–3.3)

The proposed age bands are broadly reasonable. However, we note that many educational publishers already tailor their materials to **developmental stages**, and additional regulation should not duplicate or complicate existing best practices in curriculum delivery.

The APA strongly supports the OAIC's proposed development of **model and template privacy notices** and related instructional materials tailored to specific age ranges. Our members include publishers and content creators with deep expertise in **crafting effective, developmentally appropriate messaging** for children at a range of literacy and comprehension levels.

We recommend that the OAIC **formally engage one or more APA member organisations** to assist in the design and production of these notices and materials. This would ensure the final resources are pedagogically sound, accessible, and consistent with the Code's objectives of meaningful transparency and informed engagement.

Guidance should be:

- **Advisory rather than prescriptive;**
- Flexible enough to account for **school-mediated environments;**
- Inclusive of students with diverse learning needs and backgrounds.

4.4 Selected APP Areas of Interest

The APA makes the following comments in relation to APP areas of interest:

APP 3 – Collection of Solicited Personal Information

Educational publishers typically collect **minimal personal data** – often limited to login credentials or progress tracking. We urge that the Code:

- Recognise the **low-sensitivity, low-volume** data model common in educational publishing;
- Support the use of **school-level or institutional consent frameworks;**
- Encourage **purpose limitation** and routine privacy impact assessments as a best-practice standard.

APP 5 – Notification of Collection

Privacy notices should be **layered, visual, and simple**, but also appropriate to educational contexts. Use of **teacher or parent intermediaries** to support understanding should be encouraged.

APA members are well placed to contribute to the development of such notices. We recommend the OAIC consider engaging APA-affiliated publishers to assist in the creation of **age-specific and accessible privacy notice templates**, leveraging the industry's existing editorial and developmental expertise.

APP 7 – Direct Marketing

APA supports strong prohibitions against advertising to children. Educational publishers **do not use direct marketing** to children and should be clearly distinguished from commercial ad-based platforms.

APP 11 – Security of Personal Information

APA members comply with strong data protection protocols, including encryption, access control, and regular audits. Requirements should be **proportionate to the data types held** and recognise existing best practice in education. Some members report significant investment in privacy and compliance frameworks (e.g. SOC 2, ISO27001, Safer Technology

for Schools), in excess of **\$800,000 annually**, underscoring the sector's commitment to ethical data stewardship.

State and territory education departments currently operate under varying privacy and procurement frameworks, with many relying on the Safer Technologies for Schools (ST4S) initiative led by Education Services Australia. However, participation and interpretation differ across jurisdictions, creating complexity for publishers, who must adapt their privacy-by-design practices to align with diverse state requirements. To avoid duplication, fragmentation, or conflicting standards, the OAIC should work closely with ESA and education departments to develop a nationally consistent best practice framework that complements existing processes and supports sector-wide privacy confidence.

We also note the importance of developing AI-specific privacy guidance in future regulatory phases. Members have raised the need for technical standards on topics such as **automated redaction, training data transparency, and learning analytics safeguards**.

5. Key Principles for Code Design

1. **Risk-Based Regulation:** Recognise the differences between ad-supported platforms and curriculum-based services.
2. **Educational Distinction:** Clearly differentiate educational publishers operating under institutional oversight.
3. **Child-Centred, Context-Aware:** Encourage transparency and protection while recognising school-based frameworks.
4. **Data Minimisation by Default:** Promote minimal data collection aligned to educational purpose.
5. **Collaborative Implementation:** Work with sector bodies (e.g. APA, EduGrowth) to ensure proportional, workable design.
6. **Engagement of Expertise:** Involve experienced children's content developers in the creation of child-facing privacy notices and educational material.
7. **Preparation for Future Technologies:** Begin laying the groundwork for AI-specific privacy standards to ensure ethical use of personal data in personalised and adaptive learning environments.

6. Conclusion and Next Steps

The APA welcomes the intent of the Children's Online Privacy Code and supports its role in improving online safety and privacy outcomes for young Australians.

We encourage the OAIC to continue engaging with the publishing and educational content sector during the next phase of Code development and would be pleased to participate in any further discussions, workshops or roundtables to assist in refining the scope and application of the Code.

We also invite the OAIC to explore a formal collaboration with one or more APA member publishers in developing model privacy notices and accompanying materials for children and families.

In a landscape where some dominant digital actors are resisting compliance, it is even more important that the Code celebrates and supports those organisations — such as APA members — who are acting as responsible corporate citizens and demonstrating best practice.

7. Contact

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[REDACTED]
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