



ABC submission on the Children's Online Privacy Code 2026 Exposure Draft

June 2026

1. Introduction

The Australian Broadcasting Corporation (**ABC**) welcomes the opportunity to respond to the Office of the Australian Information Commissioner's invitation to make a submission on the Exposure Draft of the Privacy (Children's Online Privacy) Code 2026 (**COPC**).

The ABC has a proud history of producing content for children and creating content with children. It delivers this content through both traditional broadcasts and online and digital platforms. The ABC employs a range of measures, including an internal Children Protection Advocate, to safeguard the interests of children on its services.

Agencies, including the ABC, operate in existing privacy compliance frameworks, including the additional Privacy (Australian Government Agencies – Governance) APP Code 2017 (**Agencies Code**), with which private-sector Organisations need not comply. The Privacy Act and the Agencies Code effectively provide for the measures and intentions broadly outlined in the COPC.

In light of the existing compliance frameworks, the ABC recommends a Commonwealth government agency exemption from the COPC. This perspective balances the compliance requirements of the existing regulatory regimes, the limited actual harm to children's privacy posed by the ABC, and the benefit endowed to Australian children through engagement with the ABC's dedicated children's content.

If the OAIC elects to proceed with a COPC which includes Agencies, the ABC recommends guidance outlining practical examples of the correct balance between privacy invasiveness and protection in age ascertainment, guidance that outlines how to comply with assent requirements, an extension of the COPC consent duration or introduction of an opt-out function for reconsent requests.

The ABC believes that a 12-month transition period to commence from the Code's start date (estimated December 2026) should be included to allow Agencies a practical timeframe to make any changes to systems, technology, processes and resources as may be required.

2. What the ABC does already to protect children

The ABC has an established history of delivering children's content since the 1930s, across dedicated distribution channels ABC Kids, ABC ME, ABC iView, ABC Listen, ABC Education, and through the ABC's publishing and music arm. *Play School*, first broadcast in 1966, remains one of the longest-running children's programs in the world and *Bluey* has become one of the most-watched children's programs globally.

Behind these flagships sits a wealth of original Australian children's content, including *Mr Squiggle*, *Bananas in Pyjamas*, *Round the Twist*, *Behind the News*, *Little J and Big Cuz*, and *Giggle and Hoot*.

The ABC is recognised internationally as a benchmark for quality children's content. This is reflected in independent audience research, in awards, including multiple International Emmys and AACTAs, and in the decision of parents, carers and schools across the country to place the ABC at the centre of their children's media engagement.

The ABC is committed to ensuring that all children and young people are protected from harm or abuse. We insist that all ABC staff who work directly with children in any capacity for, or on behalf of the ABC are familiar with and comply with the [ABC Child Safety & Wellbeing Policy](#), the [ABC Child Safe Code of Conduct \(PDF\)](#) and Child Safety & Wellbeing Framework. The ABC has appointed a Child Protection Advocate to advise content makers across the corporation on best practice when working with children or young people.

The ABC further safeguards children's privacy through decades of experience delivering children's content. The ABC does not engage in commercial practices that present a high risk to children's online privacy, such as targeted advertising, location tracking or large-scale profiling. The ABC prohibits use of hashed emails in children's accounts and use of third-party marketing cookies. The ABC provides a safeguarded space for children to engage with children's content online through these protective practices.

For example, the ABC provides Australia's only dedicated audio service for children under the age of five. It offers advertising-free stories, music, podcasts, and sleep content designed for early childhood development. Programming shaped by child development expertise and reviewed against ABC editorial standards.

The service operates on a free, non-commercial, data-light model providing content to Australian children while maintaining protection of their privacy. As such, the ABC's current practices strongly reflect the intentions of the COPC. Any anticipated risk of privacy invasiveness the ABC presents, should be assessed in the context of

the benefit relayed to Australian children through engagement with the ABC's dedicated children's content.

3. Existing Compliance Frameworks

The COPC Consultation Report outlined children's and parents' concerns regarding children's privacy in the online environment. The results highlighted concerns regarding consent, high-risk commercial practices such as location tracking or targeted ads, collection notices, child-friendly privacy policies, and fair procedures to support children seeking to understand more about the processing of their personal information.

The exposure draft of the COPC introduces compliance requirements that are disproportionate to the risk of actual harm to children's privacy that the ABC's services present. The ABC operates in existing accountability frameworks, such as the Agencies Code, the *Archives Act 1983*, and the *Online Safety Act 2021*.

The COPC duplicates compliance requirements for mandatory privacy compliance training and regular reviews of privacy practices, as well as running Privacy Impact Assessments (PIA), maintaining and publishing a PIA register, and making this available to the Commissioner on request. Because of the duplication and conflict of the COPC with existing compliance frameworks for Commonwealth government agencies, the ABC recommends an agency-wide exemption to the COPC.

These existing frameworks primarily address the issues raised and apply already to Agencies. Accordingly, the ABC believes that Commonwealth Government Agencies should be exempt from the COPC, as there are no harms identified to children's privacy caused by Agencies identified in the COPC's development. The compliance burdens imposed by the COPC are largely addressed by existing compliance measures.

4. Observations on the COPC

Should the ABC be subject to the COPC, following are some observations on challenges and burdens that could affect the ABC.

Scope

Under s 5, the COPC captures services "primarily concerned with" and "likely to be accessed by" children. In the context of many ABC online services, this is an identifiable threshold, but for other services, such as ABC iView, it is unclear which ABC iView-only (i.e., not catch-up nor simulcast) content is made available to children and how this should be treated.

Currently, parents set up children's sub-profiles for children in ABC iView and ABC Listen, determining what their children can and cannot see. In those sub-profiles is potentially a mix of content which would be exempt under the COPC (e.g. catch-up) and content which would be in scope. Attempting to further architect a solution for

that problem, particularly where no harm is identified, would place an unnecessary compliance burden and cost on the ABC, one which may not even be technically possible, even if feasible.

“Best interest of the Child” Standard

The COPC provides for collection, use, and disclosure of personal information to be in accordance with the “best interest of the child” with reference to the United Nations Convention on the Rights of the Child (UNCRC) for guidance.¹

The ABC believes that parents have a role to play in determining what is, and is not, appropriate for their children and their circumstances. The ABC iView platform was built to cater for this. Similarly, the ABC’s other online products likely to be accessed by children are otherwise age appropriate and designed in conjunction with the ABC’s Children’s Advocate.

While the ABC respects the intents behind the UNCRC, it would be difficult for the ABC to ensure that all content is in the ‘best interests of the child’ in all cases and more difficult when the COPC explanatory memorandum imports UNCRC notions that entities should consider.² The ABC would not be in a position to make meaningful assessments about those issues beyond what it considers when making program for children that would necessarily enhance better or additional protections or benefits in online content.

Age Ascertainment

Age ascertainment can play a role where online services may have the potential to expose children to harms generated online. The ABC does not believe its practices are such that it would cause harm to children.

The implementation of age ascertainment is not a proportionate or reasonably necessary requirement for collection of children’s personal information in the provision of its services. Even accepting that there was a need to do so to address a perceived risk, the operational reconfiguration required to implement age verification is sizeable, the collection of personal information in the age assurance process creates additional information collection, and the risk of actual harm the ABC’s services present to children’s online privacy is limited.

If the OAIC proceeds with this recommendation, then the ABC would prefer guidance outlining practical examples of reasonable and proportionate age ascertainment for Agencies where the Agency’s services pose an actual risk of harm to children’s online privacy.

Consent Architecture

Section 15 (4)(b) of the COPC provides for a 12-month expiry of children’s consent to processing of personal information. This requirement will force reconsent cycles at

¹ Section 10 Privacy (Children’s Online Privacy) Code 2026 Exposure Draft

² Section 10 Privacy (Children’s Online Privacy) Code 2026 Exposure Draft

a time where notification fatigue is a concern.³ The ABC recommends providing of an opt-out function for re-consent to processing of children's personal information at the parental-controls level. Instead, users could be prompted to check their consent and preferences at an appropriately set time period.

Assent

Section 20 of the COPC requires children's assent to processing of their personal information. As there is no existing privacy standard for assent to be assessed against, to prevent enforcement uncertainty, the ABC requests accompanying guidance with practical examples to quantify the standard for compliance.

The ABC believes that this layer of assent should be balanced against the harms that it is trying to address, the reasonable use of the service, and the interruption of further messaging that disrupts the user journey and risks contributing to notification and consent fatigue. It may be appropriate that, if a parent has provided consent for the child, then that should be sufficient.

The ABC would be open to an appropriately explained assent model for older children who may wish to access ABC services but not necessarily require parental consent, e.g. voting in the triple j Hottest 100.

Transition Period

The profile of the ABC's services captured by the code is sizeable, the operational reconfiguration of the ABC's services to comply with the code will take time. Because of this, the ABC recommends establishing a 12-month transition period to be introduced from the commencement date of the COPC.

³ <https://www.oaic.gov.au/engage-with-us/submissions/privacy-act-review-issues-paper-submission/part-5-notice-and-consent>