

Privacy Vaults Online d/b/a PRIVO
PRIVO 17949 Main St., #1025
Dumfries, VA 22026-1025
www.privo.com

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VIA ELECTRONIC SUBMISSION: copc@oaic.gov.au

Privacy Vaults Online, Inc. d/b/a/ PRIVO, an authorized Safe Harbor provider under the Children's Online Privacy Protection Act ("COPPA") submits its Comments in response to Australia's Privacy (Children's Online Privacy) Code 2026 Exposure Draft.

We welcome this opportunity to comment on such an important topic. Privacy protections for children need to keep pace with the rapidly changing online environment and emerging technologies. Children under 18 are still coming to an understanding of the world around them, and AI, social media, games and online experiences are integral to that world.

PRIVO¹ has served as an FTC-approved COPPA² Safe Harbor for more than two decades and has participated extensively in the world of child digital privacy and age assurance addressing COPPA, GDPRkids™ and the UK Children's Code in events and written comments and evidence. We have lent our extensive experience to help inform the US Federal Trade Commission and industry on issues of children's privacy and developments in the marketplace affecting it. PRIVO also has a secure privacy enhanced and interoperable family friendly identity and consent management platform. PRIVO via its work with the National Institute of Standards and Technology (NIST), co-authored the Minor's Trust Framework which was originally developed to facilitate ecosystem-wide compliance solutions for those participants adopting its principles for protection of child privacy online.

Privacy and Safety by Design principles should form the foundation of any build or development of an online service but are even more imperative when it comes to services that include vulnerable populations such as children or where a service is likely to attract children. These principles provide a framework and standards for the collection and processing of personal data including high risk data such as that collected for advertising or automated decision making. Services without a privacy and safety by design framework often find it a challenge technically to implement privacy and security settings in existing architecture not built with these principles in mind.

The UK Information Commissioners Office (ICO) Children's Code³ has been groundbreaking. The first code of its kind it has had an international influence with several US states legislating for similar age-appropriate design codes such as California, South Carolina, Vermont, Maryland and Nebraska with more proposed. Canada is also following in its footsteps and is developing a children's privacy code.

The UK Children's Code (Age-Appropriate Design Code) is based on a framework of 15 standards that puts the burden for privacy and safety on the online service rather than the parent and child. It came into force in 2020 but was fully enforceable in September 2021 and it has led to some significant changes in the way social media platforms and online services treat children. The London School of Economics published a report ⁴ in 2024 that detailed the changes made to protect children as a

¹ <https://www.privo.com/home>

² <https://www.ftc.gov/legal-library/browse/rules/childrens-online-privacy-protection-rule-coppa>

³ <https://ico.org.uk/for-the-public/the-children-s-code-what-is-it/>

⁴ <https://www.lse.ac.uk/news/latest-news-from-lse/e-may-2024/social-media-companies-make-significant-child-privacy-and-safety-changes-as-a-result-of-legislation-new-report>

result of the Code. There were 128 changes related to child safety and privacy during the period 2017–2024 by Meta, Google, TikTok and Snap with a peak of 42 changes across the four companies in 2021, the year the Code came into effect. Industry has welcomed the significant amount of helpful guidance the ICO provides on how to comply with the Code.

The Exposure Draft for the Australia Children’s Online Privacy Code has built on these existing foundations resulting in a framework that appears robust and comprehensive. PRIVO notes the requirement for online services to conduct an annual review of its privacy practices to ensure compliance and the need for a Privacy Impact Assessment. However, we would suggest that a requirement for an annual audit by a neutral third party would strengthen the Code further and ensure transparency and accountability. The South Carolina Age-Appropriate Design Code Act (SC AACD)⁵ that came into force this year aims to do just that by including both a third-party audit and a public report annually.

The Draft includes prescriptive requirements for clear, concise, transparent and easily accessible notice. Providing age appropriate and transparent information for children is key to their understanding and best interests. PRIVO heard concerns from industry regarding child friendly privacy notice requirements when the EU General Data Protection Regulation⁶ came into force. Translating complex legal requirements into simple language that children can understand is possible and proven. For example, Lego.com has a good example of a privacy notice⁷ that is clear, understandable and age appropriate delivered in video by a Lego character Captain Safety.

Consent is key when processing children’s data though not the only legal basis for doing so. The draft Code requires consent of a child under 15 years in certain circumstances and their assent to contact a person with parental responsibility to obtain consent. Ensuring a child’s understanding that a parent or legal guardian is providing consent on their behalf is empowering and transparent particularly in high-risk processing use cases such as marketing, automated decision making and sensitive data collection, use and disclosure.

While the Code is a robust privacy framework it also provides an opportunity to help prevent risk of harms to children⁸. With AI now embedded in children’s lives it is increasingly important that a child is made aware of its use particularly in relation to AI chatbots and companions. PRIVO advocates for requirements to explicitly inform a child and remind them periodically that they are engaging with AI and not a human being.

PRIVO is pleased to have had the opportunity to comment on the draft and looks forward to the development and implementation of the Code in the coming months.



 on behalf of PRIVO
Chief Privacy Officer

⁵ https://www.scstatehouse.gov/sess126_2025-2026/prever/3431_20260114.htm

⁶ <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A32016R0679>

⁷ <https://kids.lego.com/en-gb/legal/privacy-policy>

⁸ <https://med.stanford.edu/news/insights/2025/08/ai-chatbots-kids-teens-artificial-intelligence.html>