



5 June 2026

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

Sent by email to copc@oaic.gov.au

Dear Office of the Australian Information Commissioner,

TIO submission on the Draft Children's Online Privacy Code

The Telecommunications Industry Ombudsman (TIO) welcomes the opportunity to provide comments on the draft Children's Online Privacy Code (the Code).

The TIO is a free, fair and independent external dispute resolution (EDR) service for individuals, small businesses and not-for-profits who have been unable to resolve their complaint with a phone or internet service provider.

We support the development of the Code and recognise the importance of robust privacy protections for children online. Our primary recommendation is to strengthen the Code by requiring participation in an external dispute resolution scheme for designated services. This would support a fair and impartial interpretation of contested standards in the Code, offer a user-friendly avenue for children and families to access help, and provide a practical solution to potential multi-party privacy complaints.

In this submission, we outline how this measure would strengthen the effectiveness of the Code and mitigate potential risks to its effectiveness as the draft Code currently stands.

The draft Code lacks a clear external complaints process

The OAIC plays an important role as Australia's privacy regulator. However, the OAIC's recent strategic shift away from individual complaints and towards systemic improvements coincides with a 6 to 12 month wait time for individual complaints, and thousands of privacy complaints and enquiries lodged each year.^{1, 2}

The Code seeks to address important concerns about children's privacy. This current process risks leaving children without timely, accessible avenues to get help.

The draft Code includes obligations for designated services to establish internal complaint-handling processes, including requirements to respond to complaints within 30 days and provide clear explanations about how children's personal information is handled. The requirement for clear and timely internal complaint handling should be matched with a fair

¹ OAIC (2026) [Handling privacy complaints – a new approach for a new era](#)

² OAIC (2025) [Annual report 2024-25](#)

and independent external complaints process where people are unsatisfied with the outcome.

The OAIC recognises EDR schemes to handle privacy complaints across sectors, including the TIO for privacy complaints against phone and internet service providers. In the 2024-25 financial year, we handled over 1000 privacy-related complaints.³

EDR schemes provide free, independent and accessible dispute resolution to consumers. This reduces the burden on regulators, while systemic investigations can support enforcement work.

The implementation of the Code would be stronger with an EDR scheme

The draft Code establishes important rights for children's privacy, including higher standards for consent, age-appropriate notices, the right to access and delete personal information, restrictions on direct marketing, and minimising data retention.

However, without accessible pathways to individual recourse, these rights risk being ineffective in practice. When platforms are failing to uphold their obligations, or when individuals are concerned about a breach, an EDR scheme can support the Code operating as intended.

Contested interpretations of standards

The draft Code refers to benchmarks of “the best interests of the child”, and designated entities taking “reasonable efforts” to identify a parent or guardian where necessary. The Code also requires “age-appropriate” privacy and consent notices to be provided to children and end users.

The draft Code allows parents or guardians to handle data privacy on behalf of their child, where reasonable steps are taken to identify this relationship. Consideration should be given to differences between a responsible adult and a child's preferences about their data, especially as it relates to irreversible requests about data destruction or account deletion.

An EDR scheme could play a crucial role in developing a fair and impartial understanding of these terms in practice. Without accessible dispute resolution, these standards risk effective enforcement only being available to children and families through courts or regulatory action.

Geolocation devices and apps can be used to facilitate stalking and family violence.⁴ These risks should place a high bar on the standard for “reasonable steps” to identify a parent or guardian. Complaints of this nature require sensitive and expedient resolution. EDR schemes like the TIO are equipped to support vulnerable consumers and accelerate complaints to minimise harms.

For example, we have supported consumers experiencing family violence when telcos inadvertently revealed personal or location information to perpetrators. Prior to the commencement of new obligations on telcos to support consumers experiencing domestic, family and sexual violence in 2025, the TIO used its systemic function to work with several

³ TIO (2025) [2024-25 Complaints Data](#). Keywords: unauthorised disclosure, non-financial loss – privacy, mishandling of business information

⁴ The Conversation (2025) [Location-sharing apps are enabling domestic violence. But young people aren't aware of the danger](#)

telcos on improving their practices to better support victim survivors. Now that these obligations are in place, the TIO monitors telcos' compliance with these obligations, helping to identify gaps in practice and support better outcomes for victims and survivors. In this way, systemic investigations conducted by external dispute resolution schemes can facilitate increased compliance and fairer outcomes for industry without resorting to regulatory action, providing more cost effective and efficient access to justice for Australians.

Barriers to getting help

The OAIC consultation process found that children want clarity about where to get help online.⁵ This is an important standard to place on designated entities, however this should also apply to escalation processes. Needing to escalate a problem to the OAIC or threaten legal action presents clear barriers to children's ability to access their rights under the Code. EDR schemes provide user-friendly, independent and accessible avenues to access help.

Multi-party harms

Online privacy concerns can involve multiple platforms and services across borders and sectors, including user age verification, data sharing and storage provisions. Where privacy concerns occur, they can be difficult to resolve solely through a platform's complaints process.

We note that the draft Code only applies to designated entities under the *Online Safety Act* and excludes other businesses operating in online environments that may be targeting young audiences. Consideration should be given to ensuring this Code does not provide partial or inadequate data privacy to young people.

Recommended approach to EDR for designated entities

The TIO is calling for our jurisdiction to be expanded to handle digital platform complaints. We are receiving a growing number of enquiries about digital platforms and frequently hear that users are unable to get adequate responses to their complaint.⁶

While we strongly agree with the Code's proposed standards for internal dispute resolution for designated entities, they should also be required to participate in an ombuds scheme as a condition of compliance with the Code. The ombuds scheme should be empowered to handle complaints relating to the standards and rights outlined in the Code, and work with the entities, consumers and the OAIC to ensure its effective operation.

As with other existing ombuds schemes in Australia, expanding the TIO's jurisdiction to handle digital platforms complaints should be supported by powers to undertake systemic investigations, require remedies for consumers, and make binding determinations. Any EDR scheme recognised by the OAIC is currently required to report serious or repeated interferences with privacy and systemic privacy issues quarterly and annually to the OAIC.⁷ This reporting would provide vital and regular intelligence to the OAIC on online child safety relevant to the EDR scheme's jurisdiction.

⁵ OAIC (2026) [Past COPC consultations](#)

⁶ TIO (2025) [Digital platforms complaints insights](#)

⁷ OAIC (2024) [OAIC EDR schemes: Management of enquiries, reporting, internal processes and external engagement](#)

This would ensure that the rights and standards set by this draft Code are upheld and offer users fair recourse, while supporting OAIC's renewed focus on enforcement.

An EDR scheme would support the Code to deliver meaningful outcomes

There is a clear need for education and digital literacy for young people. However, the power discrepancy between platform and end user must be recognised. Education must be supplemented by strong regulation, safety by design, and easy access to redress when platforms do not respond fairly and reasonably to complaints from their users.

The TIO supports the development of the Children's Online Privacy Code as a critical reform to strengthen protections for children in the digital environment. To ensure the Code delivers meaningful outcomes, it must be supported by effective, accessible dispute resolution and enforcement mechanisms.

Requiring designated entities to engage in a dedicated external dispute resolution benefits consumers, regulators, and industry. An EDR scheme offers children and families timely and accessible support when they need it. It supports the OAIC in upholding privacy standards online and strengthening enforcement. Designated entities benefit by building trust with consumers through fair and timely outcomes, improved compliance, and reduced regulatory action.

We look forward to the outcome of this consultation. We welcome the opportunity to continue working with the OAIC, the Digital Platform Regulators Forum, government and stakeholders across the sector to strengthen consumer protections and uphold children's privacy online.

Yours sincerely



Telecommunications Industry Ombudsman