

Office of the Australian Privacy Commissioner
via copc@oaic.gov.au

Submission – Draft Children’s Online Privacy Code
Consultation for industry, civil society and academia

Executive Summary

EduGrowth supports the objectives of the Children's Online Privacy Code and the opportunity to establish a nationally consistent framework that strengthens children's privacy and safety when using digital products and services throughout their learning journey.

The Code presents an important opportunity to establish a national standard that provides consistent protections for all Australian children, regardless of where they live or attend school.

This submission identifies seven areas where refinement would improve the effectiveness and implementation of the Code within educational settings:

National Consistency

The Code should become a nationally adopted standard that provides consistent protections across all jurisdictions.

Fit-for-Purpose Regulation

The Code should better recognise the unique characteristics of educational technology and institutional learning environments, which differ significantly from consumer digital platforms.

Consent in Educational Settings

Additional guidance is required to address how consent operates within schools, universities and vocational education providers, including the role of institutional authorisation and interconnected technology ecosystems.

Withdrawal of Consent and Data Retention

Educational records differ from consumer data and are often subject to statutory retention, certification and reporting requirements. The Code should provide greater clarity on how withdrawal of consent applies in educational settings where learners, parents and providers may not have the authority to delete or alter records.



Compliance Ownership and Accountability

Greater clarity is needed regarding the respective responsibilities of education providers, identity providers and EdTech companies in meeting obligations under the Code.

Implementation Timeframes

The education sector requires sufficient time to understand, communicate and implement new requirements, with a transition period of between 12 and 24 months likely to be required.

Communications and Sector Education

A comprehensive communications and education campaign will be required to ensure education providers, technology providers and other stakeholders understand their obligations and can implement the Code consistently.

The submission also reaffirms EduGrowth's earlier recommendations regarding proportional compliance obligations, education-specific guidance, lawful data retention requirements and the consistent application of the Code across both Australian and international providers.

The Australian EdTech sector supports stronger privacy protections for children and welcomes continued engagement with the OAIC to ensure the Code is both effective and practical within educational environments.



Introduction

EduGrowth welcomes the opportunity to provide additional feedback on the draft Children's Online Privacy Code following a Roundtable convened by EduGrowth with leading Australian EdTech companies and representatives from the Office of the Australian Information Commissioner (OAIC).

The Roundtable brought together executives from Australian EdTech companies that collectively support millions of learners across Australia and internationally. Participants welcomed the opportunity to engage directly with the OAIC team responsible for developing the Code, to better understand its objectives, provide practical insights from organisations operating in educational environments, and discuss the potential implications of the proposed requirements.

The discussion focused on the practical implementation of the Code within educational settings, including schools, universities and vocational education providers. Participants reflected on the operational realities of procuring, deploying and governing educational technology, and explored how the Code may interact with existing education policies, procurement frameworks and regulatory obligations.

This submission supplements EduGrowth's earlier submission and reflects the key themes, observations and recommendations raised during the Roundtable discussion. It is intended to assist the OAIC in ensuring that the Code achieves its objectives while remaining practical and effective within Australia's education sector.

National Consistency

The development of a national privacy standard that provides consistent protections for all Australian children, regardless of where they live or attend school, is strongly supported.

Australian schools currently operate within a complex mix of federal, state and territory privacy requirements, procurement frameworks and departmental policies. EdTech companies serving multiple jurisdictions often face differing interpretations and implementation expectations despite delivering the same products and services.

The Code presents an opportunity for the Commonwealth Government to establish a clear national benchmark for children's privacy and work collaboratively with states and territories to adopt a common approach. Through the Code, all Australian children should be afforded the same privacy protections and rights when using digital products and services, regardless of their location or education provider.

Without such alignment, there is a risk that the Code becomes another layer within an already complex regulatory environment, increasing compliance complexity for schools and providers while delivering inconsistent outcomes for children.

Fit-for-Purpose Regulation

The Code does not adequately recognise the unique characteristics of educational technology and institutional learning environments.

Unlike many consumer-facing digital services, most Australian EdTech companies operate through formal commercial relationships with schools, education departments, vocational education providers and universities. These arrangements are governed by procurement frameworks, contractual obligations, information security requirements, child safety obligations and existing privacy controls.

Approximately 71% of Australian EdTech companies primarily sell to education providers rather than directly to consumers. In these environments, technology adoption decisions are made by institutions operating under statutory obligations, duty-of-care requirements and established governance frameworks.

Educational technology operates within an already regulated environment where schools and education providers are responsible for safeguarding children, managing risk and ensuring compliance with a range of legislative and policy requirements. This differs significantly from the consumer digital environment that appears to underpin many elements of the current draft Code.

The Code should more clearly distinguish institutionally governed education services from general consumer digital platforms and apply obligations in a manner that reflects the differing risk profiles, governance arrangements and operating environments.

Consent in Educational Settings

The application of consent is one of the most significant issues arising from the draft Code.

While empowering children and families is important, consent in educational settings operates differently from traditional consumer environments. Educational technology is frequently adopted, authorised and governed by schools, education departments, universities and vocational education providers acting in the interests of learners and under established duty-of-care obligations.

Educational technology products frequently support administrative functions, curriculum delivery, assessment, reporting, attendance management, wellbeing services and communication between schools and families. In many instances, a student's



information may be processed without the student directly interacting with the platform itself.

The increasing use of single sign-on services further complicates the consent landscape. Schools often provide student information to authentication providers, which then facilitate access to multiple educational applications and services. The Code currently provides limited guidance on how responsibility for consent should operate within these interconnected environments.

Some educational activities are mandatory, including assessment, compliance reporting and curriculum delivery. In these circumstances, consent may not operate in the same way as optional consumer services, and greater clarity is required regarding the respective roles of learners, parents, education providers and EdTech companies.

The Code should include practical guidance and examples illustrating how consent should be managed across common education scenarios, including department-mandated services, curriculum-aligned tools, administrative systems and shared technology ecosystems.

Withdrawal of Consent and Data Retention

EduGrowth supports the principle that children and families should have meaningful control over personal information. However, concerns remain regarding the interaction between withdrawal of consent and legitimate educational data retention requirements.

Educational records serve a different purpose to many forms of consumer data. They frequently form part of statutory reporting obligations, certification requirements, accreditation frameworks and longitudinal student progress records. In many cases, neither students nor parents have the authority to delete these records, which may be required by law to be retained by education providers.

Questions also arise regarding the ownership and stewardship of educational data. While students and families should have strong privacy rights, educational institutions often have legal obligations to maintain records that support assessment, progression, certification and regulatory compliance.

Educational data often derives its value from demonstrating progress over time. The deletion of individual records may compromise the integrity and usefulness of broader educational datasets, creating challenges for schools, regulators and learners themselves.

The Code should more explicitly recognise the unique status of educational records and provide greater clarity regarding how withdrawal of consent interacts with lawful

retention obligations, educational record keeping requirements and the long-term maintenance of student learning records.

Compliance Ownership and Accountability

A significant gap exists within the current draft regarding the allocation of compliance responsibilities across the education technology ecosystem.

In practice, multiple parties are involved in the collection, processing and management of children's information. These may include education providers, education departments, identity and authentication providers, learning management systems and EdTech companies.

The current drafting appears to place primary responsibility on the EdTech provider despite the reality that many privacy decisions, consent processes and data governance activities occur elsewhere within the ecosystem. For example, a school may obtain parental permissions, an identity provider may authenticate the learner, and an EdTech company may provide the service. In these circumstances, responsibility for compliance obligations may be shared across multiple parties.

Without clearer allocation of responsibility, there is a risk of duplicated compliance activities, gaps in accountability and uncertainty regarding liability when obligations are not met. There is also a risk that individual organisations assume another party is responsible for meeting a particular obligation, resulting in inconsistent compliance outcomes.

The Code should provide greater clarity regarding the respective responsibilities of education providers, technology providers and intermediary service providers operating within educational environments. This would support more effective compliance, reduce ambiguity and better reflect the interconnected nature of modern education technology ecosystems.

Implementation Timeframes

The practical implementation timeline for the Code is a significant concern.

Australian schools operate within annual planning, budgeting and procurement cycles. Significant changes to privacy frameworks, consent processes, technology configurations and contractual arrangements require substantial preparation and coordination between schools, vendors and education authorities.

Implementation immediately prior to, or during, a school year would create significant operational challenges and increase the risk of inconsistent compliance outcomes.



A minimum twelve-month transition period following finalisation of the Code is recommended. This would provide schools, education providers and EdTech companies with sufficient time to review existing practices, update systems and processes, and implement any required changes.

Given the scale of the implementation task across schools, universities, vocational education providers and technology suppliers, a transition period of up to twenty-four months may ultimately be required to support consistent adoption and compliance across the sector.

Communications and Sector Education

The successful implementation of the Code will depend not only on the obligations it creates, but also on the education and support provided to the sector.

The Code will impact a broad range of stakeholders including schools, universities, vocational education providers, education departments, technology providers, school leaders, procurement teams and privacy officers.

Achieving compliance across this complex ecosystem will require more than the publication of the final Code. A coordinated communications and education strategy will be necessary to build awareness, support implementation and promote consistent interpretation across jurisdictions and education sectors. Without such an approach, there is a risk that organisations develop inconsistent compliance practices, undermining the objective of establishing a nationally consistent standard.

EduGrowth recommends that the OAIC develop a dedicated communications and engagement program supported by practical guidance materials, webinars, implementation resources and sector-specific examples. Particular attention should be given to helping education providers understand their responsibilities and how the Code interacts with existing governance, procurement and privacy frameworks.

Such an approach would improve compliance outcomes, reduce uncertainty and help ensure that the objectives of the Code are achieved consistently in practice.

EduGrowth welcomes the opportunity to discuss these recommendations in greater detail.


Managing Director




Roundtable

Thursday 30 April 2026

Online

EduGrowth represents the Australian EdTech sector as the Peak Body. Our members provide EdTech products and services to education providers across the education spectrum.

At the OAIC's request, EduGrowth gathered a cross-section of Australian EdTech sector leaders to contribute to the public consultation. Their participation does not imply endorsement of every recommendation contained in this submission; however, the themes and observations outlined reflect the discussion and feedback provided during the Roundtable.

Participants included

[REDACTED]	COO	Pixevety
[REDACTED]	CEO	Wonde
[REDACTED]	CEO	Edsmart
[REDACTED]	CEO	Alannah Madeline Foundation
[REDACTED]	CEO	Flexischools
[REDACTED]	CEO	Australian Publishers Association
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[REDACTED]	CEO	StoryBoxHub
[REDACTED]	Global Growth Marketing Manager	Instructure
[REDACTED]	CEO	Amplify Music Education
[REDACTED]	CEO	World Mosaic
[REDACTED]	Senior Legal Counsel	Flexischools
[REDACTED]	Head of Legal	Janison
[REDACTED]	CEO	Inquisitive
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