

Draft Children's Online Privacy Code (COPC) - Industry Submission
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About Tinybeans:

- Founded in Australia in 2012, Tinybeans Group Limited (**Tinybeans**) operates a global digital platform designed as a private and secure space for families to capture, store and share children's memories.
- The service enables parents and caregivers to upload photos, videos and journal entries about their children, and to share that content selectively with invited family members and close friends via a permission-based network.
- Unlike traditional social media platforms, Tinybeans is not designed for public sharing or discovery; content is only accessible to users explicitly invited by the account holder.
- Tinybeans currently has millions of registered users across its mobile applications and web platform.
- The platform necessarily involves the collection and processing of personal information provided by parents and caregivers, including user account details, content uploads (such as images of children and metadata), and technical and usage data required to operate, secure and improve the service.
- Tinybeans is designed to minimise data exposure risks by limiting visibility, restricting sharing controls to account holders, and avoiding open social features such as public profiles, searchability or targeted content feeds involving children.
- Privacy is fundamental to Tinybeans' purpose and value proposition - it exists to provide a safer alternative to mainstream social media for sharing children's milestones.
- Tinybeans supports the development of the COPC and welcomes the opportunity to contribute constructively to ensure it is practical, effective and proportionate.

We support the COPC's intent:

- Tinybeans strongly supports the core objectives of the COPC, particularly the focus on prioritising the best interests of the child and ensuring meaningful, informed consent.
- The platform is intentionally structured to give parents and caregivers full control over who can access their children's content. Only individuals explicitly invited by the account holder can view a family's journal. Privacy and restricted sharing are fundamental design features, not add-ons.
- Tinybeans adopts a conservative approach to the use of children's information, including a policy of not using children's images in its own marketing or social media channels.
- Tinybeans demonstrates that it is possible to operate a sustainable and commercially viable digital service for families without relying on the monetisation or broad exploitation of children's personal data.
- We recognise and support the COPC's aim of lifting industry standards and encouraging safer, more privacy-protective services for children, and we welcome its role in promoting responsible innovation in this space.

Parental consent and notification requirements require careful, riskbased design:

- Tinybeans supports the COPC's approach to consent in Division 2, which appropriately requires organisations to obtain consent from a person with parental responsibility for the child where the child is under 15 years of age, before collecting, using or disclosing the child's personal information.
- We understand this approach is consistent with how consent operates under the *Privacy Act 1988* (Cth), where consent is relevant only in specific circumstances under the Australian Privacy Principles (**APPs**), particularly APP 3 (collection), APP 6 (use and disclosure), APP 7 (direct marketing) and APP 8 (cross-border disclosure).
- The COPC proposes an obligation to notify children when parental consent is provided on their behalf. In principle, Tinybeans is supportive of transparency measures that promote children's understanding of how their information is handled. However, for platforms such as Tinybeans, the relevant "child user" is often an infant or toddler with no independent digital presence, no account of their own, and no practical capacity to receive or understand such notifications.
- Implementation of any child-facing notification obligation must therefore be age-appropriate, proportionate, and technically feasible, recognising the wide developmental spectrum covered by the under15 cohort.
- A single, uniform notification requirement risks being impractical or ineffective where applied to very young children, and may not advance the policy objective of meaningful understanding.
- Tinybeans recommends a clear, tiered or risk-based approach that distinguishes between older children who actively engage with online services and very young children whose information is managed entirely by parents or caregivers.
- Tinybeans would welcome the opportunity to work with the OAIC to develop guidance or examples that support practical and developmentally appropriate implementation of these requirements.

Right to request destruction of personal information requires clear and balanced guidance:

- Tinybeans acknowledges and supports the intent of Division 5, section 32 of the COPC, which introduces a right for children to request the destruction of their personal information. Empowering children to exercise agency over their digital footprint is an important policy objective.
- However, the application of this right raises complex issues in the context of services such as Tinybeans, where personal information about a child is primarily created, curated and uploaded by a parent or caregiver, often when the child is very young.
- Tinybeans functions as a private family journaling platform, where photos, videos and written entries are shared within a restricted network and are often of significant sentimental value to parents and extended family members. This content may reflect shared family experiences rather than information generated by the child directly.
- As children mature and begin to exercise their own privacy rights, there may be genuine and unavoidable tensions between a child's evolving right to self-determination and the

interests of parents and families in preserving shared memories and records of family life.

- The COPC would benefit from clearer guidance on how organisations should navigate these competing interests, particularly where:
 - the content was created by a parent or caregiver rather than the child;
 - the child did not actively participate in the platform at the time of collection; and
 - the material forms part of a broader family record rather than an individual profile.
- In these circumstances, a strictly applied destruction right may have unintended consequences, including the loss of family records that are meaningful to multiple individuals, not solely the child concerned.
- Tinybeans recommends that the COPC adopt a more nuanced framework or provide supporting guidance that allows organisations to take into account context, authorship, and the nature of the content, while still prioritising the child's best interests and rights.
- Tinybeans would welcome the opportunity to work with the OAIC to develop practical approaches that appropriately balance these considerations.

Advertising consent provisions require clarification for parent-directed, subscription-supported services:

- Tinybeans supports the intent of section 11 of the COPC, which requires consent before using a child's personal information for targeted advertising, and recognises the importance of limiting inappropriate commercialisation of children's data.
- Tinybeans operates a mixed model, including a free, advertising-supported tier offered to parents and caregivers. Advertising on the platform is directed at adult users, not children.
- In this context, additional clarity would be beneficial on the scope of "using a child's personal information" for targeted advertising, particularly where the relevant data is provided by a parent and relates to family context (for example, a child's age or developmental stage).
- In practice, such information may be characterised either as:
 - personal information about the child (e.g. age of the child), or
 - personal information about the parent or household (e.g. life stage, such as being a parent of a young child).
- This creates uncertainty as to whether the use of this information to deliver advertising to parents falls within the advertising consent requirements under section 11, particularly where the advertising is not directed to, or accessible by, the child.
- Tinybeans recommends that the COPC clarify how section 11 applies to:
 - advertising directed to parents or caregivers rather than children; and
 - data points that may relate to a child but are provided and used in a broader household or parental context.
- Greater clarity in this area would assist organisations to comply with the COPC in a manner that appropriately reflects risk, while avoiding unintended constraints on legitimate, parent-directed business models.

Implementation timeline and need for regulatory guidance:

- Tinybeans notes that the COPC will be published in December 2026, however there is currently limited clarity on the proposed commencement date and any transitional arrangements.
- As a small company, Tinybeans does not have the benefit of large inhouse legal or compliance teams. Implementing the COPC's requirements will require careful planning, prioritisation, and potentially additional investment in systems, processes and governance.
- In this context, adequate lead time will be critical to enable compliant and effective implementation, particularly given the breadth and complexity of the obligations proposed.
- A clear and sufficiently long transition period will support better compliance outcomes across the sector, especially for small and medium-sized organisations.
- In addition to timing, practical and accessible regulatory guidance will be essential. This includes worked examples, sectorspecific guidance, and clarification of how the COPC's requirements should be applied in different scenarios.
- Tailored guidance for smaller organisations would be particularly valuable in ensuring that compliance expectations are well understood and achievable in practice.
- Tinybeans would welcome ongoing engagement with the OAIC, including consultation on implementation guidance, to support proportionate and effective compliance with the COPC.