



The Uniting Church in Australia
QUEENSLAND SYNOD



Uniting Church in Australia
SYNOD OF VICTORIA AND TASMANIA

Office of the Australian Information Commissioner

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Submission from the Uniting Church in Australia, Queensland Synod and Synod of Victoria and Tasmania, on the *Privacy (Children's Online Privacy) Code 2026*

5 June 2026

The Uniting Church in Australia, Queensland Synod and Synod of Victoria and Tasmania (Synods), welcome this opportunity to provide a submission to the *Privacy (Children's Online Privacy) Code 2026 (Code)*. We welcome the Code as a significant step forward in enhancing the protection of children online from certain forms of online harm. However, there are challenges as some privacy provisions could be misused to cause other harms. We offer the following suggestions to improve the proposed Code.

The Synods are deeply concerned about serious human rights abuses that occur online or are facilitated online, including child exploitation. The Christian faith, as understood by the Uniting Church in Australia, teaches that all people are made in the image of God and all are valuable. Therefore, an appropriate response to this teaching is that there is a need to protect the most vulnerable from abuse and exploitation.

In Section 5, we welcome that the Code will apply to both the service being likely to be accessed by children, and that the Code is primarily concerned with the activities of children. However, we would recommend removing the word "primarily", so that it applies to a service "concerned with the activities of children". We would prefer that an entity not have a defence of not complying with the Code over debating if it is "primarily" concerned with the activities of children. In line with the best interests of children, we support the view that all entities and services that handle children's personal information must comply with the Code. Scope limitations risk creating a fragmented regulatory environment. Protections afforded to children should depend on the level of risk they face.

We believe the Code should apply to all entities and services that handle children's data, ensuring that baseline protections for children apply universally. When an entity processes children's personal information, the Code should apply; as this reflects the reality that harms arise from data practices, not organisational or service categories. If age cannot be reasonably determined, the Code's protections should be reasonably applied to all users.

Section 9 should be modified so that entities are not permitted to provide inducements for children to allow their personal information to be collected under 9(2)(a). The protection of Section 9 will be

undermined if entities are free to offer inducements to a child to allow the entity to collect the child's personal information.

Under Section 10(6)(d)(ii), the clause finishes with an “or”, yet there is no clause (iii).

Under Section 11 (1)(a), (3)(b), and (4)(a), it should be forbidden for the consent to be obtained through inducements that are manipulative. We are not sure that Sections 14(3)(a) and 21 will provide adequate protection against manipulative inducements targeted at children. For example, a child might be offered an inducement that they see as valuable, but that is much less costly for the entity to provide than the value of the child's data.

Under Sections 15(3) and 20(5)(b), the notice should also state the estimated annual value of any personal information collected about the child that is then monetised when that is relevant.

Similarly, under Section 28(2), it should be possible to request information on the annual monetary value of the child's personal information collected, where relevant.

Under Section 32(1)(c), there is a need to provide guidance to entities on how to determine whether a child aged 15 to 17 lacks the capacity to make a request and whether a person has parental responsibility for the child. Proof of both of these might be that the person with parental responsibility provides proof of legal power of attorney for the child, or that the National Disability Insurance Agency has made the person the nominee for the child.

Under Section 32(3)(a), we believe the bar has been set too high, requiring an entity to destroy information even when doing so is not in the best interests of the child and may facilitate harm to the child. We believe the clause should be reworded to state:

The entity believes that destroying the information would pose a threat to life, health or safety of any individual, result in non-trivial harm to the child, or pose a serious threat to public health or public safety.

Section 32(3) should include a clause requiring the entity to not destroy the information if it has reason to believe the child is being coerced into making the request. We note that from the 2023 Australian Child Maltreatment Study, parents and other adult parent-like caregivers in the home are the second highest class of child abuse offenders (7.8% of sexual abuse cases).¹ Thus, we believe there needs to be some level of safeguarding against abusive parents being able to misuse the mechanism to destroy personal information of a child they have been abusing. We acknowledge that, in most cases, a coerced request will not be detectable by the entity.

Under Section 32(5), an entity should not state why the information was not destroyed if it believes doing so would place the child at risk of harm, such as from an abuser.

¹ Haslam D, Matthews B, Pacella R, Scott JG, Finkelhor D, Higgins DJ, Meinck F, Erskine HE, Thomas HJ, Lawrence D, Malacova E, “The prevalence and impact of child maltreatment in Australia: Findings from the Australian Child Maltreatment Study: Brief Report, Australian Child Maltreatment Study”, Queensland University of Technology, 2023, 17.

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