



5 June 2026

**Submission of the Coalition of Major Professional and Participation Sports to the Office of the Australian Information Commissioner in response to the Exposure Draft of the Children's Online Privacy Code 2026 and Explanatory Statement (Code).**

This submission is made on behalf of the Coalition of Major Professional and Participation Sports (COMPPS).

**Background**

COMPPS consists of the following organisations:

- Australian Football League (**AFL**);
- Cricket Australia (**CA**);
- Football Australia (**FA**);
- National Rugby League (**NRL**);
- Netball Australia (**NA**);
- Rugby Australia (**RA**); and
- Tennis Australia (**TA**);

As a coalition, we represent more than nine million participants and 16,000 sporting clubs across Australia. Each member plays a vital role in developing, promoting and facilitating sport in Australia from the grass roots through to the international level. Our members are not-for-profit bodies responsible for the long-term development and sustainability of Australia's most prominent sports.

One of COMPPS' roles is to provide a collective response on behalf of its member sports where their interests are aligned. As sports whose participation is made up significantly by children, we are directly engaged by many of the matters under consideration in the proposed Code.

**Summary of COMPPS Position**

COMPPS welcomes the opportunity to respond to the OAIC's Exposure Draft of the Code. COMPPS supports the Code's objective of strengthening online privacy protections for children and young people and recognises the important policy work that has informed it. The purpose of this submission is to highlight relevant issues and the need for clarifications in certain areas in applying the draft Code to national sporting organisations and the broader non-profit sector. As currently drafted, the Code may create significant and unintended operational and compliance challenges for non-profit and community sporting organisations. These challenges may, if unaddressed, risk impeding children's access to and participation in sport and sporting clubs.

This submission addresses the provisions of the Code that raise the most significant concerns to COMPPS. COMPPS strongly believes that ongoing communication on the implementation of the Code will be important for its success and invites the OAIC to continue to engage with COMPPS.

| CODE SECTION     | BACKGROUND                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | COMPPS' POSITION                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | SUBMISSION                                                                                                                                                                                                                                                                                                                                                                                                              |
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| <b>Section 7</b> | <p>There is potential ambiguity as to which services the Code applies to with respect to sporting and non-profit organisations.</p> <p>The 'likely to be accessed by children' threshold is potentially broad. Sporting organisations operate many mixed-audience digital products including ticketing platforms, applications, tipping competitions and fantasy sports, where children are not the primary audience but may access these products.</p> <p>Additional questions arise around the application of the Code to live streaming of junior sport, images of children at public events uploaded to social media and whether internal workplace digital tools used by child employees are in scope.</p> <p>Further, the federated structure of some COMPPS Members also creates uncertainty about where obligations sit.</p> | <p>The Code should apply primarily to services where children are the principal or majority audience.</p> <p>Applying full Code obligations to mixed audience services, where children may incidentally form part of that audience, would be disproportionate and at minimum would have the impact of treating sporting organisations, for whom digital products are tools and not core business, in the same way as business for whom such services are core business (i.e. social media companies).</p> <p>For federated structures, obligations should be capable of being met at the national or peak body level and cascaded to affiliated entities.</p> | <p>The OAIC should clarify:</p> <ul style="list-style-type: none"> <li>• that only services where children are the principal or majority audience are in scope;</li> <li>• how Code obligations are intended to apply across federated structures; and</li> <li>• that internal workplace internet services and tools used by children in the course of their employment are excluded from the Code's scope.</li> </ul> |
| <b>Section 8</b> | <p>Requirement to undertake reasonable age assurance steps. What is reasonable is unclear particularly for lower-risk services. Could prove technically complex and costly, including when managing large-scale junior registrations across dispersed membership bases.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | <p>Reasonable age assurance steps should be proportionate to the relevant service. For example, collection of a child's date of birth given by a parent/guardian during a registration process should constitute reasonable age assurance for lower risk sports participation and registration services.</p>                                                                                                                                                                                                                                                                                                                                                  | <p>The OAIC should provide examples of what reasonable age assurance steps are depending on the circumstances and type of information collected.</p> <p>The OAIC Should confirm that entities which apply Code protections to all users (s. 8(5)) are not required to implement additional and potential burdensome age verification technology.</p>                                                                    |

| CODE SECTION              | BACKGROUND                                                                                                                                                                                                                                                                                                                                                             | COMPPS' POSITION                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | SUBMISSION                                                                                                                                                                                                                                                              |
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|                           |                                                                                                                                                                                                                                                                                                                                                                        | For entities that apply Code protections to all users under s. 8(5), no additional age verification technology should be required.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |                                                                                                                                                                                                                                                                         |
| <b>Section 9</b>          | The "strictly necessary" threshold introduced is narrower than the APP 3 reasonably necessary test. It is unclear what is strictly necessary in a sporting context, or more generally in an entity's delivery of services sought by a customer. Uncertainty could deter the collection of data that is essential for ensuring participation in sport is safe and fair. | <p>Sporting organisations should continue to be permitted to collect the following data to facilitate participation in and engagement with sport:</p> <ul style="list-style-type: none"> <li>• registration and identity data;</li> <li>• health, medical, and emergency contact data;</li> <li>• safeguarding and incident records;</li> <li>• competition and performance data;</li> <li>• anti-doping records;</li> <li>• insurance records; and</li> <li>• basic gameplay data in digital engagement products (leaderboards, scoring, tipping results) that are integral to participation in those products.</li> </ul>                                                                                                                                                                                                                                             | Suggest that OAIC should issue guidance confirming that data collected to facilitate children's participation in and engagement with sport competitions, events, and programs falls within the scope of section 9 of the Code.                                          |
| <b>Sections 10 and 11</b> | These sections require that collection, use, and disclosure of children's personal information be "consistent with the best interests of the child", as defined by the UNCRC. In the sporting context such a restriction on data collection and use may conflict with a child's right under the same UNCRC to freedom of association, play and leisure.                | <ul style="list-style-type: none"> <li>• Sporting organisations acting in accordance with mandatory safeguarding obligations, and facilitating children's rights to play and freedom of association, presumptively satisfy the best interests standard without requiring a separate determination for each data handling activity;</li> <li>• Digital fan engagement products that promote participation and community connection (such as tipping and fantasy competitions), which do not involve harmful practices or commercial exploitation, should be presumptively consistent with the best interests of the child; and</li> <li>• Data used to inform participation-focused research (such as cultural background or languages spoken) is consistent with the best interests standard where it is used to grow access to or participation in a sport.</li> </ul> | <p>The OAIC should identify categories of data practices that are presumptively consistent with the best interests of the child.</p> <p>Additionally, suggest clarification that consent by children is presumed by way of accepting the Children's Privacy Policy.</p> |
| <b>Section 13</b>         | Requires parental consent for collection, use or disclosure of any personal information if the child is under 15 years. May be a financial and                                                                                                                                                                                                                         | Where a parent or guardian actively completes and submits a membership registration form, and links their account to a child's membership record, this should constitute sufficient parental consent for the handling of                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | <p>The OAIC should:</p> <ul style="list-style-type: none"> <li>• confirm that annual membership registration, where a parent or guardian links their account</li> </ul>                                                                                                 |

| CODE SECTION                  | BACKGROUND                                                                                                                                                                                                                                                                                                                                                                                 | COMPPS' POSITION                                                                                                                                                                                                                                                                                                                                                                                     | SUBMISSION                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
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|                               | operational burden to confirm parental consent through means suggested (i.e. requiring parents to submit ID (which imports its own privacy concerns), having a video call with a service agent or via a third party token). Risk of children being unable to register/take part.                                                                                                           | the child's information in connection with that sporting membership or participations for that year.                                                                                                                                                                                                                                                                                                 | <p>to a child's membership record, constitutes sufficient consent for routine sporting interactions during that membership year;</p> <ul style="list-style-type: none"> <li>confirm the process for existing accounts on registration platforms that are currently controlled by a child under the age of 15, including whether a handover to a parent is required; and</li> <li>provide guidance on how organisations are to practically comply with 13(2)(b) parent/guardian verification requirements as well as how the organisation is to make the child aware of the organisation's data collection practices.</li> </ul> |
| <b>Section 14</b>             | Requires that consent about a child must be voluntary, not be bundled with other consents and must only be mandatory to use the service if strictly necessary. This will require sporting organisations to split out consents, and limit data collected during registration to that which is strictly necessary.                                                                           | Information that is necessary for wellbeing, safeguarding, and facilitating participation (including registration and health data) is 'strictly necessary' within the meaning of s. 14, and requiring this information as a condition of participation or registration is not a breach of the bundling prohibition.                                                                                  | OAIC should confirm that data collected to facilitate participation in sport competitions, events and programs involving children is "strictly necessary" for the purposes of section 14.                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| <b>Sections 15, 16 and 20</b> | Requires parental consent, as well as child consent in some circumstances, to be renewed at least every 12 months. S. 16 requires consent to be current. The Code does not clarify the consequences of non-renewal, or how the obligation applies to data with ongoing relevance beyond a registration year, including disciplinary records, concussion history, and safeguarding records. | Annual re-registration on a participation platform, or engagement with digital products (eg. purchasing a ticket, or streaming content) should constitute sufficient renewal of consent. Mandatory deletion of historical records (such as disciplinary records, concussion history, or transfer points) on non-renewal would create serious risks for competition integrity and participant safety. | The OAIC should confirm that re-registration on a participation platform or engagement on a digital platform satisfies the annual consent renewal requirement, and provide guidance confirming that safeguarding, competition integrity, and participant safety records may be retained notwithstanding non-renewal.                                                                                                                                                                                                                                                                                                            |
| <b>Section 20</b>             | It is unclear how the s. 20 requirements would work in circumstances where a parent has control over a child's                                                                                                                                                                                                                                                                             | Where a parent or guardian has completed registration under s. 13, that parental consent should satisfy the s. 20 consent requirement in a participation / registration context. A separate technically distinct consent step                                                                                                                                                                        | OAIC should confirm that s. 13 parental consent satisfies s. 20 assent in a registration context and identify any circumstances where a separate mechanism is required.                                                                                                                                                                                                                                                                                                                                                                                                                                                         |

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|                           | participation/registration platform account, which seems to be a requirement under s. 13.                                                                                                                                                                                                                                                                                                                                                                                                | from a child whose account is parent controlled would be import additional and unintentional operational complexity.                                                                                                                                                                                                                                                                                                                                           |                                                                                                                                                                                                                                                                                                                                                                                     |
| <b>Section 23</b>         | Requires that organisations have a privacy policy that is directed specifically at children. This will be a significant undertaking for smaller sporting organisations, and specifically those below the peak body level such as local clubs.                                                                                                                                                                                                                                            | A model template developed by the OAIC would ensure consistent and effective implementation across the sector, particularly at the community level.                                                                                                                                                                                                                                                                                                            | OAIC to publish model child-friendly privacy policy templates, practical examples and best practice recommendations tailored to the sport where possible, that can be adapted by community organisations with limited resources to further assist them in meeting their obligations under the Code.                                                                                 |
| <b>Section 25</b>         | Requires annual review and update of privacy practices, procedures, and systems.                                                                                                                                                                                                                                                                                                                                                                                                         | Clarity on the scope of the obligation, and a model review framework or checklist, would assist community organisations with limited capacity to comply consistently.                                                                                                                                                                                                                                                                                          | The OAIC should publish template review models or 'checklists', tailored to the sport where possible, that can be adapted by community organisations with limited resources to ensure ongoing compliance and accurate reporting.                                                                                                                                                    |
| <b>Section 32</b>         | Provides a right to destruction of information about a child, with general exceptions. This may be an issue as sporting organisations may need to retain records beyond a member's active participation for the purpose of maintain historical participation records relevant to insurance claims; safeguarding and incident records that may be relevant to future investigations along with anti-doping records and competition results as part of the historical record of the sport. | Organisations should be permitted to lawfully decline destruction requests where records relate to: <ul style="list-style-type: none"> <li>• insurance and injury records;</li> <li>• safeguarding and incident records;</li> <li>• anti-doping records; and</li> <li>• disciplinary, concussion, and competition integrity records.</li> </ul> Organisations should also be able to retain records which confirm the destruction of information has occurred. | The OAIC should provide guidance confirming that: <ul style="list-style-type: none"> <li>• retention of records for sporting, insurance, safeguarding, anti-doping, and competition integrity purposes is a lawful basis under ss. 32(3)(a)-(c) for declining destruction requests; and</li> <li>• records pertaining to the destruction of information may be retained.</li> </ul> |
| <b>Sections 38 and 39</b> | Requires that sporting organisations undertake Privacy Impact Assessments (PIA) as part of every new or changed handling of personal information and that these be kept in a publicly accessible register.                                                                                                                                                                                                                                                                               | <ul style="list-style-type: none"> <li>• A simplified, templated PIA framework for not-for-profit and sporting organisations will assist in compliance;</li> <li>• PIAs conducted by a national or peak body should be capable of serving as templates for affiliated organisations handling similar data; and</li> </ul>                                                                                                                                      | The OAIC should: <ul style="list-style-type: none"> <li>• publish a simplified PIA template for not-for-profit and sporting organisations;</li> <li>• ensure that confidential / business / legally sensitive information is not required to be published;</li> </ul>                                                                                                               |

| CODE SECTION                                           | BACKGROUND                                                                                                                                                                                                                                                                                                                                                                              | COMPPS' POSITION                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | SUBMISSION                                                                                                                                                                                                                                                                                                                                                                                                |
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|                                                        | The cost and expertise required is disproportionate for volunteer community sporting clubs. As drafted, the proposed sections also appear to require publication of a PIA even where a proposed initiative does not proceed, which could deter early-stage privacy risk assessment.                                                                                                     | <ul style="list-style-type: none"> <li>Publication obligation should apply only to initiatives that are implemented, not to proposals that are assessed and not proceeded with.</li> </ul>                                                                                                                                                                                                                                                                                                                                             | <ul style="list-style-type: none"> <li>confirm that national or peak body PIAs may serve as templates for affiliated entities; and</li> <li>clarify that the publication obligations are limited to implemented initiatives.</li> </ul>                                                                                                                                                                   |
| <b>Section 40</b>                                      | Requires sporting organisations to provide annual privacy education and training to staff and people who are otherwise engaged by the entity and who have regular or frequent access to children's personal information in the course of performing their duties.                                                                                                                       | <p>Community sporting organisations rely heavily on volunteers who routinely access children's personal information in the ordinary course of their roles.</p> <p>Any training obligation should be calibrated to the nature and scale of the organisation and the role of the individual. Imposing formal annual compliance training on all volunteers would be disproportionate and could deter participation in voluntary roles. The OAIC should provide accessible, practical training materials that organisations can adapt.</p> | The OAIC should clarify the scope of s. 40 as it applies to volunteers, and develop accessible guidance and training materials for sporting and not-for-profit organisations with limited resources                                                                                                                                                                                                       |
| <b>General - Direct Marketing &amp; Fan Engagement</b> | The Code does not clearly distinguish between 'direct marketing' and service communications / non-commercial messages in the fan engagement context. Match reminders, tipping alerts, team updates, and draw notifications are operational messages integral to participation in fan engagement products and should not constitute promotional communications in the traditional sense. | <p>Operational communications that are integral to participation in a digital service, and which are not directed at promoting separate products or services, should not constitute 'direct marketing' for the purposes of the Code.</p> <p>COMPPS further submits that the Code should adopt a proportional approach for low-risk digital products involving limited personal information and low potential for harm.</p>                                                                                                             | <p>The OAIC should:</p> <ul style="list-style-type: none"> <li>clarify the distinction between direct marketing and service communications in the fan engagement context (e.g. match reminders, tipping alerts, team updates), particularly where such communications are integral to participation; and</li> <li>and adopt a proportional compliance framework for low-risk digital products.</li> </ul> |
| <b>General - Implementation</b>                        | Many sporting organisations rely on commercially available third party platforms for membership management, communication, and competition administration. These organisations may not have the                                                                                                                                                                                         | Compliance with Code obligations that require platform level technical changes must be realistic and achievable given reliance on third party platforms.                                                                                                                                                                                                                                                                                                                                                                               | <p>OAIC should:</p> <ul style="list-style-type: none"> <li>ensure the Code applies to third party platforms, not just the sporting organisations who utilise them; and</li> </ul>                                                                                                                                                                                                                         |



| CODE SECTION                           | BACKGROUND                                                                                                                                                                                                                                                                                                                                        | COMPPS' POSITION                                                                                                                                                                                                                                                                                                 | SUBMISSION                                                                                                                                                                                                                                                                                                                                                        |
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|                                        | technical capacity to modify platform defaults, implement age verification at a code level, or introduce bespoke consent management workflows.                                                                                                                                                                                                    |                                                                                                                                                                                                                                                                                                                  | <ul style="list-style-type: none"> <li>consider safe harbour provisions for organisations relying on compliant third-party platforms.</li> </ul>                                                                                                                                                                                                                  |
| <b>General - Implementation timing</b> | The Code must be registered by 10 December 2026. For national sporting bodies operating annual registration cycles, a December registration date means that compliance obligations could take effect during peak registration season for sporting organisations such as CA and TA (i.e. summer sports). This timing is operationally challenging. | A minimum 24-month implementation period is necessary to allow organisations across the sports and non-profit sectors, particularly community and grassroots entities, to put compliant systems, processes, and materials in place. Guidance and templates should be published before the Code comes into force. | <p>OAIC should:</p> <ul style="list-style-type: none"> <li>apply a minimum 24-month implementation period from the date the Code comes into force, with phased compliance milestones; and</li> <li>commit to publishing sector-specific guidance, model templates, simplified PIA frameworks, and training materials before the Code comes into force.</li> </ul> |

**Coalition of Major Professional and Participation Sports**  
**5 June 2026**