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Legal Study on Children’s Data Protection Legislation under Digital Environment from the Perspective of US Children’s Online Privacy Protection Act

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Abstract

Children’s internet use has dramatically increased in recent years. The expansive engagement of children in cyber space triggered privacy threats, but children often lack the awareness and the capacity to foresee possible consequences. To address the growing online privacy concerns of children, US Congress passed the Children’s Online Privacy Protection Act (COPPA) in 1998 and the Federal Trade Commission enacted and implemented COPPA Rules based on COPPA. COPPA applies to operators of commercial websites and online services, according to the major requirements of COPPA, operators must obtain verifiable parental consent prior to collection and use of personal data from children. Cases tagged with COPPA which covered electronic commerce platforms,

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mobile applications, social networking sites and short video platforms illustrate the development and changes of Information and Communication Technologies, as technology continues to advance, it become more and more important to keep the legislation stay current by enacting frequent updates to the law. Taiwan's Personal Data Protection Act (PDPA) was first introduced in 1996 and was significantly amended in 2010, with the amendments becoming effective in 2012. Being the basic law of data protection affairs, the PDPA did not specifically consider the protection needs of children. Considering the increasing demand for children's privacy protection, possible approaches include formulating a section law such as COPPA, or imitating GDPR to include relevant protection provisions in PDPA. Regardless of what approach is adopted, the legislator should focus on the feasibility and implementation of relevant regulations, specifically judging whether the operators of platform or online service target the children or not, and promote acceptable and affordable parental consent verification mechanisms.

Keywords: Internet, Children, Personal Data, Parental Consent, Children's Online Privacy Protection Act, General Data Protection Regulation, Taiwan's Personal Data Protection Act