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„Analyzing Children's Information and Privacy Rights
Through In-Depth Elite Interviews: Views, Opinions, and
Recommendations of Italian Policy-Makers, Professors and
Administrators.“

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Introduction

As of today, in 2023, one-fourth of the world's population is children below 14 years old (World Population Review, 2023; Worldometer, 2023; World Population Review, 2023), and in Italy, they are 12.7% of a little less than 60 million people (ISTAT, 2023). Considering now the numbers related to Internet consumption and habits of the population, in the European Union, 84% of the people access the Internet daily (European Commission, 2023), while in Italy 83% of the families have access to the Internet at home (ISTAT, 2023). Significantly, 95% of young people in the EU accessed Internet (European Commission, 2023). The Italian statistics show that internet usage among children aged 6 to 10 years stands at 89.1%, with 55.5% accessing it on a daily basis. Moving on to the age group of 11 to 14 years, a striking 96.6% of them utilize the internet, and within this range, 86.3% engage with it daily. As for teenagers aged 15 to 17 years, a whopping 98.3% are active internet users, with a significant majority of 93.5% using it every day. Furthermore, among young adults aged 18 to 19 years, a considerable 97.3% utilize the internet, and within this age range, 93.1% access it daily (ISTAT, 2023). Here the main activities conducted in the age range of 6 to 19 years old in Italy are gaming, social media participation, sending emails, and getting informed (ISTAT, 2023). Data about social media use are interesting and something to pay attention to. In fact in Italy, 8.5% of children in the age between 6 and 10 years old access social media platforms, while it drastically surges to 49.2% between 11 and 14 years old, 84% between 15 and 17 years old, and 82.1% between 18 and 19 (ISTAT, 2023).

In the context of privacy awareness, based on a survey conducted by the European Union Agency for Fundamental Rights (FRA) (2020), people across the EU are more likely and willing to share with the public administration personal information such as home address, religion or

belief, political orientation, date of birth, citizenship, fingerprints, and facial images, and less willing to share these with private companies. Also, more than 50% of the population is concerned that their personal information online might be accessed by criminals, but interestingly, the majority of the people (72%) are aware of the privacy settings on their smartphones. Additionally, only a small percentage of the individuals take time to read the terms and conditions before giving consent to the processing of their personal data, and for those who do, 27% do not understand the content.

According to the same survey, it is uplifting when it is considered that 69% of the population is aware of the GDPR (General Data Protection Regulation). Though when it comes to their awareness about personal data collected, there is a difference again between public administration and private companies. The majority knows about laws that allow them to check which data has been gathered by public administration, but only one person out of two knows that they can look up the information private companies have on them (European Union Agency For Fundamental Rights (FRA), 2020).

Considering these numbers, children and teenagers are more and more connected to the online environment, and they increasingly expose themselves on the net, sharing their opinion, and personal information, and getting information. For this reason, it is important to interrogate ourselves on the systems we have in place to protect their privacy and information rights, their efficacy, and what can be improved to make them as reliable as possible. This is inevitably relevant considering the vulnerability of children (Sandberg, 2015).

Hence, this thesis aims at answering the following questions: How are information rights and privacy of children and youth protected and catered to in Italy now and how were they in the past? How are children's information rights and privacy sustained and supported through

national policies and initiatives beyond the EU level and the GDPR? Which limitations does the Italian media system face in tackling the privacy of children and youth? What can be done to improve the GDPR and better protect children's information rights and their privacy?

The answers seek to bridge the gap in finding solutions to the criticism raised by the academic field, around the modalities of children's privacy protection offered by the GDPR (Krivokapić & Adamović, 2016; Pedrazzi, 2017; Caglar, 2021).

Through the use of secondary research, policy analysis, and five in-depth elite interviews, it is advanced that the General Data Protection Regulation - GDPR - is the main framework that safeguards children's privacy and it is a golden standard among the member states of the European Union, therefore also Italy. Although there are various elements to reconsider, such as the nature of consent. As a suggestion the introduction of a digital ID and more education specially aimed at adults can mitigate the challenges of this matter.

Literature Review

Democracy and Citizenship Theory

The definition of democracy might vary greatly based on the historical period in which it is conceived and investigated, as democracy is “a dynamic process of governance and even of living in general, not a static institutional construct” (Downs, 1987, p. 146). Dahl observes a distinction between the political institutions of ancient Greece and their contemporary counterparts; however, this does not negate the relevance of considering them when defining democracy. In the Greek perspective of democracy, the citizen is viewed as a complete individual for whom politics is an inherently social activity seamlessly integrated with other aspects of life. In this vision, the government, state, and polis are not perceived as distant and foreign entities but rather as integral parts of oneself (Dahl, 1989). Naturally, various factors have contributed to the evolution of the modern concept of democracy and its principles, such as the introduction of elective governments that represent citizens and the pursuit of political equality. These characteristics are also present in the Republican tradition. Republicanism, while maintaining the belief that politics and political participation are inherent to human nature and that citizens in a democracy possess equal rights, emphasizes the significance of civic virtue and acknowledges its vulnerability. For instance, there is a concern regarding the potential corruption of leaders in power (Dahl, 1989).

Because of the different and numerous definitions of democracy, this can be better interpreted as a multidimensional concept, involving participation, contestation, and constraints on the executive, which work simultaneously across time and space (Boese, Gates, Knutsen, Nygård & Strand, 2022). This is nowadays observable when considering the European Union, where different states coexist all in the name of democracy. Indeed, states to become part of the

union, have to fulfill certain criteria, among which being democratic. Therefore, their definition of democratic governance encompasses multiple aspects:

“Democratic governance is about how interests are articulated, resources are managed and power is exercised. Underlying it are the rules, processes and behaviour which determine how the state serves its citizens. Principles for good governance are participation, inclusion, transparency and accountability.” (European Commission, n.d.).

Notably, one of the commonalities between conceptualizations is participation. In this fashion, it is important to consider citizenship theory. Both democracy theory and citizenship theory share a common element in their emphasis on the active participation of individuals.

T. H. Marshall (1992) posited that the concept of citizenship encompasses three interrelated components, namely civil citizenship, political citizenship, and social citizenship. Civil citizenship pertains to individual freedoms, political citizenship involves active engagement in political power structures, and social citizenship relates to economic sustainability and security. Consequently, it becomes evident that democracy and citizenship are intricately connected through the inherent nature of individuals as participants in the political sphere.

However, the notion of citizenship is intricate and multifaceted, necessitating a delicate equilibrium between rights and responsibilities. In the liberal political tradition, rights are considered fundamental to citizenship, whereas the republican tradition places greater emphasis on duties and political participation (T.H. Marshall, 1992).

The concept of citizenship, which encompasses the rights, responsibilities, and roles of individuals in society, holds great importance when we think about children and youth. Here, the debate involves different thematics that surround the way democracy is conceptualized, but

also how childhood is conceived and as a consequence how civic rights and participation in decision-making should be applied to this part of the population.

The importance of children's citizenship and civic participation rights is unquestionable. On one side, children, young people, and minors are perceived as future adults, growing into citizens and shaping the future of society. In this way, they are seen as citizens who do not fully hold the capabilities that citizenship entails but it is vital to acknowledge them as individuals who are gradually becoming citizens and therefore need the necessary means to exercise their rights and fulfill their obligations in democratic societies (Philipps, Ritchie, & Adair, 2020).

On the other side, it is argued that envisioning children as adults-to-be instead of as a part of a population that is always present in society boosts the failure in understanding kids or representing them on behalf of their voice, ending up disregarding the best interests for them and substituting this with adults' views on children (Cohen, 2005). Indeed, Cohen argues "With only the voices of parents audible in the public realm, only the perspectives of parents are heard" (Cohen, 2005, p. 236). She then continues acknowledging that, of course, adults play a major role in the decision-making arena, also in the matters that affect children. This is because liberal democracies have a dual duty, they have to define a children's political status taking into consideration both their needs and vulnerabilities. These vulnerabilities make it also clear that children can not have yet full citizenship, as we need to recognize and adapt to the capabilities children have, which are in evolution.

In the context of capabilities, the exclusion of children from politics resides mainly in how we conceptualize democracy and emancipation, defined as "adult-centered institutions" (De Castro, 2012, p. 166). The modern idea of politics involves some kind of subjectivity related to rational, moral, and psychological autonomy, and for this reason, only adults can fulfill the

political requisites, making childhood a step to overcome to be able to access political activity. Nonetheless, even if not fully developed, children's capabilities go beyond what has been considered, as research gathers evidence of the ability children have to build their own point-of-view. That being the case, welcoming children into politics might depend on adults' ability to dismantle truths that are based on an adult-centered society (De Castro, 2012). For this reason, Wall (2011) argues that democracy can represent children successfully, when reimagined, saying that "A political community should be considered democratic to the extent that its members' differences make a difference to the exercise of political power. Only in this way can it truly represent the people." (Wall, 2011, p.98).

Article 12 of the United Nations Convention on the Rights of the Child formalizes children's right to participate in civic life and decision-making, by saying:

"1. States Parties shall assure to the child who is capable of forming his or her own views the right to express those views freely in all matters affecting the child, the views of the child being given due weight in accordance with the age and maturity of the child." (United Nations, 1989).

Italy adheres to the Convention and to include children's collective rights that ensure their participation in civil society, Italian laws have been reconsidered and rewritten, to recognize children as a community of its own that owns the right to have a voice in civil life. This is witnessed, for example by the Law 285/1997 (Provision for promotion of the rights and opportunities of children and adolescents) that instituted a fund aimed at sponsoring initiatives for the promotion of participation. Participation might take three forms: play/recreation and expression that involves projects to boost access to public spaces where children and youth can gather and share interactions, projects which are aimed at boosting children and youth engagement to make them become leaders and not mere followers; civic organizations, youth

councils, and forums, which are included in legal structures of groups to include youth in institutional policy-making (Disposizioni per la promozione di diritti e di opportunità per l'infanzia e l'adolescenza, 1997). Children's rights in Italy are taught since primary and middle school, where kids are acknowledged and educated regarding their participation rights and can apply this through structured participation. Also, children's rights are often referred to in television or other media, but also conversations with parents and teachers, even on an informal basis (Woodhouse, 2014).

Information Rights and Privacy

When it comes to protecting personal identities there are several rights enclosed in democracies, which are relevant to mention and are also the core of this dissertation. These are information rights, the right to privacy, and information privacy rights.

Moving from macro to micro, it is fundamental to define information rights in their twofold way of being understood. First, they can be recognized as the rights individuals have to get and be provided with information, therefore the right to be informed. Second, but not for importance, they can be understood as the rights individuals hold in controlling the usage of their personal information on behalf of other entities, such as companies and institutions (Coppel, 2019).

The first conceptualization highlights that citizens hold the right to be adequately and properly informed. In this way, it appears clear the positive nature of this right, which pairs well with journalistic freedom and freedom of speech. For this, it is also considered a communication right that belongs to the public (Marciel, 2020).

If focusing on the second conceptualization, or way of understanding information rights, controlling personal information is a topic that deals with privacy and the right to privacy.

To contextualize, Moore (2010) defines privacy as “a right to control access to places, locations, and personal information along with use and control rights to these goods” (Moore, 2010, p. 32). Although, the definition follows an argumentation around the difficulty to find a definition that can satisfy everybody and make everybody agree. The author also points out, interestingly, that the advent of information technologies had an impact and pushed a change in the ability we have in controlling our personal information (Moore, 2010).

Indeed, when embracing this instance, Eskens’ definition of the right to privacy seems to complement and integrate greatly the previous definition, adding an element of protection, as to help in controlling which becomes more and more difficult. “The right to privacy ensures people a (metaphorical) space or zone where they are protected against unwanted attention in the form of publicity or communications” (Eskens, 2020, p. 1124), and “The right to confidentiality of communications protects communication between a sender and recipient against intrusive third parties and is not useful where news media are both the sender and, in a sense, the third party” (Eskens, 2020, p. 1124).

The combination of privacy rights, confidentiality of communications, access to information, and freedom of expression safeguards what is commonly known as the "personal information sphere" (Eskens, 2020) which leads to attention in regulations or online personalization systems, wherein users have to be acknowledged of the processes.

Privacy is not only a matter of protection of what is considered as “private”, but the debate also surrounds the protection of what is shared, what became public by choice of the individual. In this sense, Rumbold & Wilson (2019) note that when the information is put out, there is still

a right to privacy when considering that by this act, one has rights over the content and over what is linked to it. Around the same debate, Rumbled and Wilson (2019) pose the question of whether analyzing and disseminating information that was made public, actually violates someone's right to privacy. Reassuringly, they argue that maybe it does, opposing the tradition of the philosophy of privacy that accepts privacy as limited to private information (Thomson, 1975). To contrast this idea they say that one renounces the right of privacy over a piece of information by explicitly admitting and declaring it, not by default when making information public (Rumbled & Wilson, 2019).

When addressing the crucial issues concerning privacy and the safeguarding of personal information, it is imperative to acknowledge the significance of including children in the conversation. The intricate challenge of establishing boundaries in this context gives rise to a multifaceted discussion that compares various scenarios synergistically.

An intriguing aspect worth exploring further is the role of parents in managing their children's data and information. It is essential to emphasize that parents serve as representatives of their children until they reach legal adulthood. Consequently, parents are entrusted with the responsibility of making decisions on behalf of their children. However, it is crucial to note that parents do not own their children's data and information. Instead, they should act in the best interests of their children and respect their rights.

The Convention on the Rights of the Child recites "Every child has the right to privacy. The law must protect children's privacy, family, home, communications, and reputation (or good name) from any attack." (United Nations, 1989).

In today's digital landscape, parents frequently share information about their children on social media platforms. This is the phenomenon of sharenting, a blend between "sharing" and

“parenting”. It refers to the recurrent use of social media on behalf of parents and adults to share the content of children (HarperCollins Publishers Ltd., n.d.). In such a matter, research has greatly questioned and interviewed parents, but also children and adolescents to grasp their point of view in this regard. In one study it emerged that parents feel the need to post about their children, not on a daily bases, but more about their milestones, success, and achievements, while more negative moments are not shared on social media. The way adolescents for example perceive sharenting depends on the content the parents share. For instance, it is fine when posting family activities such as vacations, but it is not when parents have different conceptions of a beautiful picture, and share content that is not liked by the adolescents. To protect themselves, kids apply some strategies. For example, they want parents to ask for their permission before sharing any kind of content related to them on social media. They might in some cases ask parents to delete and remove a post when they do not like the content shared (Walrave, Verswijvel, Ouvrein, Staes, Hallam, & Hardies, 2022).

More from children and adolescents’ point of view, Sarkadi, Dahlberg, and Fängström (2022) asked children to rate whether or not different forms of sharenting are okay, like, for instance, sending a picture to a relative, taking a picture without permission, post content on social media (e.g., picture), write something on social media about children. The results showed some general negativity towards sharenting. This scored higher when it came to sharing a picture without asking permission, but lower when sending a picture to a relative. Interestingly, the lower the age, the less are likely to accept having a picture taken and shared without permission (Sarkadi, Dahlberg & Fängström, 2022).

It is progressively necessary to incorporate a practice that safeguards the child's right to privacy by seeking their consent. By oversharing, parents inadvertently compromise their

child's privacy, denying them the opportunity to choose whether or not they wish to have a digital identity. Protecting a child's privacy and granting them agency in this matter is of paramount importance (Isk  l & Joamets, 2021). Furthermore, “Most adolescents agreed that when children become aware of the fact that there is an online world and that they are represented there in a specific way, their parents' sharing behavior should be more considered and more restricted.” (Ouvrein, & Verswijvel, 2019, p. 324).

To address this issue, Mathiasen (2013) contends that children should also possess the right to privacy concerning their parents. Monitoring a child's online activities, even to protect them, is not only ineffective but also ethically inappropriate. Such monitoring fails to uphold the fundamental right to privacy that children are entitled to. Also, another strategy of safeguarding might be addressing the issue of parents being aggressively marketed to share their children’s information on the platforms (Fox & Hoy, 2019).

General Data Protection Regulation (GDPR)

In order to protect and regulate data usage inside the European Union, on the 25th of May 2018, the General Data Protection Regulation - GDPR got enforced and took effect, which main purpose is to oversee how personal data are collected and managed in a homogenous and coordinated way among the member countries of the EU. It applies to the processing of personal data both from automated and nonautomated means and it takes the place of the Data Protection Directive 95/46/EC of 1995 (Coppel, 2019).

Compared to the previous directive, the GDPR introduced many new features, obligations, and rules.

For example, it requires organizations to apply by default data protection, they have to decide for a data protection officer who is held responsible for personal data protection in certain circumstances. Also, they need to stick to a new right to data portability and the principle of accountability. Remarkably, the GDPR not only applies to businesses in the European Union but also to those outside of it, protecting the personal data of EU citizens (Coppel, 2019).

Moreover, even if Directive 95/46/EC of 1995 was supposed to be harmonic among the member states, it was not and as a result, different EU countries had different data protection rules and definitions. Additionally, the range of applicability and scope was mainly related to internal market and public authorities' activities (Coppel, 2019). Furthermore, the GDRP is thought to be effective not merely for businesses and companies, but rather really to take care and protect individuals and consumers from both private and public entities (Greengard, 2018).

Most importantly, the GDPR is the first law act in the EU that regulates the personal data processing of children and minors in general (Persano, 2020). This is relevant because human rights apply universally both to adults and children, but children specifically need something more, they need specific and special protection, because of their specific characteristics (United Nations, 1989). Before the introduction of the General Data Protection Regulation (GDPR), the European Union Data Protection Directive 95/46/EC did not contain explicit guidelines regarding the handling of children's personal data. This was partly due to the fact that information communication technology (ICT) was still in its early stages when the Directive was implemented. During that time, the Internet had not yet become a widespread phenomenon in households, and only a limited number of individuals, including children, had the opportunity to access it (Jasmontaite & de Hert, 2014). Considering how much minors use the network now,

then it has to be considered that they are not simply consumers and recipients, but they are users and buyers making their own decisions (Persano, 2020).

The GDPR is inspired by the American children's privacy regulation COPPA (Children's Online Privacy Protection Act), which applies not only to American businesses but also all the other businesses that impact children residing in the U.S.A. Nonetheless, this act is way more complex and detailed, compared to the GDPR. The GDPR addresses inside the law also children's privacy rights in the section defined as GDPR-K, unlike the American COPPA, which addresses them exclusively (Vlajic et al., 2018). In the GDPR children have the information right of having their data collected and used only via consent (given by legal guardians) and can decide to opt for those data to be erased if wanted. This is a detail not to be overlooked, as the kid can delete the information when reaching an age of awareness and can take conscious decisions, determining maybe that the consent provided was not the best decision (Vlajic et al., 2018).

In connection with this is the matter of age of consent, which provides the children to be fully responsible for the decision to accept or not share personal information. Generally, parents' consent on behalf of the kid is required for all those under 16 years old, but member states can decide on a different threshold not under 13 years old (Milkaite & Lievens, 2019).

The weight of such legislation grows when reflecting on the alarming evidence of user tracking in kids-oriented websites, which poses a danger if considering possible leaks of sensitive information of personal nature (Vlajic et al., 2018). The GDPR protects the privacy of the minor in the way of minimizing the data related to them, limiting the interest of the data controller, and restricting the use of the data for marketing purposes (Persano, 2020).

Compared to the previous regulation the GDPR advances in considering children within the rights, especially as individuals needing special protection, or also requiring the use of child-friendly language in any communication and information intended to kids. Despite this, it is still under discussion if the extent of the protection is adequate. Many criticisms point out that there is no real definition of a child and no unique age threshold for consent (Pedrazzi, 2017; Krivokapić & Adamović, 2016), and the general one of 16 years old is too high. In this regard, also a proven reason for the decided threshold is not provided as it is not provided a clear differentiation between consent and authorization (Krivokapić & Adamović, 2016) as also a defined description of the services they refer to or the modalities under which parents have to provide consent (Pedrazzi, 2017). Nonetheless, it is worth mentioning that only who hold parental responsibility is entitled to provide consent on behalf of the minor, raising the problem for educators, for instance, or for cases in which parents might not be able to fulfill this responsibility or do not act in the best intentions for the children (Krivokapić & Adamović, 2016).

Also, Caglar (2021) argues that the concept of consent has to be somehow rethought, as it is something that has been adapted to kids, originally intended for technologies aimed at adults. For children it is difficult to assess, indeed it is stated that “The GDPR itself also needs to be improved to reflect the changing nature of technology, especially in relation to obtaining valid consent as it does not yet overcome the barriers that stakeholders face as technology advances” (Caglar, 2021, p. 31).

In the Italian Constitution, there’s no mention of the right to privacy or the right to data protection, but it became part of the Italian jurisdiction through the European Convention on

Human Rights (1950) and through the Charter of Fundamental Rights of the European Union (2000) (Charter of Nice) (Senor & Durante, 2018).

In Italy, the right of protection of personal data, therefore the safeguard of privacy and the guarantee of information rights is granted nowadays mainly by the GDPR, which repealed the Directive 95/46/CE (general ruling for data protection) but also some other legislations. Moreover, the Personal Data Code of 2003 has been adjusted to conform to the GDPR (Garante Privacy, n.d.). Previously, the purpose was served by Law n. 675 of the 31st of December 1996 for the safeguard of individuals regards personal data management, which did not mention children's information rights protection (Garante Privacy, n.d.).

This act, aimed at protecting people regarding the processing of personal data, has been the first privacy and data protection legislation in Italy (Senor & Durante, 2018). It was then replaced by the legislative decree n. 196 of 2003, known as the Italian Code of Privacy, but in full the Italian Personal Data Protection Code. The latter implemented completely the Data Protection Directive regarding personal data processing together with other EU directives in this matter, also the e-privacy directive 02/58/EC (Duranter & Senor, 2019).

Two other codes are in force rather than related to the media industry. One is the Chart of Treviso published in 1990 and updated in 2006 by the Order of Journalists and the National Federation of Italian Press (FSNI). This chart mainly protects minors from the press and set several rules on their personal data reporting (Carta Di Treviso, 2021). The other one is the Code of Self-Regulation of TV and Minors published in 2002 by the Ministry of Communications, to establish a code of conduct and some rules regarding dedicated and appropriate broadcasting time, personal data, advertisement exposure of children in television and broadcasting media (Codice Di Autoregolamentazione TV e Minori, 2002).

The main institutions which takes on the role of protecting children and youth's privacy are the Authority for the Warranties in Communication (Autorità per le Garanzie nelle Comunicazioni), the Ministry for Youth Policies (Ministero per le Politiche Giovanili), Ministry of Justice and the department of Minors protection, the Guarantor Authority for childhood and adolescence (Autorità Garante per l'Infanzia e l'Adolescenza), Ministry for Education MIUR (Ministero dell'Istruzione), the National Agency for the Youth ANG (Agenzia Nazionale per i Giovani), the Parliament Commission for the childhood and adolescence (Commissione parlamentare per l'infanzia e l'adolescenza), the Childline Telefono Azzurro or Unicef Italia.

To conclude this chapter, we can reflect on these words:

“In any case, it is essential that children (anyone under 18) are offered an appropriate level of protection and skills to benefit optimally from the opportunities that are offered by the digital environment and to exercise their rights fully. At the same time, it is essential that their right to protection does not undermine their rights to participation (such as their right to freedom of expression or their right to freedom of association).” (Livens & Verdoodt, 2018, p. 277).

Methods

The qualitative method chosen to gather data and answer the questions has been a mix of secondary research, policy analysis, and semi-structured in-depth elite interviews. The use of semi-structured in-depth elite interviews as a method has been considered to be the best suited to gather more detailed opinions, points of view, and information on the matter and conduct a conversation with the interviewees that could lead to insightful and informational answers, especially from experts in the field. Furthermore, the decision of semi-structured interviews provides open-ended questions, apt for gaining more detailed and qualitative answers by letting the individuals express themselves and flow into the answers they provide, articulating and digging into the topic. It was also instrumental to get suggestions on existing policies and the related explanation. Being semi-structured, it still follows a general interview guide, but there is more freedom to deviate from the script and explore other topics (Adeoye-Olatunde, & Olenik, 2021). Indeed, the interviews followed the designated questions, but the order might have varied based on the needs, or some questions might have been deepened more than others or drifted into other sub-questions. Finally, this method also suited the nature of the small-scale sample, providing more flexibility and more freedom for the participants to express themselves.

Data collection

Five interviews have been conducted, which took between thirty minutes to one hour, where the shortest took thirty-two minutes and the longest one hour and fourteen minutes. The interview script consisted of nine questions, which have been asked more or less in the same order but from time to time framed differently or expanded with more detailed sub-questions when the situation required a follow-up and a more articulated answer.

The interviews have been conducted between February 2023 and May 2023, mainly in Italian, except for one interview conducted in English.

All of them have been conducted online and the voice has been recorded, after permission, to focus on the content while conducting the interview and allowing a transcription later on, without paying attention to the writing while interviewing. Through the use of the software Trint, the interview recordings have been transcribed, and edited to correct mistakes and misspellings by registering to the recording, finally, they have been checked once again and translated from Italian to English.

Participants

The five participants have been contacted via email and asked to participate, once the availability has been granted then the online meeting was scheduled. The selection occurred before based on their relation, somehow with childhood studies, children's rights, children's information rights, right to privacy, and GDPR knowledge. Indeed, the participants covered various roles related to the matter, from different perspectives to allow comparison and multifaceted opinions on the topic. All the participants are Italians and related to Italian policy-making or research. They covered the following roles: President and Founder of a well-known Italian non-profit organization aimed at safeguarding children's rights, President of the Italian Order of Journalists, the Italian Guarantor Authority for Childhood and Adolescence, Professor and researcher of Comparative Private Law, who focused on the GDPR in relation to minors and their data protection and President of a national parents association.

Before the interviews were conducted, the participants were asked to sign the informed consent in order to authorize the data collection and analysis. This ensured that the participation

was voluntary, they were provided with information about the study to understand what the interview will demand from them, and they understood the terms of participation. Their answers have been listened to without judgment of subjectivity, but rather in an objective and research-purpose manner. Before and after the interview the participants have been adequately debriefed providing them with a general context and with the possibility to see the final results of the research.

Since the method chosen deals with individuals, therefore it is of extreme sensibility and attention to take into consideration the ethical implications of it.

What seems to be pertinent to stress is that the interviewees have been asked questions on the matter of children, but the research did not deal with this category directly. Therefore, since the interviews were about children and not with children, no vulnerability has been addressed.

In order to protect their privacy, even if the information disclosed is not classified as confidential they will be called with their first name and the initial letter of their family name.

Analysis

To analyze the data retrieved and gained, a Thematic Analysis has been conducted as considered to be appropriate when the aim is to gather opinions and points of view. Boyatzis (1998) defined Thematic Analysis as a qualitative method that helps identify patterns of information, called themes, that once retrieved in the data are analyzed and reported. Similarly, Clarke and Braun (2017) defined it as “a method for identifying, analyzing, and interpreting patterns of meaning (‘themes’) within qualitative data” (Clarke & Braun, 2017, p. 297). The main feature of this method is its flexibility that results well suited for small samples but yet rich information-wise. It helps to explore views, perspectives, and experiences (Clarke &

Braun, 2006; 2017). Although as pointed out, qualitative research, as Thematic Analysis is, to be trustworthy, has to demonstrate a certain level of systematization, preciseness, and consistency in the analysis (Lorelli, Nowell, Norris, White & Moules, 2017). For this reason, six steps have been followed in the analysis, together with recordings and transcriptions (Clarke & Braun, 2006; 2017; Lorelli, Nowell, Norris, White & Moules, 2017).

First, after conducting the interview and transcribing it, it was important to familiarize more with the content and go through them multiple times to uncover all the aspects and passages. Second, initial codes have been created identifying all the topics touched up and mentioned by the participants. These codes identified the characteristics of the data but did not cover the final themes yet. Third, the codes have been organized, identified, and refocused on themes. Fourth, the themes have been reviewed and then (fifth step) they have been named and defined. As a final step, based on them, the report has been written.

The analysis resulted in the creation of three thematic clusters, which are namely “Age Assessment Systems and Digital ID”, “Education and Awareness” and “Children’s Vulnerability”. These will be discussed in the following section and backed up both with relevant literature and the statements provided by the participants during the interviews.

Discussion

Age Assessment Systems and Digital ID

The methods to verify the age of the minor are considered to be weak, also because of anonymity and pseudo-anonymity (Persano, 2020). Indeed, as also underlined by Carlo B. “The web is full of pitfalls and anonymity on the net is now an acclaimed problem that allows illegal activities against minors” (Carlo B., personal communication, March 10, 2023).

Although, when also considering the consent required by the GDPR, it seems to be not adequate enough to protect children. Once the minor, above the age that allows them to give consent, declares of exceeding that limit, then the data owner is required to conduct all the necessary verification to prove the truthfulness of that statement and be sure that the minor is above the age requested. If they are below the age required, the data controller does not have to conduct any further verification and will require the need to a parent or guardian of which the email address will be asked. Then the parent will be contacted in order to get consent (Persano, 2020).

Interestingly, throughout the interviews, it often emerged as a solution, the introduction of some sort of age verification system that can allow children and kids to access the Internet and the platforms allowed to their age only after proving with a digital ID their true age.

For example, Carla G. suggested:

Especially for the minor who comes into contact with the network, an age assessment system would be important. [...] For an age assessment system, together with other participants in a technical panel on this topic, we have proposed and shared the idea of a sort of SPID [digital identity verification system in Italy] that then allows us to verify that the person who accesses is really the age they say they are. (Carla G., personal communication, February 22, 2023)

She continues arguing that even if in the GDPR there is an age threshold, this can be easily overcome by children, often with parents' support and compliance. By providing a false statement, children declared to be above the age to access platforms that would otherwise be foreclosed to them (Carla G., personal communication, February 22, 2023).

Rosaria D. more concretely and in an alike fashion remarks:

One should go and check. You should ask for a document, an identity card, or a reference. [...] I believe that the procedures for accessing the Internet must also be more regulated. (Rosaria D., personal communication, February 2, 2023)

Similarly, Giorgio P. argued that:

The problem of age verification is a big issue because online it's easy to avoid and work around this age verification. [...] Artificial intelligence could provide systems to check and validate the person who's online, the individual who's on the other side. [...] There are good and bad about it, pros and cons. Everything that tracks you can be a problem. But if you are a vulnerable subject, it's better to be tracked and protected. (Giorgio P., personal communication, May 4, 2023)

Of course, as mentioned, age verification systems that utilize personal ID arise the problem of identity tracking, also dangerous for an individual's privacy. As a solution, Ernesto C. talks about disintermediation systems, already in use:

There are disintermediation systems that allow you to ensure that the data you give, is data that is not used by the companies of the platforms that in fact go to this intermediate structure. [...] Therefore, I believe that today the recognition of age is easily manageable without being invasive. (Ernesto C., personal communication, May 12, 2023)

Age verification systems would make it possible for children and kids to access platforms, content, and pages that are appropriate to them, and offer them information that is not harmful,

and that can be good for their development. Also, as highlighted by the participants, what is important is not to prohibit access to the Internet, but rather better regulate it. As Carla G. explains:

The network cannot be ignored and we must not prohibit but regulate and ensure that the child can navigate safely from many points of view. Because on the internet, the child finds a lot of information. (Carla G., personal communication, February 22, 2023)

Verifying their age would create a system of stages where based on age ranges, individuals can access the content allowed to their age. The information would circulate, and children and kids would access such a necessary and helpful tool, avoiding most of the risks. The key is to forecast risk and prevent it by taking action before an event happens, because as Giorgio P. observes:

In many cases for children at different levels the big problem is that when the damage happened, when a breach happened, or when a violation happened is too late because some damages couldn't be recovered. (Giorgio P., personal communication, May 4, 2023).

This is intended also to protect the privacy of individuals, and more carefully of children and kids, who not always are aware of the risks. In this sense, the problem of the “Privacy Paradox” (Pedrazzi, 2017) has been tackled by Giorgio P.:

Many minors have a lot of dexterity in using information technology. They think that they are quite safe, that they could manage risks while they aren't, and that's a big problem. That's over their guards. So they are much, much more prone to share information willingly, information that they shouldn't, thinking there's no risk in that. (Giorgio P., personal communication, May 4, 2023).

Education and Awareness

When considering the GDPR as a not extensive and exhaustive regulation to protect children's privacy, the consideration that it is worth to be made is around the suitability of parents' consent in the best interest of children. This is because not always parents are better prepared than kids for the pitfalls of the Internet or its usage (Caglar, 2021). Grown-ups and adults who are more bound to traditional communication systems, found themselves to be forcedly face the use of new technology and tools. This also brought parents to delegate to their children these technological matters for the family, legitimizing them to freely navigate the web, on behalf of the parents, and also dealing with things related to them. Here there's a bias of digital natives and millennials, related to the imbalance between the knowledge related to these systems and the awareness of the consequences linked to the actions that can be performed (Pedrazzi, 2017).

This strongly emerged through the topics of the interviews, finding a place to stress the importance education and awareness has in society, at different levels: children, teenagers, adults, parents, educators, and journalists.

First considering the children, they need to be trained and prepared regarding the use of digital devices, tools, and importantly the risks they face when using what is mentioned. They need to know what they might face when surfing the Internet and how to protect their information. As Carla G. suggested:

An adequate education of the child is also needed to have those digital skills that allow them, first of all, to understand well what they are doing, to understand that some important aspects of what networking is, something that is then forever. Therefore,

educate the child to have adequate digital skills. (Carla G., personal communication, February 22, 2023)

More generally, children find their primary source of education in institutions like school and family, in this regards the same participant notes that to fulfill this requirement, teachers, professors, and educators need to have solid knowledge in this matter:

There is the whole aspect of school, which together with the family are the educating communities, and therefore in the school the child must find adequate training and therefore the teachers must be prepared, specialized, with continuous preparation, with constant updating. (Carla G., personal communication, February 22, 2023)

Also, the participant Giorgio P. shares this opinion, and considers education for teachers and also parents as vital and a need to take care of. At the same time, he believes that this is something that will come automatically in the upcoming years, as younger generations of teachers and parents who were born and raised in the digital environment, will have the awareness needed (Giorgio P., personal communication, May 4, 2023).

It is especially important for parents and caregivers to be well prepared and aware of whatever concerns children's information rights, their use of the Internet, and the risks related to it as well as the right way to safeguard people and specifically children's privacy. This is because they become role models for children and most importantly, they are responsible for them, largely because of what is enclosed in the GDPR that asks parents to provide consent on behalf of minors of the threshold age. Rosaria D., for example, advances:

We, as a Parents Association, are an association that deals with education, and it is fundamental to educate parents. [...] Everything must start from the education in the family, for this, parents must be educated first. (Rosaria D., personal communication, February 2, 2023)

Furthermore, the same participant considers the importance of being aware of such a role and what comes with it (Rosaria D., personal communication, February 2, 2023).

In many instances, the impossibility or incapability of adults to help, support and protect kids emerged, this is because of a lack of understanding and knowledge of how technology works. This is well explained by a thought of a participant, who declares:

We are faced with a strange phenomenon because traditionally it is always minors who ask adults. Instead, in this case, we have adults who ask minors. Why? There is such a rapid evolution that there is no chance, adults cannot keep up. [...] However, raising awareness among adults can only take place through appropriate advertising campaigns.”
(Carla G., personal communication, February 22, 2023)

Another relevant cluster that needs training in this sense is that of journalists, as Carlo B. mentioned. The reasoning behind this starts from the conception of them as information providers or better information producers. Therefore, they need to be aware of the only dynamics and acknowledge the best way to reach kids together with their responsibility in this matter (Carlo B., personal communication, March 10, 2023).

Generally, adults should be trained to better support children in their online activities, as they then transfer their knowledge to youngsters. This has been stressed by Ernesto C.:

On the one hand, what must be done is to build a training course for adults capable of accompanying children on this journey; and this is a first key element that must be considered. So it means giving, to the world of those who are responsible for informing and training children, tools to be able to reach them and accompany this path of growth.
(Ernesto C., personal communication, May 12, 2023)

Children's Vulnerability

Children as of defined by information rights, can be seen as individuals who gain information and express their opinion, as noted by Carla G. (Carla G., personal communication, February 22, 2023).

Here, it becomes also relevant to acknowledge the limits children have, but because of this we cannot exclude them from important parts of society, we rather have to create a fertile ground for their development. As a matter of fact, children's vulnerability is acknowledged and taken into consideration, especially when legislating. This has also been considered by Giorgio P. with the following reflection:

An act on a character or personality of a child is much more dangerous than that of an adult. [...] Sharing an address, for example... for an adult, there is also a problem of stalking, there could be inconveniences by that. But for a child, it could lead to a different kind of problem, something which could lead to profound psychological problems in all of their lives. (Giorgio P., personal communication, May 4, 2023)

Indeed, addressing them and providing them with tools that are formulated in a child-friendly language is essential and guaranteed. In this regard, Carla G. expands the need to use a language that can be comprehensible by the kids, to the urge of using a language that allows them to express themselves properly and adequately:

Children have the ability to understand, they understand much more than we think, the important thing is to address them in a language that they can understand. [...] The child must be informed and approached with a language that is understandable to them. [...] It is important that those who address the child therefore also have the ability to express themselves with a language that is child-friendly, not only a language suitable for the child but also with a language that does not induce the child to express themselves inadequately. (Carla G., personal communication, February 22, 2023)

This is also supported by the creation of platforms dedicated to kids, that can provide them with information from the world, crafted based on their capabilities, and gathered all in specific places. As mentioned by Ernesto C., these platforms have been provided in Italy by public television stations with channels aimed at kids, but also internationally by YouTube Kids or TED-Ed, and explains the importance of such platforms:

So the idea is to create channels that pay particular attention to children as a subject of communication. And this requires an adaptation to the ability of children to understand the news, to possess and mature the critical thinking that allows those here to be able to prevent some distorted information on the network from becoming a source of problems for children. (Ernesto C., personal communication, May 12, 2023)

The use of such a more appropriate language ensures them the right to be listened to and to speak, which is fundamental in building their awareness as citizens and having a say on what concerns them.

When talking about children and information, a pressing aspect to tackle is disinformation. This phenomenon is defined as the deliberate dissemination of false information (Wardle, 2018) which is manipulated (Kyriakidou, Morani, Cushion & Hughes, 2022) and is an active attempt to mislead (Fallis, 2015). It does not only involve youngsters, it involves society as a whole, but children, as more vulnerable and still with fewer filtering tools, are the most exposed part of the population, as also targeted (Howard et al., 2021). Therefore, as also pointed out by Giorgio P. “An act on a character or personality of a child is much more dangerous than of an adult” (Giorgio P., personal communication, May 4, 2023).

Also, Ernesto C. shares a similar point of view:

We have information on the platforms that should be blocked immediately. Here one can falsify reality. However, while more mature, adult people can find systems of some kind of mediation and control, children cannot. So our problem is to ensure that platforms can, in some way, even with artificial intelligence, block improper, false, and toxic news. (Ernesto C., personal communication, May 12, 2023)

Regarding disinformation, during the interviews, many points of reflection were drawn.

Carla G., for example, shares her concerns regarding decoding and filtering skills when children get informed:

There is a first level of information that the child acquires from those who are his peers, from the reference adults, and also from the platforms. And the speeches may be different here because the minor must be provided with the appropriate tools to decode the information, that is, to understand what information may be so-called fake news. Not only that but when we find ourselves, the child who gains information online, this problem becomes even more relevant. That is, being able to understand what is information that in reality is not such. (Carla G., personal communication, February 22, 2023)

In a similar tone and conception, Ernesto C. discusses the following:

Now children risk, if there is no attention, of often being involved in even improper narratives. In some way, we can give a reading that then becomes significant for the lives of future generations, but that does not correspond to the truth. The problem is fact-checking and all the attention that children should have to what information is, which today has much larger sources than before. Before there was the teacher, there were mediators - who were the parents - today they are not there. So we must understand how we can control that the information that children experience is correct and functional information with respect to their needs for neutrality, even for the development, of real skills. (Ernesto C., personal communication, May 12, 2023)

While concluding on a more normative aspect, Giorgio P. calls for a more defined legal basis:

What we need is also a clearer regulatory framework dealing with what I mentioned before, which is disinformation, which is a big problem too for children because they are bombarded with a lot of information and it is also fake and they don't actually double-proof or they don't check the reliability of the sources. (Giorgio P., personal communication, May 4, 2023)

Conclusion

The GDPR (General Data Protection Regulation) serves in Italy and the whole European Union as the main reference in the protection of children's information rights in the matter of privacy, while only in Italy the Charter of Treviso (Carta di Treviso) takes care of children's privacy in a specific sphere of influence, that is the one of journalism. When it comes to considering also the right to get information, the UN Convention on the Rights of the Child plays a big role in determining standards to comply with, such as the use of child-friendly language that can support children in their news and information consumption.

Notably, the GDPR is already *per se* a great advancement as it introduces the protection of children's privacy as a stand-alone segment, while the legislative frameworks before did not take minors separately into consideration, as more vulnerable individuals. Furthermore, with the Data Protection Directive 95/46/EC of 1995, Law n. 675 of 1996, the Personal Data Code of 2003, and subsequently the GDPR, Italy introduced, in general, the matter of privacy protection for the citizens.

In light of the effectiveness and limitations in the protection of children's information rights and privacy, Italy is not alone and shares with the other EU countries the weaknesses of the GDPR. Indeed, as this regulation is standardized among all the member states, there is not much of a difference in the limitations faced. The GDPR, applied to minors, presents some shortcomings that need to be tackled to create a safe reference framework. This is the case of the consent that is requested of the child or kid in order to collect and process personal data. The consent itself gave space to different criticism, such as being originally intended for adults (Caglar, 2021) and it is not distinct from authorization (Pedrazzi, 2017). Moreover, it becomes a problem the fact that the legal guardians are the only ones entitled to provide the consent,

putting a limit on educators and posing a risk for children in case the parents or legal guardians are not able to or do not want to act in their best interest (Krivokapić & Adamović, 2016).

Throughout this investigation various points have been advanced by the participants who expressed their opinions on the topic, providing insightful recommendations and possible solutions to some problems.

First, creating and implementing a digital ID to truly assess age has been widely discussed. This not only would be helpful to identify in general who is surfing on the web and accessing the platforms but would overcome some of the issues related to consent and age verification. Often the age provided by the children is not their true one, and in this often parents are found to be accomplices.

Second, it is vital to better educate children, parents, educators, and professionals such as journalists on the topic of digital use, social media, privacy, and the risks related to this. For adults, it is extremely important to reach awareness and the ability to exercise their responsibilities.

The limitations of this study are twofold in nature. One refers to the method used, which might bring biased opinions as those of human beings can be, as well as subjective.

The second limitation is the extensiveness of information related to the policies, specifically drafts, and changes. Furthermore, the review of the literature aimed at being as exhaustive as possible, although without the ambition of defining it extensive enough, as there is always space to add more information.

Finally, the step forward brought by the introduction of the GDPR in the protection of children's privacy is acknowledged, but it is no less important to contribute to its continuous improvement always remembering children's vulnerability and our duty in paying more

attention to their safeguard. For this, more sophisticated ways of assessing their age and an increase in education and awareness, especially for adults can help this relevant regulation.

Further research should focus on the implications of the introduction and use of digital ID together with the modalities of creation and a risk assessment linked with its usage. Also, there is a need for building a specific curriculum to present children and adults with, in their development of digital skills.

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Abstract (English)

When considering children's Internet usage and consumption in the European Union and Italy, it becomes clear the compelling importance of children's information rights and privacy, both understood as the right to gain information that is truthful and the right to have their personal information safeguarded. The question that emerges is how these are catered in Italy, if there are any limitations in this, and how they can be improved. The questions have been tackled by conducting secondary research, policy analysis, and five in-depth elite interviews. The research generated interesting and noteworthy conclusions, bringing to uncover that children's privacy is mainly catered for in the European Union, therefore also in Italy, by the GDPR (General Data Protection Regulation), which therefore presents some elements concerning the consent which need reinforcing. It is therefore suggested, to consider the implementation of a digital ID and more education directed not only to children but mainly to adults, to better provide them with digital skills and awareness regarding their responsibilities when it comes to their children's personal information.

Abstract (Deutsch)

Bei der Betrachtung der Internetnutzung und des Internetkonsums von Kindern in der EU und in Italien wird deutlich, wie wichtig die Informationsrechte und die Privatsphäre von Kindern sind, d. h. das Recht auf wahrheitsgemäße Informationen und das Recht auf den Schutz ihrer persönlichen Daten. Es stellt sich die Frage, wie diese Rechte in Italien gewahrt werden, ob es dabei irgendwelche Einschränkungen gibt und wie sie verbessert werden können. Die Fragen wurden mit Hilfe von Sekundärforschung, einer politischen Analyse und fünf ausführlichen Interviews mit ausgewählten Personen beantwortet. Die Untersuchung führte zu interessanten und bemerkenswerten Schlussfolgerungen und brachte ans Licht, dass der Schutz der Privatsphäre von Kindern in der Europäischen Union, also auch in Italien, hauptsächlich durch die Datenschutz-Grundverordnung gewährleistet wird, die einige Elemente in Bezug auf die Einwilligung enthält, die jedoch verstärkt werden müssen. Es wird daher vorgeschlagen, die Einführung eines digitalen Personalausweises und eine verstärkte Aufklärung nicht nur der Kinder, sondern vor allem der Erwachsenen in Betracht zu ziehen, um sie besser mit digitalen Fähigkeiten auszustatten und sie für ihre Verantwortung im Umgang mit den persönlichen Daten ihrer Kinder zu sensibilisieren.