

## **SEXUALISATION OF CHILDREN AND YOUNG PEOPLE**

**Organisation:** Office of the Privacy Commissioner NSW  
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**Position:** NSW Privacy Commissioner  
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office of the  
privacy  
commissioner  
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The Hon. Melanie Gibbons, MP  
Chair  
Inquiry into Sexualisation of Children and Young People  
Parliament House  
Macquarie St  
SYDNEY NSW 2000

26 FEB 2016

Dear Ms Gibbons,

As NSW Privacy Commissioner I have responsibility for the protection of the privacy of NSW citizens. The legislation establishing my position and statutory functions are the *Privacy and Personal Information Protection Act, 1998* and the *Health Records and Information Protection Act, 2002*. I apologise for my late submission.

Children and young people are increasingly exposed to sexual imagery and content via various media outlets. On many occasions in electronic and social media, material of a personal and sexual nature has been uploaded to the internet by the young person themselves. Unfortunately, these actions can haunt young people for many years as the content can be difficult, if not impossible, to remove from public view.

The sexualisation of young people has serious privacy implications. It is an important human right that a person is able to control their personal information (information that identifies them) and which can be used by others, either accidentally or with intent, to severely invade your privacy. I am determined that this aspect and the subsequent effects of the sexualisation of children and young people is not overlooked. Parents concerned with the protection of their children's' and teenagers' privacy have sought, and continue to seek, assistance with these issues.

In terms of measures that have been taken in other jurisdictions, I mention for the Committee's consideration the Victorian Privacy Commissioner's resources on 'sexting' as well as legislation introduced in California on 1 January 2015.

This Californian legislation provides some protection for those under 18 years through a limited "right to be forgotten" on the web. It applies to any "...operator of an Internet Web site, online service, online application, or mobile application directed to minors". A site operator covered by the law must permit a minor who is a registered user of the operator's website to remove content or information posted on the website by the user. The operator must also give notice of this right and provide minors with instructions on how to exercise it. This link will provide further detail:

<http://www.dataprotectionreport.com/2015/01/california-enacts-right-to-be-forgotten-for-minors/>

I would be happy to assist the Committee if it has any questions around privacy and NSW privacy legislation. I can be contacted on (02) 9258 0939 or [elizabeth.coombs@privacy.nsw.gov.au](mailto:elizabeth.coombs@privacy.nsw.gov.au).

Yours sincerely

Dr Elizabeth Coombs  
NSW Privacy Commissioner