

PARENTAL CONSENT FOR PROCESSING CHILDREN'S  
PERSONAL DATA UNDER THE GDPR AND THE COPPA

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Consent is one of the requirements for lawful processing of one's personal data. When it comes to underage children, however, their consent is insufficient to make the process legal; their parents' consent is necessary. Because children are unaware of the consequences and risks of their online activities, as well as their data protection and privacy rights. That is why the GDPR in the EU and the COPPA in the US designate parents as children's personal data guardians if they are under the age of 13 in the US and 13-16 in the EU. The data controller is responsible for ensuring that parental consent is obtained.

In this paper, we will examine and criticize the concept of parental consent, methods for verifying such consent, and data controllers' responsibility in verifying such consent. We will debate whether parental consent is an ideal solution for the children's best interests in terms of their right to privacy, or whether the proper solution comes with stricter rules applied to data controllers by design and by default.

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