2015 Study Report on

Online Collection of Children's Personal Data

December 2015

Table of Contents

Introduction

For the third year, the Office of the Privacy Commissioner for Personal Data ("the PCPD") took part in the 2015 Privacy Sweep initiative ("the Sweep") coordinated by the Global Privacy Enforcement Network ("GPEN")[1].

2.	The theme for the Global Sweep this year was children's privacy, with a focus on the online collection of children's personal data. Twenty-nine privacy enforcement authorities ("PEAs") from around the world examined websites and mobile applications ("apps") during the week from 11 to 15 May 2015.

3.	In Hong Kong, the PCPD conducted an assessment of 45 local websites and apps which were collecting personal data from children via online means. In our exercise, we focussed on primary and secondary school children who were typically aged from 6 to 17 years old. Globally, 1,494 websites and apps were examined by 29 participating PEAs.

4.	In line with the global trend, the PCPD found that many such websites and apps in Hong Kong were collecting personal data from children without putting in place adequate protective measures to limit the use and disclosure of their personal data. Furthermore, these websites do not provide a simple means of permanently erasing the personal data collected.

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[1] The GPEN was established in 2010 to foster international enforcement cooperation amongst privacy. The network now comprises 57 privacy enforcement authorities in 43 jurisdictions around the world.

Objectives of the Sweep on Children's Privacy

5.	Children are identified as a vulnerable group who may have special needs in privacy protection, particularly in the context of online activities.

6.	The primary aim of the PCPD's participation in the Sweep is, therefore, to support privacy education and enforcement by:

- broadening public and business awareness of children's privacy rights in the online collection of personal data from children; and
- identifying opportunities, based on information revealed during the Sweep, to follow up with further education and enforcement actions.

Sampling of Websites and Apps

7.	Each PEA participating in the Sweep was free to choose the number and types of websites and apps to be studied, based on its own strategic focus and domestic conditions. The only condition in the selection criteria was that the Sweep was to focus on the online collection of children's personal data.

8.	Based on the methodology agreed by the Sweep participants, the PCPD examined the statistics of the 500 most-visited-websites in Hong Kong as provided by the Alexa website[2] and selected those that met the following conditions:

   a.	Websites were administered or developed by Hong Kong entities;
   b.	Websites were developed with a focus on children; and
   c.	Websites were collecting personal data from children by online means (including making forms available online).

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[2] www.alexa.com/topsites/countries/HK

9.   During the course of examining the Alexa list and based on the nature and categories of some of the listed websites, officers of the PCPD carrying out the Sweep ("the Sweepers") also examined websites belonging to similar organisations that were not featured in the Alexa list.

10.   Amongst the websites that have been selected for the Sweep, the Sweepers took the opportunity to find out if the organisations which administered those websites had also developed apps and whether such apps satisfied the selection criteria listed above for websites. As it turned out, only a small number of local apps were found to have both targeted at children and collected their personal data online.

11.   As a result of the examination, the Sweepers selected 43 websites and two apps for further analysis. These 45 websites and apps mostly related to sports, online games or other hobby activities that appealed to children. They also included education ones which provided services in tutoring, online learning, music, or sporting lessons. Finally, there were those operated by the Government or non-government organisations ("NGOs") which provided information or social services relevant to children. A full list of the websites and apps is provided at Appendix A.

12.   A precise categorisation of the websites and apps is not possible as many of such categories would overlap, and some websites and apps provided more than one service. Nevertheless, figures in the table below serve as an indicative guide: 18 of the Sweep websites and apps were operated by the business sector, while the rest (27) were administered by the Government or NGOs. Amongst all Sweep websites and apps, about a quarter (10) provided information or services relating to education, such as tutoring or short courses.

	Educational	Arts	Sport	Community activities	Online games	Retail / accommo-dations	Total
Businesses	8	3	2	0	5	0	**18**
NGOs	2	5	2	12	1	2	**24**
HK Government	0	0	0	3	0	0	**3**
Total	**10**	**8**	**4**	**15**	**6**	**2**	**45**

Examination of the Selected Websites and Apps

13.   The purpose of the Sweep was not to conduct in-depth investigative analysis of the privacy practices of websites and apps. Rather, it was intended to be a gathering of factual information, in respect of, for example, websites and apps were collecting, and whether effective warnings and notices were in place.

14.   Examination of the Sweep websites and apps commenced on 11 May 2015. Sweepers examined various aspects of data collection practice and transparency of the websites and apps.

15.   The various aspects that were examined included the following items:-
   a)   Whether the website or app appeared to primarily target at children, and whether it sought to verify the age of users;
   b)   Whether the website or app provided a registration process (via online registration, email or other means), and if so, what types of data were being collected, such as:
      -     Hong Kong Identity Card number;
      -     Which school the child attended;
      -     Name and gender;

- Age, date of birth and/or the grade of school the child attended;

- Address (including email address) and phone number;

- Photographs or video files; and

- Information relating to third parties (such as family and friends of the users).

c)   Whether protective measures were in place to help the children avoid excessive disclosure of personal data, for example: whether the website prompts for parental involvement and whether the warnings were linguistically tailored for children;

d)   Whether the website or app displayed any third-party advertising;

e)   Whether the website or app provided a privacy policy for users to view;

f)   Whether the privacy policy (if available) mentioned the collection of personal data, or that the personal data would be shared with third parties;

g)   Whether the privacy policy (if available) mentioned the use of 'cookies' and the collection of the user's IP Address;

h)   Whether the website or app allowed logging in using a third party forum identity (such as via Facebook); and

i)   Whether the website or app provided simple ways for users to delete information already submitted.

The list of items examined for each website or app is at Appendix B.

16.   Some of these questions required a subjective judgment on the part of the Sweepers who performed the assessment. Not all questions led to significant results but where they did, they have been further detailed in the following sections of this report.

Results and Findings

17. It should be noted that websites and apps are in a 'live' online environment; they are evolving and subject to updates. These results and findings should only be taken as representative of the position of these websites and apps at the particular time of the Sweep in May 2015.

18. Furthermore, the Sweep was a coordinated research exercise and not in the nature of a compliance investigation. Without first conducting formal inquiries with each organisation or the developer and allowing them to clarify our preliminary findings, it is not appropriate to disclose specific findings for each individual website or app. Results and findings listed below are therefore aggregate in nature.

Notable findings of the Sweep

19. Some PEAs may have access to comprehensive lists of websites and apps that target at children in their jurisdictions, so they were able to examine them and find out the proportion of such websites and apps that collected children's personal data online. As a result, it was found that out of the 1,494 global websites and apps, 67% of them collected some form of personal data.

20. In the case of Hong Kong, and in the absence of such a comprehensive list, the Sweepers selected only websites and apps that were targeting at children and collecting personal data. Readers should bear in mind this difference when reading the comparison between local results and global results in the sections to follow.

21. **Collection of HK Identity Card number**: 16 websites (36%) were found to ask for the HK Identity Card number of users. It was not always self-

evident as to the basis on which some of those organisations collected the HK Identity Card number of users.

22.   **Parental involvement**: A different set of 16 websites (36%) prompted for some form of parental involvement, which could be considered as a protective measure to safeguard children's online activities. They included the request for a credit card number (if payments were involved); seeking a parent's signature on a downloaded form; or a simple warning message for the child to obtain parental guidance. These protective measures are 'soft' guidance for children, as opposed to technical controls that could not be bypassed by the child. Therefore, these soft measures can easily be ignored, especially by older children. Globally, it was found that 365 (24%) of Sweep websites and apps prompted for some form of parental involvement.

23.   **Information on a child's school**: 14 websites (31%) sought information from children as to which school they attended. While it might be relevant for some organisations to know the grade of schooling that a child was studying in (for the purpose of knowing the proficiency or maturity of the child, especially where the organisation was in the tutoring sector or provided music or sporting lessons), there appeared no obvious reasons why information on schools attended would be useful in assisting other organisations in delivering their services. Since children arrive and leave school at fixed times during the day, information about school that a child is attending might be sensitive information in respect of his physical safety.

24.   **The collection of a child's address and phone number**: 27 websites (60%) sought information on children's home addresses while 33 websites (73%) collected their phone numbers. Although phone numbers might often be regarded as less privacy intrusive than addresses, mobile phone numbers could be used as unique identifiers of the phone's owner in some circumstances. In a community like Hong Kong where users are disinclined to change mobile

phone numbers, this information may allow a child to be identified or tracked. Globally, the seeking of addresses and phone numbers from children was found to be 19% and 22% respectively. It appears that Hong Kong organisations have a higher inclination to request for such information from their online users.

25.   **Information on third parties**: 16 websites (36%) sought information (such as name and contact details) from users concerning third parties, which included the users' parents and friends. On the one hand, seeking information about parents could be seen as acceptable because it is a means of prompting parental involvement. On the other hand, our Sweepers were unsure of the reasons that these websites and apps sought information about users' friends. In any event, if third party information was provided by children without them first consulting their parents or friends concerned, there could be a risk of over-disclosure of information concerning these third parties without their knowledge. Globally, it was found that 18% of websites or apps sought information from children about their parents and friends.

26.   **Privacy policy communication**: 30 websites (67%) provided an online privacy policy for users. However, only two websites (4%) conveyed their privacy policy to children in simple and age-appropriate language or presentations. By contrast, globally it was found that 22% of Sweep websites and apps communicated their privacy policy communications to suit the age of children.

27.   **Limiting the collection of personal data**: 22 websites (49%) were found to have some forms of protective measures aimed at deterring children from over-sharing their personal data. In this context, protective measures came in the form of a just-in-time warning message at the time of data collection to deter children from unnecessarily sharing personal data or to prompt for parental involvement such as by seeking a parent's signature on a downloaded

form. Globally, it was found that only 31% of websites and apps had protective measures that effectively limited the collection of personal data.

28.   **Redirected off the website**: 33 websites (73%) were found to have the facility to redirect children, without warning, to another website where they could be asked to disclose personal data. The risk was that children wrongly assume that they were still within the safety of a trusted website, and hence continued to provide his personal data. Globally, this was the case in 58% of the instances. The redirection often took place via an advertisement or contest which had the appearance of being part of the original website.

29.   **Data to be transferred to third parties**: 22 websites (49%) were found to have indicated in their privacy communications that they might share the collected personal data with third parties. This would be an area of concern if children were not cognisant of the risks that their personal data might be shared with people not initially anticipated. Globally, 51% of Sweep websites and apps asserted that they might disclose personal data to third parties.

30.   A widely-cast declaration which is not self-evident as to the purposes for the data transfer to third parties may cause concern. For example: an education services operator declared in its Privacy Policy Statement that it could disclose collected personal data to any agent, contractor, business partner or other third party with whom it worked together in its provision of the service, product or facility, wherever situated.

31.   Furthermore, with the remaining 51% of websites and apps that did not specifically indicate the possible transfer of collected personal data to third parties in their privacy communications, it was not clear if the lack of this indication meant that no personal data would be transferred (which would be a good practice). It would be desirable if organisations can make it clear in this

aspect in their privacy policies, including where *no transfer* to third parties is intended.

32.   **Deletion of account and erasure of collected data**: Some websites invited a user to become their member by creating an account. In that connection, only two websites (4%) provided accessible means for a user to delete his account, i.e. in a majority of cases, there had been no obvious and simple means for children to remove information they had already provided to organisations. Globally, 29% of websites or apps provided an accessible means for users to delete their account information. The practice in Hong Kong is quite at variance with the international trend.

33.   It should be noted with caution that, even in cases where a website allows the deletion of an account, there is often no written assurance from the organisation that all personal data of the account holder will be completely obliterated from the organisation's possession. The organisation may have retained the data for its own purposes (such as marketing, statistical, customer management reasons) or the data has been left neglected in backup servers.

34.   **Websites and apps of concern**: Overall, the Sweepers expressed concern in 14 websites (31%). The bases of concern included a lack of visible privacy policy, the collection of HK Identity Card number without obvious reasons, and the request for children to share the personal data of friends or families without sufficient prompting that they should consult those people first. Globally, the Sweepers identified concern in 41% of Sweep websites and apps for similar reasons.

Example of good practice found during Sweep

35.   The global Sweep did find some examples of good practice, with some websites and apps providing effective protective measures in the form of pre-set avatars or usernames to prevent children from inadvertently sharing their personal data. Other good examples included chat functions which allowed children to only choose words and phrases from pre-approved lists. In this respect, we found that the transparent and tailored collection statement of the Hong Kong Girl Guides Association (the "Association") is worthy of mention.

36.   The Association operates a website[3] which provides information on the organisation, promotes its activities and invites the public to join the Association as members.

37.   In order to facilitate potential members to join the Association, the website provides downloadable Membership Application Forms as well as Online Forms, which collect personal data for the purpose of membership management. On the same webpage, the Association provides a 'Circular Relating to the Personal Data (Privacy) Ordinance' for applicants under the age of 18 years, and another for adult applicants.

38.   The Circular for those under 18 years sets out in a concise and simple manner the purposes for which personal data is collected in the membership application process and the contact details of the Association's Data Protection Officer. In contrast with the Circular for adult applicants, the Association has not mentioned any direct marketing arrangement in the Circular for those under 18 years. It is quite clear that the Association has no intention to use personal data of applicants under 18 years for direct marketing purposes. Applicants are then alerted to their rights of access and correction of personal data. Finally,

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[3] www.hkgga.org.hk/eng_index.php?page=eng_joinmember

applicants and their parents are asked to sign and acknowledge the Circular – thus encouraging some level of parental involvement.

39.   The PCPD welcomes the practice of providing tailored policies and practices towards children that are appropriate for their age group. The PCPD also welcomes personal data collection practices that require parents' involvement. We believe the Association has given due consideration in its data collection statement to cater for the needs of children when engaging them in an online environment.

Conclusions and Recommendations

40.   In summary, websites and apps targeting at children contain a mixture of good and less desirable privacy practices. The PCPD together with PEAs worldwide continue to encourage website owners and app developers to improve their privacy practices by:
    a. limiting the collection of children's personal data to a need basis;
    b. tailoring communication to children with age-appropriate language and graphics; and
    c. promoting parental involvement and incorporating effective protective measures.

41.   Where an organisation does not intend to transfer any collected personal data to third parties, the PCPD encourages it to explicitly state so in its privacy communications. This best practice would provide a 'peace of mind' assurance to consumers as silence may be interpreted as transferring data to third parties without disclosure.

42.   Furthermore, all consumers, and particularly children, should be enabled to permanently delete their personal data from the websites and apps if they

wish to do so. We urge developers of websites and apps which collect personal data to provide a simple and effective means for deletion of accounts and permanent erasure of collected personal data.

43.   The PCPD has released a *Collection and Use of Personal Data through the Internet – Points to Note for Data Users Targeting at Children*[4] to assist organisations that collect children's personal data online, and a *Children Online Privacy – practical tips for parents and teachers*[5] to help parents and teachers on how they may help their children in protecting their personal data in online activities.

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[4] See www.pcpd.org.hk/english/resources_centre/publications/files/guidance_children_e.pdf
[5] See
/www.pcpd.org.hk/english/resources_centre/publications/files/leaflet_childrenonlineprivacy_e.pdf

Appendix A - Sweep 2015 – List of Websites & Apps Surveyed

Organisations	Websites
HK Youth Arts Foundation	http://www.hkyaf.com/
Metropolitan Youth Orchestra of HK	http://www.myohk.com/
Eureka Language Education Centre	http://www.eurekahk.net/look.html
HK Girl Guides Association	http://www.hkgga.org.hk/?page=joinmember
HK Red Cross Junior Unit	http://www.redcross.org.hk/en/youth_develop/redcross_youth/junior.html
Junior Achievement HK	http://www.jahk.org/get-involved/student-volunteer/
Youth New World	http://ac.ynw.hk/reg.php
Scout Association of Hong Kong	http://www.scout.org.hk/en/home.html
Open Class	http://openclass.hk/register/
HK Youth Choir	http://www.hkyc.org/join_us.html#5
HK Youth Association	http://www.youth.org.hk/e/member/buyer_login.asp
Game One	https://go.gameone.com/
ETV Online	http://www.etvonline.tv/tc/register.html
HK Public Libraries	http://www.hkpl.gov.hk/tc/index.html
HK New Generation Cultural Association	http://sic.newgen.org.hk/load.php?link_id=50070
The Family Planning Association of HK – Youth Health Care Service	http://www.famplan.org.hk/fpahk/en/template1.asp?style=template1.asp&content=services/clinic/services.asp&nscref=19
HK Arts Festival Young Friends	http://www.yfs.artsfestival.org/yfs/
Labour Department – Youth Employment and Training Programme	http://www.yes.labour.gov.hk/ypyt
Buy Game	http://www.buygame2.com/en/
HK Ed City – Forum	http://forum.hkedcity.net/index.php
Elite Kids	http://www.elite-kids-hk.com/english-tutor-in-hong-kong.html
HK Percussion Centre	http://www.hkpercussion.com/form.html
Comix Homebase	http://www.comixhomebase.com.hk/#/tc//fan/
Youth e-start	http://www.e-start.gov.hk/v4/en/index.htm
HK Triathlon Association	http://www.triathlon.com.hk/en/
Youth Hostels Association	https://www.yha.org.hk/eng/
Youth Advance Orienteering Club	http://www.yaoc.org.hk/club/YAOC-membershipform-2013.pdf
HK Youth Sports Association	http://www.hkysa.hk/index.htm
Ekimae	http://www.ekimae-center.com/ekimae_t/?q=node/193
HK Children's Musical Theatre	http://www.cmt.org.hk/en/course
He Ha Game	http://hk.hehagame.com/member/check
On9class	http://www.on9class.com/hire/
Chinese On9class	http://www.elite.on9class.com/search_tutor.php
Breakthrough	http://www.breakthrough.org.hk/eng/serveclub.xhtml
YMCA HK	http://www.ymcahk.org.hk/main_e.html

Organisations	Websites
Youth Online Association	http://www.youth-online.com/misc/aboutus.php
Kids Golf	http://www.kidsgolf.hk/registration.php
HK Volunteers Association	http://www.hkvolunteers.org.hk/index.php?thispage=joinus
HK Federation of Youth Groups	http://www.hkfyg.org.hk/page.aspx?corpname=hkfyg&i=3575
Disney Games	http://www.disney.com.hk/games/
HK Young Leaders Development Association	http://www.ylda.org.hk/Chi/?page_id=49
HK Choir of Outstanding Children	http://www.hkcoc.org.hk/big5/about2.php
GameNeed.com	http://www.gameneed.com/
Organisations	**Apps**
Fun English Learning Games	Fun English Learning Games
ICAC Anti Corruption Fighters	ICAC Anti Corruption Fighters

Basic Info	☐Website ☐App	URL /App name:	Data controller:	Country:

App Only	Developer:	☐ iOS ☐ Android ☐Other: _____	☐ Free ☐ Paid	Content/Age rating (App):

Category: ☐Educational ☐Social media ☐Games ☐Television channel ☐Web-enabled toys ☐Other: _____

On-site or in-app third party advertising? ☐Y / ☐N   ☐Targeted at kids **or** ☐Popular with kids   Age Verification/Gating (optional)? ☐Y / ☐N

Collection		
Does the website or app have a privacy policy?		☐Y ☐N
Do privacy communications mention collection of personal information?		☐Y ☐N
Do privacy communications indicate that personal information may be disclosed to third parties?		☐Y ☐N
Do privacy communications explicitly state that there is no collection?		☐Y ☐N

INFORMATION COLLECTED	Registration Info							During Use			Automatic/Technological				Other (identify)
	User name	Email	Name (full or partial)	Age / grade	Date of birth	Address	Phone number	Photo / Video / Audio file	Chat Function	Info of 3rd parties (e.g., friend)	Cookies	IP address	Unique device identifier	Geo-location info	
OPTIONS **M**andatory **O**ptional **N**ot **C**ollected	☐M ☐O ☐NC	☐M ☐O ☐NC	☐M ☐O ☐NC	☐M ☐O ☐NC	☐M ☐O ☐NC	☐M ☐O ☐NC	☐M ☐O ☐NC	☐M ☐O ☐NC	☐Yes ☐Fixed text ☐Free text ☐No	☐M ☐O ☐NC	☐Yes ☐No	☐Yes ☐No	☐Yes ☐No	☐Yes ☐No	
PROTECTIVE CONTROLS*	☐Y ☐N	☐Y ☐N	☐Y ☐N	☐ Y ☐N	☐ Y ☐N	☐Y ☐N	☐Y ☐N	☐Y ☐N	☐Y ☐N	☐Y ☐N	☐Y ☐N	☐Y ☐N	☐Y ☐N	☐Y ☐N	☐Y ☐N
COMMENTS/ EXAMPLES (of protective controls)	*E.G. in-time notices warning children not to provide personal information.														

Other Protective Controls		Means for Deletion of Account Information	
Do privacy communications prompt for parental involvement?	☐ Y ☐ N	Is there an option to delete / submit a request to delete?	☐ Y ☐ N
Is there a parental dashboard?	☐ Y ☐ N		
Is there an opportunity for the child to be redirected off the website / app? (e.g., via link - in an add, to a contest, to another site)	☐ Y ☐ N	If yes, is it easy to find? How many steps are required to delete an account?	☐ Y ☐ N _____
If yes, are there any warnings when leaving the website / app?	☐ Y ☐ N		
Are protective communications tailored to the child (e.g. simple language, large print, audio, animation)?	☐ Y ☐ N	Is the explanation for the means of deletion easy to find and understand (e.g. highlighted in an FAQ, or just-in-time pop-up)?	☐ Y ☐ N

INDICATOR	1. Does the website / app collect children's personal information? Answer: Y or N	2. Do protective controls effectively limit collection of personal data? Answer: Y or N	3. Is there an accessible means for deletion of account information? Answer: Y or N	4. Overall I would be comfortable with a child using this website / app. Answer: Y or N
Response (based on answers above)				

Comments: Any positive observations identified during the Sweep – whether related to the questions or not.	Any concerns identified during the Sweep – whether related to the questions or not.