

## Children' Personal Data Protection in Digital Environment with Different Expectations Between Parents and Children

*All children have the right to protect and respect their fundamental rights and freedoms in the usual and digital environment. Accordingly, their privacy and personal data should be protected regardless of the age and platform of processing.*

*European and American legislative provisions (in some cases judicial practice as well) consider parents to be the main figure of the child's personal data protection since they have the right to exclusive control over the processing of the information about their child. The legislative provisions, as a rule, do not regulate the legal aspects of processing the child's personal data by the parents in terms of restricting the rights of a child by their parents. The above-mentioned is partially caused by the viewpoints established in society that the parent's activities are always conditioned by the best interests of a child as well as by the factor that "digital children" are still young and discussions on the issues about their rights in relation to parents in the digital environment have not been launched in legal circles yet.*

*The judiciary practice confirms that the best interest of a child, as seen through the "parental eyes", is not always consistent with the interest perceived by the "child's eyes". Accordingly, in the aspect of minors' personal data protection in a digital environment, different expectations and opinions were singled out between parents and children in the modern era. This research aims to review such mechanisms which will ensure the proper formation of parents and their children's expectations in a digital environment via minors' personal data protection.*

**Keywords:** *Personal data, minor, digital environment, consent.*

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## 1. Introduction

Personal data is the new currency of the modern era. Its monetary value is increasing and represents the significant assets for a great number of companies.<sup>1</sup> In today's age, the personal data can be compared even to oil – it is costly but useless without processing.<sup>2</sup>

The individual and his/her minor child, whose privacy especially against the background of advancing technological capabilities is under question, represent the "objects" for the companies focused on extraction exactly this "oil". The situation is even further aggravated by the high amplitude<sup>3</sup> of information technologies utilized by children and the alarming statistics existing in this direction.<sup>4</sup>

As far as all the children enjoy the right to protect and respect his (human) fundamental rights and freedoms in usual as well as digital environment,<sup>5</sup> their privacy and personal data must be protected.<sup>6</sup>

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<sup>1</sup> *Schwartz P. M.*, Property, Privacy, and Personal Data, 117 Harv. L. Rev. 2004, 2056, <<https://www.jstor.org/stable/4093335>> [27.06.2022].

<sup>2</sup> *Joshua N.*, Why Do People Still Think Data is the New Oil? Center for Data Innovation, 2018, <<https://www.datainnovation.org/2018/01/why-do-people-still-think-data-is-the-new-oil/>> [27.06.2022].

<sup>3</sup> One in three Internet users over the world is underage See. *Macenaite M., Kosta E.*, Consent for Processing Children's Personal Data in the EU: Following in US Footsteps?, Tilburg Institute for Law, Technology and Society (TILT), Tilburg University, Tilburg, Netherlands, 146, 2017, <<https://www.tandfonline.com/doi/full/10.1080/13600834.2017.1321096>> [27.06.2022].

<sup>4</sup> See, *Office for Children's Commissioner for England*, Children's Commissioner's Report Calls on Internet Giants and Toy Manufacturers to be Transparent About Collection of Children's Data, 2018, <<https://www.childrenscommissioner.gov.uk/2018/11/08/childrens-commissioners-report-calls-on-internet-giants-and-toy-manufacturers-to-be-transparent-about-collection-of-childrens-data/#:~:text=The%20report%20calls%20on%20companies,collected%20and%20for%20what%20purposes>> [27.06.2022].

<sup>5</sup> *Council of Europe*, Guidelines to Respect, Protect and Fulfil the Rights of the Child in the Digital Environment, Recommendation CM/Rec(2018)7 of the Committee of Ministers, <<https://edoc.coe.int/en/children-and-the-internet/7921-guidelines-to-respect-protect-and-fulfil-the-rights-of-the-child-in-the-digital-environment-recommendation-cmrec20187-of-the-committee-of-ministers.html>> [27.06.2022].

<sup>6</sup> About the interrelation between the right of privacy and personal data protection in details, see: *Saginashvili N.*, Personal Data Protection and Inviolability of Privacy, The Impact of Human Rights Standards on the Legislation of Georgia and Practice, Collection of Papers, *Korkelia K., (ed.)*, 2015, 166-19, <<http://ewmi-prolog.org/images/files/7110HRStandardsImpact.pdf>> [in Georgian, 27.06.2022]; *Hustinx P.*, EU Data Protection Law: The Review of Directive 95/46/EC and the Proposed General Data Protection Regulation, Collected Courses of the European University Institute's Academy of European Law, 24th Session on European Union Law, 1-12 July 2013, 2, <[https://edps.europa.eu/data-protection/our-work/publications/speeches-articles/eu-data-protection-law-review-directive\\_en;](https://edps.europa.eu/data-protection/our-work/publications/speeches-articles/eu-data-protection-law-review-directive_en;)> [27.06.2022]; *European Union Agency for Fundamental Rights and Council of Europe*, Handbook on European Data Protection Law, 2018, 20, <<https://fra.europa.eu/en/publication/2018/handbook-european-data-protection-law-2018-edition>> [27.06.2022].

European<sup>7</sup> as well as American<sup>8</sup> legislative provisions consider parents to be the main figure of protecting the child's privacy.<sup>9</sup> However, at the legislative level, as a rule, the legal aspects of processing the child's personal data by their parents are not regulated in terms of the limitations on children's rights imposed by their parents. The judiciary practice<sup>10</sup> confirms, that the best interests of a child as seen through the "eyes of parents" does not always coincide with the (child's) best interest, as perceived by "a child's eyes". Accordingly, in the modern times the difference between the parents and children's expectations and viewpoints were singled out in the aspect of minors' personal data protection in digital environment.

Within this study the parents' and their minor children's expectations will be reviewed in the context of systematic placement of children's personal data on the social networks by parents ("sharenting"<sup>11</sup>). The mentioned jeopardizes the right to inviolability of a child's privacy and in this term, their personal data protection. In this process the parental assumption about the "harmless" nature of his/her conduct does not coincide with the child's viewpoints and the objective needs for the dissemination of information.

Within its scopes the research highlights the salience of the issue, assesses the negative outcomes and impact of "sharenting" upon the legal status of a minor and identifies the potential legal mechanisms to solve the problem.

The research is based on the comparative-legal method. Along with the national regulation there are analyzed the international regulatory acts for personal data protection, official guidelines, recommendations and viewpoints as well as the international judiciary practice. Within the discussions about certain issues the analysis is also conducted on the legislation and judiciary practice of EU member countries

## **2. "Sharenting" – the Modern Hazard to a Minor's Personal Data Created by Parents**

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<sup>7</sup> *Gligorijevi C. J.*, Children's Privacy: The Role of Parental Control and Consent, *Human Rights Law Review*, 2019, 19, 201–229, <<https://academic.oup.com/hrlr/article/19/2/201/5522387?login=true>> [27.06.2022].

<sup>8</sup> *Steinberg S. B.*, Sharenting: Children's Privacy in the Age of Social Media, 66 *Emory L.J.* 839, 2017, 861, <<https://scholarlycommons.law.emory.edu/elj/vol66/iss4/2/>> [27.06.2022].

<sup>9</sup> The analogues regulation exists in national legislation. See, Part 3 of Article 23 of "The Code of Child's Rights", (5004-IS, 20/09/2019). Also, Part 6 of Article 1198 of Civil Code of Georgia, *Parliamentary Gazette*, 31, 24/07/1997.

<sup>10</sup> "In 2017, a 16-year-old child addressed the court due to the placement of his photo in social sites without his consent. The court ordered the parents to erase the photo, otherwise he was imposed 10 000 euro as a penalty. In 2016 an Australian teenager filed a lawsuit against his parents, who during last 7 years placed 500 "disgraceful" photos in social sites without the child's consent". See. Quote: *Goshadze K.*, Legal Implications of "Shattering", *International Journal of Law: "Law And World"*, № 15, Vol. 6, Issue 2, 2020, 5.

<sup>11</sup> The word "sharenting" is the combination of the words "parent" and "share". Indicated: *Goshadze K.*, op. cit., 1.

Systematic posting of information about a minor, the description of a child's<sup>12</sup> daily life through photos, videos and in the form of blog production by a parent on social media represent the usual part of today's life.<sup>13</sup> As a rule, the mentioned implies sharing the positive emotions relating to the parent's status, the expression of challenges linked to the upbringing of a child and the means of receiving recommendations and advice about certain issues.<sup>14;15</sup>

The scales of "sharenting" are quite wide<sup>16</sup> and in some occurrences, it starts even prior to the birth of a child.<sup>17</sup> The studies evidence, that in line with the age, children experience discomfort associated with publicizing their personal data by parents.<sup>18</sup> However, if taking into account the fact that children, the "victims" of this practice, are still young<sup>19</sup> and these problems have not become the topic of discussion in academic circles,<sup>20</sup> the mentioned issue has not been legally regulated yet.

While posting the data in digital environment the parents, as a rule, share the information with the specific audience, however, its accessibility for the wider public is readily possible through performing the function of re-sharing. In addition, the "caching" function of search

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<sup>12</sup> According to the Code of a Child's Rights a person under 18 years old is considered to be a child (See. A subparagraph of Article 3). Accordingly, the terms "child" and "minor" have the same meaning in his study.

<sup>13</sup> Siibak A., *Educating 21st Century Children*, Chapter 6, *Digital parenting and the Datafied Child*, Institute of Social Studies, University of Tartu, Estonia, 2019, <[https://www.oecd-ilibrary.org/sites/313a9b21-en](https://www.oecd-ilibrary.org/sites/313a9b21-en/index.html?itemId=/content/component/313a9b21-en)> [28.06.2022]. According to the former director of "Google", Erik Schmidt, due to the personal as well as parents' reasons after a while we will reach the point when each person will have a disgraceful information or photo placed in social sites. See, *Steinberg S. B.*, op. cit., 855.

<sup>14</sup> Siibak A., Op. cit.

<sup>15</sup> According to the viewpoint of some researcher (e.g. *Lazard L. et al.*, *Sharenting: Pride, Affect and the Day-to-Day Politics of Digital Mothering*, *Social and Personality Psychology Compass*, Vol. 13/4, 2019, e12443,) the similar activities became the exemplary psychological trend of "good parent".

<sup>16</sup> According to the study conducted by the University of Michigan, 56% of parents published potentially disgraceful information, the information place by 51% of them made identification of location for a specific moment, and 72% posted the inappropriate photos. See, "Sharenting" Trends: Do Parents Share Too Much About Their Kids on Social Media? C.S. Mott Children's Hospital, Mar. 16, 2015, Indicated: *Steinberg S. B.*, Op. cit., 848.

<sup>17</sup> 1/4 of pregnant mothers posts the ultrasound photos in the social sites prior to the birth of a child. See, *Steinberg S. B.*, Op. cit., 849.

<sup>18</sup> According to the research conducted in United Kingdom 2017, out of 1000 children with category aged 12-16, 71,3% considered that the parents did not respect their privacy in digital environment, and 39,8% thought that parents had placed the disgraceful photos in social sites. See, *Levy E.*, *Parenting in the Digital Age: How Are We Doing?*, *Parent Zone: Making the Internet Work for Families*, 2017, <[chrome-extension://efaidnbnmnnibpcajpcglclefindmkaj/https://parentzone.org.uk/sites/default/files/2021-12/PZ\\_Parenting\\_in\\_the\\_Digital\\_Age\\_2017.pdf](chrome-extension://efaidnbnmnnibpcajpcglclefindmkaj/https://parentzone.org.uk/sites/default/files/2021-12/PZ_Parenting_in_the_Digital_Age_2017.pdf)> [26.06.2022].

<sup>19</sup> Today's children are the first generation of digital children, *United Nations Children's Fund (UNICEF)*, *Children's Online Privacy and Freedom of Expression: Industry Toolkit*, 2018, 4, <<https://www.coursehero.com/file/95867628/UNICEF-Childrens-Online-Privacy-and-Freedom-of-Expression1pdf/>> [28.06.2022].

<sup>20</sup> Siibak A., op. cit.

engines allows to look up the already publicized information indefinitely<sup>21</sup>. Thus, the information posted on social sites by us is lost in the “boundless” area that elevates the risks of violating children’s personal data.

Due to the abuse of the right to privacy, alongside the psychological and emotional discomfort<sup>22</sup> “sharenting” may be followed by the specific negative outcomes in the form of “digital kidnapping”<sup>23</sup> of a person, pedophilia<sup>24</sup> and criminal activities<sup>25</sup> as well.

## **2.1. Legal Regulation**

Children’s right to privacy is protected by a number of legal acts at the national<sup>26</sup> as well as international level.<sup>27</sup> In the context of personal data protection, the rights of minors at the national level is ensured by the Law of Georgia on “Personal Data Protection” (hereinafter referred to as “Law of Data Protection”),<sup>28</sup> and at the international level the Convention for the Protection of Individuals with Regard to the Automatic Processing of Individual Data of European Council 108 of January 28, 1981 (hereinafter, referred to as “108<sup>th</sup> Convention”).

The national legislation of data protection, for its part, is based on Directive 95/46/EC of the European Parliament and Council of 24 October, 1995 on the protection of individuals with regard to the processing of personal data and on the free movement of such data (hereinafter referred to as “Directive of 1995”). The most part of legislative acts currently in effect at the national level is based exactly on the text of Directive of 1995. In 2018, the Directive was replaced

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<sup>21</sup> *Steinberg S. B.*, op. cit., 844, 850.

<sup>22</sup> About the psychological and emotional discomfort occasioned by “sharenting”, details see. *Siibak A., Lipu M.*, ‘Take it down!': Estonian Parents' and Pre-teens' Opinions and Experiences with Sharenting, *Media International Australia Incorporating Culture and Policy*, 2019, 1–11, 4, 7, <[https://www.researchgate.net/publication/331411236\\_'Take\\_it\\_down'\\_Estonian\\_parents'\\_and\\_pre-teens'\\_opinions\\_and\\_experiences\\_with\\_sharenting](https://www.researchgate.net/publication/331411236_'Take_it_down'_Estonian_parents'_and_pre-teens'_opinions_and_experiences_with_sharenting)> [18.05.2022], also: *Goshadze K.*, op. cit., 3.

<sup>23</sup> About “digital kidnapping”, details, see, *Siibak A.*, op. cit.; Also, *Steinberg S. B.*, op. cit., 854.

<sup>24</sup> See, *Battersby L.*, Millions of Social Media Photos Found on Child Exploitation Sharing Sites, *Sydney Morning Herald*, Vol. 30, 2015, <<http://www.smh.com.au/national/millions-of-socialmedia-photos-found-on-child-exploitation-sharing-sites-20150929-gjxe55.html>> [28.06.2022].

<sup>25</sup> See, *Donovan S.*, “Sharenting”: The Forgotten Children of the GDPR, *Peace Human Rights Governance*, 4(1), 2020, 42, <<http://phrg.padovauniversitypress.it/2020/1/2/>> [28.06.2022].

<sup>26</sup> Article 15 of The Constitution of Georgia, 31-33, 24/08/1995; Article 9 of the Code of Children’s Rights.

<sup>27</sup> Article 16 of the Convention on a Child’s Rights (02/07/1994, webpage); Article 8 the Convention on the Protection of Human Rights and Fundamental Freedoms (20/05/1999, 16/11/1999, 1950).

<sup>28</sup> The Law of Georgia on “Personal Data Protection, 5669-RS, 28/12/2011.

by the General Data Protection Regulation<sup>29</sup> (hereinafter referred to as “General Regulation”),<sup>30</sup> and in order to bring the national legislation in line with the Regulation, the new draft Law of Georgia on Personal Data Protection was submitted to the parliament.<sup>31</sup>

Accordingly, in order to review “sharenting” in respect of legal regulation, there will be analyzed the rules relevant to national legislation, the amendments initiated at the national level and the corresponding rules of General Regulation.

Pursuant to the Law on Personal Data Protection, the scopes of the law does not apply to “processing of data by the individual for clearly personal purposes, when their processing is not related to his/her entrepreneurial or professional activities”<sup>32</sup>. The similar formulation is also presented by General Regulation, which directly specifies the “social media” and “internet activities” in the section of defining personal purposes as well.<sup>33</sup>

Accordingly, occasioned by the literal definition of above-mentioned formulations the placement of children’s personal data in digital environment<sup>34</sup> by their parents represents the data processing for personal purposes and the legal rules of data protection are not applicable to them either under the national<sup>35</sup> or international regulation<sup>36</sup>.

It is worth noting, that the General Regulation focuses the particular attention on children<sup>37</sup>. According to the similar definition, due to the inapplicability of legal norms for data protection, the minors,<sup>38</sup> victims of “sharenting”, find themselves in the vulnerable position on their parents’ part, that appears to be inconsistent with the legal principles of data protection.

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<sup>29</sup> General Data Protection Regulation (GDPR). The official Georgian translation, see: <<https://personaldata.ge/ka/legislation>> [28.06.2022].

<sup>30</sup> In the society of Georgian jurists, the mentioned document is also referred to as the *common regulation of data protection*, however, for the purpose of this work, there will be used the title “General Regulation of Data Protection”, used in the official translation prepared by the State Inspector Service.

<sup>31</sup> Reg. N07-3/353/9, Date 22.05.2019.

<sup>32</sup> Subparagraph 3 “a” of Article 3 of the Law. The processing for personal purposes was also excluded by Directive 1995 and Article 3.2 of the Modernized Convention 108

<sup>33</sup> “... personal and household activities may comprise messaging and storing the addresses, *social media and Internet activities*, which is implemented in the context of such activities”. Preamble of the GDPR, Paragraph 18.

<sup>34</sup> Moreover, following the indication to “the social media and Internet activities” in the formulation of regulatory norm. At the same time, the text of Directive 1995 did not directly indicate the social media and Internet activities.

<sup>35</sup> Paragraph “a” of Article 3 of the Law of Georgia on Personal Data Protection.

<sup>36</sup> “In 2016 the General regulation of Data Protection was developed with the aspiration to establish the high standards of individuals’ (especially children’s’) data protection. However, the Regulation leaves the digital privacy of little children under their parent’s responsibility, irrespective of their digital competences”. “...The regulation pays less attention to the protection of little children’s privacy, which is open under the condition of capturing online posts by parents”, See citing: *Donovan S.*, op.cit, 35, 36.

<sup>37</sup> See, paragraph 38 of the preamble of the GDPR.

<sup>38</sup> *Donovan S.*, op. cit. 39.

Generally, the inapplicability of data protection law in the context of processing for personal and household purposes is conditioned by the historical practice<sup>39</sup> of fostering the journalism, artistic and literary expression and sets the goal to protect the individual's freedom of expression.<sup>40</sup> On the other hand, instead of protecting the freedom of expression there exists the risk to violation personal data of individual family members.<sup>41</sup> As a result, we are faced with the conflict between these two rights.<sup>42</sup>

In terms of human rights protection, there should be protected, on the one hand, the freedom of expression and on the other hand, the rights of each family member (individual) in the context of the inviolability of their privacy, and namely, personal data protection. In order to establish fair balance, "processing for personal and household purposes" is provided by extremely narrow definition by the practice of the Court of Justice of the European Union.<sup>43</sup> The judiciary practice of such a narrow definition existed during the period of Directive of 1995 being in force<sup>44</sup> as well as at the time of effective Regulation.<sup>45</sup> According to the assessment of the Court, the need for a narrow definition is occasioned by the Charter of Fundamental Rights of the European Union.<sup>46</sup>

According to the practice of the Court of Justice of the European Union, one of the key criteria of a narrow definition is the scope of sharing the data. In the "Lindqvist"<sup>47</sup> case the court ruled that the distribution of data to the unlimited number of individuals through the "blog" type website does not represent the "processing clearly for personal purposes"<sup>48</sup> and accordingly, fell

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<sup>39</sup> WP 29, Annex 2 Proposals for Amendments Regarding Exemption for Personal or Household Activities, 1-2, <[https://ec.europa.eu/justice/article-29/documentation/other-document/index\\_en.htm](https://ec.europa.eu/justice/article-29/documentation/other-document/index_en.htm)> [28.06.2022]. About the authority and significance of WP29 Working Party See: *EU Agency for Fundamental Rights and the Council of Europe, Handbook of European Data Protection law, 2019, 15.*

<sup>40</sup> At the same time, nor all the activities in online space done by a private individual represents journalism, artistic and literary expression

<sup>41</sup> *Donovan, S., op. cit. 39.*

<sup>42</sup> WP 29, Annex 2 Proposals for Amendments Regarding Exemption for Personal or Household Activities, 1-2.

<sup>43</sup> In the Regulation the term "purely" used in the text formulating the norm also denotes the narrow definition of processing for private and household purposes. See: part 18 of the preamble of General regulation

<sup>44</sup> See, "Bodil Lindqvist" case (Ft. 47). The trial of the case was held on the basis of Directive 1995, in whose text there was no indication the activities within the social media as one of the form of the activity for private purpose (See, part 2 of Article 3 of the Directive).

<sup>45</sup> "Sergejs Buivids v. the Augstākā Tiesa" case. See fn. 49. There is the direct indication to social media in the formulation of Regulation (See part 18 of the preamble of General Regulation).

<sup>46</sup> On case of CJEU, Case C- 212/ 13, *Ryneš* [2014] the Court of Justice of European Union interpreted that "According to Article 7 of the Charter the deviations and restrictions should be applied in the context of personal data protection only when it is strictly required". See, §48 of the judgment.

<sup>47</sup> CJEU, Case C-101/01, *Bodil Lindqvist*, [2003].

<sup>48</sup> §31 of the judgment.

within the scope of Directive 1995. In addition, in the “Sergejs Buivids”<sup>49</sup> case the Court confirmed the narrow interpretation.<sup>50</sup> The similar definition was maintained after the entry of General Regulation in force as well – the court of the first instance of Netherland<sup>51</sup> did not consider the placement of the grandchild’s photo on “Facebook” and “Pinterest” by grandmother (defendant) to be the processing for personal purposes, because: a) there was no consent from the child’s parent (plaintiff) and b) the information shared by the grandmother on the pages of “Facebook” and “Pinterest” may have been fallen into hands of the third parties.<sup>52</sup> The narrow interpretation of the “processing for personal and household purposes” was once again confirmed by the mentioned judgment and judicial practice.

In online space when disseminating the information about a child in digital environment the “withdrawal” of the processing for personal purposes from the “exemption” is supported by the legislative regulations of some countries as well.<sup>53</sup>

In contrast to the judicial practice, upon assessing the “exemption” of processing for personal purposes the 29 working party (29 WP)<sup>54</sup> provides a wider definition and does not rely only on the scopes of dissemination. The mentioned body determined the criteria whose combination allows to identify to what extent the specific processing for personal purposes falls within the scopes of “exemption”. Among these criteria the circle of distribution represents one of the parameters,<sup>55</sup> however, it is not a determinant. According to the assessment of 29WP, the criteria of dissemination area cannot be the only pivot to rely on, because from the perspective of assessment as well as logistics, it is impossible to include the whole volume of conflicting rights (on the part of a controller – freedom of expression and on the part of a data subject – personal data protection (auth.)) into the scopes of law on the protection of data of social media users and bloggers.<sup>56</sup> Only depending on the criteria for the dissemination area, such category of processing will also fall within the application of legal norms for data protection, which will

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<sup>49</sup> CJEU, C-345/17 – *Buivids*, [2019].

<sup>50</sup> See §43 of the judgment.

<sup>51</sup> The judgment of May 13, 2020.

<sup>52</sup> The plaintiff had not set the relevant security parameters. See the details of the case: *Fenech Farrugia Fiott Legal*, <<https://www.fff-legal.com/the-household-exemption-in-gdpr/>> [01.07.2022].

<sup>53</sup> E.g., according to the legislation of Denmark, prior to the placement of photos of a child under 16 of age, the consent of his authorized representative is obligatory. See, *Fenech Farrugia Fiott Legal*, <<https://www.fff-legal.com/the-household-exemption-in-gdpr/>> [01.07.2022].

<sup>54</sup> WP29, Annex 2 Proposals for Amendments Regarding Exemption for Personal or Household Activities, 4.

<sup>55</sup> For the assessment of exemptions, 29 WP alongside the circle of persons of distribution establishes other parameters as well, such as “whether personal data belongs to the person who does not have private or household relation with the controller”; “whether the frequency and scale of posting provides the assumption of professional or complete load of activities; Whether there is the possibility of making potential impact on the individual, among them in the form of privacy. See: WP29, Annex 2 Proposals for Amendments Regarding Exemption for Personal or Household Activities, 4.

<sup>56</sup> *Ibid.*



complicate the implementation of legal principles and rules of data protection and the control of the supervisory authorities over their compliance.

Accordingly, in order to state the fair balance between the right to freedom of expression and privacy of family members, the 29 WP determined the following possibilities of applying the General Regulation upon processing for personal purposes:

- a) The compliance with the requirements for basic regulatory safety in the “light” form;
- b) The respect for the right to access<sup>57</sup>, rectification<sup>58</sup> and erasure (right to be forgotten)<sup>59</sup> of other individuals;<sup>60</sup>
- c) The compliance with the principles of data protection when processing (the reliability and freshness of data);
- d) The existence of basis for processing;
- e) Informing other individuals about sharing their data, so as to provide the opportunity for them to require the erasure of their data.<sup>61</sup>

Occasioned by the aforesaid, the law on data protection cannot be applied “in total volume” to the cases of “sharenting” due to the existence of exemptions for processing for personal purposes. At the same time, their non-dissemination will clearly violate the right to protection of children’s personal data. Accordingly, “sharenting” should not be defined as processing for personal purposes (according to its narrow definition), in case the range of receiving information is unlimited or very wide.

However, even in this case the law on data protection should not completely apply,<sup>62</sup> but in the “light” form – based on the specific legal mechanisms.

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<sup>57</sup> Right to Access. See, Article 14, of General Regulation of Data Protection; Article 22 of the Law on Personal Data Protection.

<sup>58</sup> Right to Rectification. See, Article 16 of General Regulation of Data Protection; Article 22 of the Law on Personal Data Protection.

<sup>59</sup> Right to erasure (“right to be forgotten”). See, Article 17 of General Regulation of Data Protection; Article 22 of the Law on Personal Data Protection.

<sup>60</sup> For example, a friend asked you to remove the photo from social media. *Donovan S.*, Op. cit. 36.

<sup>61</sup> WP 29, Annex 2 Proposals for Amendments Regarding Exemption for Personal or Household Activities, 5. Also, according to 29WP, the supervisory should have chance to conduct the research so as to determine if the processing belongs to that for personal purposes. Under the legislation of a number of EU countries (e.g., France - the French Act No. 2018-493 of 20 June 2018, Art. 2.3, <<https://www.dataguidance.com/notes/france-data-protection-overview>> [05.05.2022]; Germany - Federal Data Protection Act of 30 June 2017, Art. 2.3, <<https://www.dataguidance.com/notes/germany-data-protection-overview>> [05.05.2022]), the national law on data protection does not apply to the processing for private and household purpose. However, in some cases the authority of supervisory bodies is applicable in the context of conducting the research. See, WP 29, Annex 2 Proposals for Amendments Regarding Exemption for Personal or Household Activities, 1.

<sup>62</sup> The complete dissemination implies the compliance withal the principles and fundamentals, accountability and all the other obligations. In fact, complete dissemination is impossible and its control and proper logistics cannot be implemented. Correspondingly, the norm will be invalid.

## **2.2. The Preventive Legal Mechanisms**

Three preventive legal mechanisms have been presented within this study: a) A child's consent, b) The use of the right to be forgotten by a child, and c) The right of a child to demand compensation for damage. The downsides and upsides of these mechanisms are assessed while reviewing them. The mechanisms are presented in the study according to the priority of their efficiency – from the most effective to the least effective.

### **2.2.1. The Child's Consent**

In relation to children, a parent (authorized representative) is considered to be the protector of the minor's best interests in almost all aspects of legal relations. To a certain extent, the mentioned is based on the institution of limited legal capacity reinforced by private law, which links the demonstration of will (prior consent or post-approval) of the authorized representative to the authenticity of that of a minor.<sup>63</sup>

The similar regulation is represented in the context of a child's personal data protection.<sup>64</sup> At the same time, the parental right to decide and control the dissemination area of information about his/her child in the digital environment must be subject to certain restrictions. In contrast to civil legal relations, while the manifestation of "independent" will of a child may inflict harm to both that child and other participants of civil circulation, there exists virtually no such "harm" in case of "sharenting".<sup>65</sup>

The researches demonstrate<sup>66</sup> that there is a wide divergence between the parental and children's viewpoints in terms of obtaining the child's consent prior to the placement of information in the digital environment by a parent. The parents, as a rule, do not get their children's consent, and they do not respond to their protest if existing. The mentioned causes the "turbulence of boundaries of privacy" between the parents and their children. There is created the imbalance of interests leading to the tension in relationships.

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<sup>63</sup> See, 1<sup>st</sup> part of Article 63 of the Civil Code of Georgia.

<sup>64</sup> See, Article 8 and Part 38 of the Preamble of General Regulation.

<sup>65</sup> At the same time, even in the civil legal relations there exist certain scopes, when minors are not free to reveal their will, when an individual benefit from the deal (e.g. upon entering the gift agreement) as well as in case of emancipation (See Article 65 of Civil Code of Georgia).

<sup>66</sup> *Siibak A., Lipu M., op. cit., 3.*

Some of the authors<sup>67</sup> consider that a parent must completely ensure his/her child's privacy and must not disclose his information, according to the evaluation of the other part of authors<sup>68</sup> from the child-oriented perspective the priority should be given to the parental right,<sup>69</sup> that implies the implementation of authority entitled to the parent in terms of the best interests of a child.

According to the research<sup>70</sup>, a part of parents (regardless of being informed about their child's protest) still keep on doing the "sharenting" practice. According to a certain category of parents, children are still young and their opinion is not important in the process of "sharenting". Some of them also deem, that they as parents have the right to take the full control over the information of their children<sup>71</sup> (accordingly, it is not necessary to obtain their consent (auth.)) However, some of them change their practice in the context of having consent from their own child<sup>72</sup> (and obtain consent from his/her child (auth.)).

The possibility to form the obligation of obtaining consent is confirmed by Article 12 of the Convention on the Rights of the Child as well as Article 14 of the Code on the Rights of the Child.

In compliance with the Code on the Rights of the Child the best interest of a child<sup>73</sup> is determined; Accordingly, on the basis of the above mentioned rules the conclusion can be drawn that a child's personal data protection also represents the subject of his/her interest, which should be protected by the parent with the child's participation and taking into account his/her opinion.<sup>74;75</sup>

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<sup>67</sup> *Sorensen S.*, Protecting Children's Right to Privacy In The Digital Age: Parents as Trustees of Children's Rights. *Children's Legal Rights Journal* 36(3), 2016, 202–203. Indicated *Siibak A., Lipu M.*, op. cit., 3.

<sup>68</sup> *Steinberg S. B.*, Sharenting: Children's Privacy in the Age of Social, Gainesville, FL: UF Law Scholarship Repository, University of Florida Levin College of Law, 2017, indicated in: *Siibak A., Lipu M.*, op. cit., 3.

<sup>69</sup> "Child-centred Perspective on Parents' Rights'. cited: *Siibak A., Lipu M.*, op. cit., 4.

<sup>70</sup> See, fn. 66.

<sup>71</sup> *Siibak A., Lipu M.*, op. cit., 7.

<sup>72</sup> *Ibid*, 8.

<sup>73</sup> Paragraph "T" of Article 3 of the Code.

<sup>74</sup>In the context of persona data protection, the best interest of a child is also emphasized by the State Inspector Service. "The persons processing the children's data, first of all, should take into account the best interests of a child. All the public and private institution is obliged to ensure the legal processing of minors' personal data and the prevention of such irregularities which may cause the violation of a child's dignity, his/her stigmatization, bullying, discrimination or the negative impact on his/her emotional state and development. Under the conditions of technological advancements the children's right to privacy assumed more significance because in line with the new opportunities increases the danger of unjustified violation of these rights", Processing of Children's Personal Data, The Resolutions of State Inspector Service, 2020, 4 <<https://personaldata.ge/>> [in Georgian, 03.07.2022].

<sup>75</sup> Based exactly on the child's best interests, the entitlement to him/her the right "separated" that from a parent was implemented in 2012 through the 31<sup>st</sup> amendment of Irish Constitution. (See, details about amendment, *Donovan S.*, op. cit., 2020, 39, 43). Some authors determine the possibility of entitlement of such right for English

As far as some of the parents agree on obtaining the consent from their children, the raise of public awareness (with the aim to change the approaches of parents who refuse) and the determination of consent obligation represent one of the most efficient mechanisms.

In addition, in order to define the relevant age for consent, it is important to take into account several factors – according to parental assessment, they (parents) have the right to control their child's information, especially when the child is small. Accordingly, the necessity of consent arises at the age, when a child is mature enough to evaluate the "fate" of placement of his/her information, and at the same time, "average parent" should consider, that his child is old enough to obtain consent from him/her for posting his/her information.<sup>76</sup> Code on the Rights of the Child also focuses its attention on the level of maturity.<sup>77</sup>

At the same time, the exception from parents' preferential right towards the minors are stated in various aspects of legal relations. The children themselves can take decisions on various issues of legal relations without an interference of authorized representative.<sup>78</sup> The similar exception exists at the stage of offering e-service. Under the General Data Protection Regulation the age from 13 to 16 was determined as the period when children are entitled the right to receive electronic service directly, without a consent of authorized representative.<sup>79</sup> Under the draft Law this age is determined as 14-year-old.

Occasioned by the above-mentioned, as the international legislation of data protection considers the child aged above 13 to be properly mature to use the e-service offered without a consent of authorized representative, the analogous degree of maturity is supposed to be the age of expressing consent for placement the information about him/her in digital environment.<sup>80</sup> Accordingly, 13 years of age *may* be set as the cut-off, above which the parents will be obliged to obtain consent from their children to share their personal data in the digital environment, when such placement is conditioned only by a parent's freedom of expression.<sup>81</sup> It is also worth

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Law as well (Indicated in: *Bessant C.*, Sharenting: Balancing the Conflicting Rights of Parents and Children, Journal of Communications Law, Vol. 23, 2018, 20, <[https://www.researchgate.net/publication/325594690\\_Sharenting\\_Balancing\\_the\\_conflicting\\_rights\\_of\\_parents\\_and\\_children](https://www.researchgate.net/publication/325594690_Sharenting_Balancing_the_conflicting_rights_of_parents_and_children)> [03.07.2022].

<sup>76</sup> Taking into account of a parents' opinion is one of the salient factors. As mentioned above, parents consider that they have the right to control their child's information (See, fn. 66).

<sup>77</sup> See, part 2 of Article 5.

<sup>78</sup> See, subparagraph "b" and "g" of Part 2 of Article 4 of the Law of Georgia on "the Patients' Rights" (SSM, 19, 25/05/2000); Articles 65 and 1196 of the Civil Code of Georgia.

<sup>79</sup> This age ranges between 1 and 18 according to countries. Ages of consent according to European countries See: <<https://euconsent.eu/digital-age-of-consent-under-the-gdpr/>> [03.07.2022].

<sup>80</sup> This research does not aim to establish a specific age but to offer the legal mechanisms in the form of a child's consent obligation so as to prevent the negative outcomes of "sharenting". The specific age should be determined by other specialists of the field.

<sup>81</sup> In this case there should not be any other requirement, based on the best interest of the child. E.g., public sharing of the information on the basis of legislative obligation or a child's vital interest.

noting, that the right entitled to a child to give his/her consent for posting the information about him/her by a parent should depend on the age of a child as well as the nature of shared information. Accordingly, taking into account the nature of information (for example, the placement of medical information on the "blog" type website), the age of giving consent by a child may be even younger (for, example from 10),<sup>82</sup> since based on the nature of data,<sup>83</sup> publicizing of such information may inflict the serious harm to his emotional state or lead to the unfavourable outcomes for the future professional or private life of a child.

Naturally, this lever cannot be operated only by the legislative amendments (indicating the specific age) without the involvement of parties<sup>84</sup> concerned.<sup>85</sup> Within the mutual responsibility created on the basis of a child's best interests, the parents, private and public bodies should assume the responsibility together for the protection of children's rights in the digital environment.<sup>86</sup> The raise of public awareness<sup>87</sup> represents one of the forms of expressing this mutual responsibility. The special emphasis should be laid on the persons with disabilities and the children belonging to other vulnerable groups.<sup>88</sup>

One more drawback of a child's consent as one of the effective mechanisms for the prevention of "sharenting" represents the inefficiency of "consent obligation" in the case of "public figures" children. Occasioned by their status the minor children of public figures have the commitment to patience with sharing their photos by the parents.<sup>89</sup> Accordingly, in this section the rules for granting consent may be regulated in different way.<sup>90</sup>

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<sup>82</sup> On the basis of national legislation, it may be said that 10 years of age represents the age of puberty for determining the degree of maturity of a child. In particular, under the Civil Code of Georgia the delectability of an individual starts from the age of 10 (See Part 1 of Article 994); in case of changing the surname, the child's consent is obligatory at the age of 10 (See, Article 1196), and pursuant to the Code of a Child's Rights, a child is considered to be adolescent from 10 to 18 (See, para. "b" of article 3 of the Code).

<sup>83</sup> See, Para. "b" of Article 2 of the Law of Georgia on "Personal data Protection".

<sup>84</sup> State, private sector, parents, non-governmental sector.

<sup>85</sup> About the role and involvement of the parties concerned in the process of children's rights protection in digital environment see: *Council of Europe, Guidelines to Respect, Protect and Fulfil the Rights of the Child in the Digital Environment*.

<sup>86</sup> *United Nations Children's Fund (UNICEF), Children's Online Privacy and Freedom of Expression: Industry Toolkit, 7; Council of Europe, Recommendation CM/Rec (2018)7, 11.*

<sup>87</sup> For the purpose of children's rights protection, the application of "Public Health Model is a popular model. The method is based on achieving the specific result through raising the public awareness. The details about "Public Health Model". See, Steinberg S., op.cit, 866.

<sup>88</sup> *Council of Europe, Recommendation CM/Rec (2018)7, 11, 14.*

<sup>89</sup> *Steinberg S., op.cit., 859.*

<sup>90</sup> The mentioned issue is not reviewed in this research as it represents the subject of independent study.

### **2.2.2. The Exercise of the Right to be Forgotten by a Child**

One of the alternative mechanisms for the prevention of negative outcomes of “sharenting” is to entitle the child the right to be forgotten stipulated by the Law on Data Protection.<sup>91</sup> In the context of protecting the right to privacy, the prior consent of a child represents more effective mechanism<sup>92</sup> as a consequence, however, the right to be forgotten may be considered as less effective, but as one of the alternative ways.

The example of entitlement of the right to be forgotten to a child represents the legislation of California state. The mentioned state, which is the leader in terms of protecting the privacy in the digital environment, gives the right to demand the erasure of their data from online forums.<sup>93</sup> It is true, that it implies the information shared by them, but in terms of analogy it may be used in relation to the information posted by parents.

At the same time, having regard to the specificity of digital environment, that the information shared by parents is lost in a “boundless” space, the secondary use of information frequently occurs as well. Consequently, a child sometimes cannot ask the parent to erase<sup>94</sup> the information posted on the Internet. The technical aspect<sup>95</sup> of exercising the right to be forgotten is also complicated. Accordingly, compared to consent, the exercise of the right to be forgotten can be considered as one of the less effective mechanisms for preventing the negative outcome of “sharenting”.

### **2.2.3. The Right of a Child to Claim Compensation for Damage**

The right of a child to claim damages represents the compensatory means of the negative results of “sharenting”. In general, all the children have the right to demand compensation when his/her rights are violated.<sup>96</sup> However, in contrast to the child’s consent, the mechanism of

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<sup>91</sup> It is also known as the right to erasure of data, see: <<https://gdpr.eu/right-to-be-forgotten/>> [03.07.2022]. The right “to be forgotten” existed in indirect form in the Directive 1995. Later, his formalization was implemented after the entry of the regulation in force (See, Article 17 of the Regulation). The right to be forgotten gained popularity following the judgment made by European Court of Human Rights on “Google Spain” (Case of Google Spain, [2014], ECHR, C-131/12) case in 2014, which created a kind of precedent of right to be forgotten prescribed by Regulation.

<sup>92</sup> In case of consent a child’s rights are preventively protected.

<sup>93</sup> *Steinberg S.*, op. cit., 864.

<sup>94</sup> *Ibid*, 875.

<sup>95</sup> *Ambrose M. L., Ausloos J.*, op. cit., 18.

<sup>96</sup> Committee on the Rights of the Child, General Comment No. 5; Human Rights Committee, General Comment No. 5; United Nations Human Rights Council, Resolution on the Rights of the Child: Access to justice, A/HRC/25/L.10, 25 March 2014, indicated in: *United Nations Children’s Fund (UNICEF)*, *Children’s Online Privacy and Freedom of Expression: Industry Toolkit*, 10.

claiming the compensation for damage neither provides the prevention of the issue nor, like the right to be forgotten, “stops” the source causing the damage inflicted to a child. Consequently, due to the “lightness” of its essence it is less prioritized but one of the alternative mechanisms.

The right of a child to demand compensation is enshrined in the 2<sup>nd</sup> paragraph of Article 12 of the Convention on the Rights of the Child at the international level and at the national level in Article 18 of the Civil Code of Georgia creating the basis<sup>97</sup> for the protection of non-property rights and in the 1<sup>st</sup> part of Article 13 of the “Code of the Rights of the Child”.

However, based on the parents’ special status in relation to the child, the possibility of appeal is to a certain extent restricted. For example, in accordance with the American tort law the opportunity to file a lawsuit by a child against the parent claiming the compensation for damage is not reviewed in scientific literature,<sup>98</sup> and some of the states generally restrict the right to sue against a parent by a child.<sup>99</sup> In addition, in case of Georgia despite the absence of prohibitive rule, the exercise of this right by a child is less conceivable.<sup>100</sup>

### 3. Conclusion

“A modern child is born and brought up in the world which is completely controlled, analyzed and manipulated by technological processes”.<sup>101</sup> Under these circumstances, the issues related to the right to privacy and protection of personal data of “digital children”<sup>102</sup> are in doubt. Especially when the violation of these rights is provoked by a parent.

The problem highlighted within this study implies the systematic placement of a child’s personal data on social sites by a parent (“sharenting”). As a result, the existing as well as the future<sup>103</sup> legal status of a child is jeopardized. At the same time, due to the practice of “sharenting” the parental freedom of expression conflicts with the child’s right to privacy.<sup>104</sup>

The research results highlighted, that under the conditions of narrow interpretation of data processing for personal purposes, falling the dissemination of information about the child on social media by the parent within the applicability of legal norms of data protection allows to

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<sup>97</sup> *Goshadze K.*, op. cit., 4.

<sup>98</sup> *Porter E. G.*, Tort Liability in the Age of the Helicopter Parent, 64 ALA. L. REV. 533, 537 (2013), indicated in: *Steinberg S.*, op. cit., 875.

<sup>99</sup> *Wingter I.*, Parent-Child Tort Immunity, 50 LA. L. REV. 1131 (1990), indicated in: *Steinberg S.*, op. cit., 875.

<sup>100</sup> *Goshadze K.*, op. cit., 5.

<sup>101</sup> Cited: *Wilson M.* (2019), ‘Raising the ideal child? Algorithms, quantification and prediction’, *Media, Culture & Society*, 41(5), 620-636. Further indicated as: *Donovan S.*, op. cit., 40.

<sup>102</sup> “Datafied child”. For details, see, fn. 19.

<sup>103</sup> The negative effects of “sharenting” may not be instant. Cited: *Donovan S.*, op. cit., 43.

<sup>104</sup> *Steinberg S.*, op. cit., 869.

prevent the negative outcomes of “sharenting” or reduce them in some cases. In this direction the following legal mechanisms are discussed within the study: a child’s obligatory consent, the exercise of the right to be forgotten and the utilization of mechanism for demanding compensation for damage by a child. Under the conditions of “sharenting” the above mentioned mechanisms to various extent provide the maintenance of legal balance and the protection of personal data in this context.

### **Bibliography:**

1. Constitution of Georgia, Departments of the Parliament of Georgia, 31-33, 24/08/199.
2. Convention on the Protection of Human Rights and Fundamental Freedom, 20/05/1999.
3. Convention of Council of Europe №108 on Protection for Individuals with regard to Automatic Processing of Personal Data, 1981.
4. Convention on a Child Rights, 02/07/1994.
5. Civil Code of Georgia, Parliamentary Gazette, 31, 24/07/1997, 31, 24/07/1997.
6. Code on the Rights of the Child, 5004-IS, 20/09/2019.
7. Directive of European parliament and Council of October 24, 1995 with regard to Personal Data Protection and Free Movement of Such Data (95/46/EC).
8. Law of Georgia on Patient Rights, LHG, 19, 25/05/2000.
9. Law of Georgia on Personal Data Protection, 5669-RS, 28/12/2011.
10. Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the Protection of Natural Persons with regard to the Processing of Personal Data and on the Free Movement of Such Data, and Repealing Directive 95/46/EC (General Data Protection Regulation), OJ L 119, 4/5/2016, 1–88.
11. *European Union Agency for Fundamental Rights and Council of Europe*, Handbook on European Data Protection Law, 2018, 20, <<https://fra.europa.eu/en/publication/2018/handbook-european-data-protection-law-2018-edition>> [27.06.2022].
12. *European Union Agency for Fundamental Rights and Council of Europe*, Handbook on European data protection law, 2019, 15 [in Georgian].
13. *Battersby L.*, Millions of Social Media Photos Found on Child Exploitation Sharing Sites, Sydney Morning Herald, Vol. 30, 2015, <<http://www.smh.com.au/national/millions-of-social-media-photos-found-on-child-exploitation-sharing-sites-20150929-gjxe55.html>> [28.06.2022].
14. *Council of Europe*, “Guidelines to respect, protect and fulfil the rights of the child in the digital environment”, Recommendation CM/Rec (2018)7 of the Committee of Ministers.



15. *Donovan S.*, "Sharenting": The Forgotten Children of the GDPR', *Peace Human Rights Governance*, 4(1), 2020, 36, 39–43.
16. *Gligorijevi C. J.*, Children's Privacy: The Role of Parental Control and Consent, *Human Rights Law Review*, 2019, 19, 201–229.
17. *Goshadze K.*, Legal Implications of "Shattering", *International Journal of Law: "Law And World"*, № 15, Vol. 6, Issue 2, December 2020, 1-5.
18. *Hustinx P.*, EU Data Protection Law: The Review of Directive 95/46/EC and the Proposed General Data Protection Regulation, *Collected Courses of the European University Institute's Academy of European Law*, 24th Session on European Union Law, 1-12 July 2013, 2.
19. *Joshua N.*, Why Do People Still Think Data Is the New Oil? Center for Data Innovation, January 16, 2018. *Livingstone S.*, Children: A Special Case for Privacy? *InterMEDIA*, International Institute of Communications, July 2018, Vol 4, 6, Issue 2.
20. *Levy E.*, Parenting in the Digital Age: How Are We Doing?, *Parent Zone: Making the Internet Work for Families*, 2017, <chrome-extension://efaidnbnmnnibpcajpcglclefindmkaj/https://parentzone.org.uk/sites/default/files/2021-12/PZ\_Parenting\_in\_the\_Digital\_Age\_2017.pdf> [26.06.2022].
21. *Macenaite M., Kosta E.*, Consent for Processing Children's Personal Data in the EU: Following in US Footsteps?, *Tilburg Institute for Law, Technology and Society (TILT)*, Tilburg University, Tilburg, Netherlands, 146, 2017, <https://www.tandfonline.com/doi/full/10.1080/13600834.2017.1321096> [27.06.2022].
22. *Office for Children's Commissioner for England*, Children's Commissioner's Report Calls on Internet Giants and Toy Manufacturers to be Transparent About Collection of Children's Data, 2018.
23. *Saginashvili N.*, Personal Data Protection and Inviolability of Privacy, The Impact of Human Rights Standards on the Legislation of Georgia and Practice, *Collection of Papers, Korkelia K., (ed.)*, 2015, 166-19, <http://ewmi-prolog.org/images/files/7110HRStandardsImpact.pdf> [in Georgian, 27.06.2022].
24. *Schwartz P. M.*, Property, Privacy, and Personal Data, 117 *Harv. L. Rev.* 2004, 2056.
25. *Siibak A.*, Educating 21st Century Children, Chapter 6. Digital Parenting and the Datafied Child, *Institute of Social Studies*, University of Tartu, Estonia, 2019.
26. *Siibak A., Lipu M.*, 'Take it down!': Estonian Parents' and Pre-teens' Opinions and Experiences with Sharenting, *Media International Australia Incorporating Culture and Policy*, February 2019 1–11, 2019, 3-4, 7.
27. *Steinberg S. B.*, Sharenting: Children's Privacy in the Age of Social Media, 66 *Emory L.J.* 839, 2017, 844, 848-849, 850, 854-855, 861.
28. *United Nations Children's Fund (UNICEF)*, Children's Online Privacy and Freedom of Expression: Industry Toolkit, 2018, 4, 7, 10.

29. *WP 29, Annex 2 Proposals for Amendments regarding exemption for personal or household Activities.*
30. *CJEU, C-345/17 – Buivids [2019].*
31. *CJEU, Case C- 212/ 13, Ryneš [2014].*
32. *CJEU, Case C-101/01, Bodil Lindqvist [2003].*
33. *Google Spain, [2014], ECHR, C-131/12.*
34. *Processing of Children’s Personal Data, The Resolutions of State Inspector Service, 2020, 4 <<https://personaldata.ge/>> [in Georgian, 03.07.2022].*
35. *<[www.ec.europa.eu](http://www.ec.europa.eu)> [28.06.2022].*
36. *<[www.fff-legal.com](http://www.fff-legal.com)> [01.07.2022].*
37. *<[www.dataguidance.com](http://www.dataguidance.com)> [05.05.2022];*
38. *<[www.euconsent.eu](http://www.euconsent.eu)> [03.07.2022].*
39. *<[www.gdpr.eu](http://www.gdpr.eu)> [03.07.2022].*
40. *<[www.personaldata.ge](http://www.personaldata.ge)> [03.07.2022].*