

8 July 2021

Mr David de Carvalho
Chief Executive Officer
Australian Curriculum, Assessment and Reporting Authority

By email: engagement@acara.edu.au

Dear Mr de Carvalho

Review of the Australian Curriculum for Foundation – Year 10

Thank you for the opportunity to provide comment on the Australian Curriculum, Assessment and Reporting Authority's (ACARA) review of and proposed revisions to the Australian Curriculum for Foundation – Year 10 (**Australian Curriculum**).

The Office of the Victorian Information Commissioner (**OVIC**) regulates privacy, freedom of information and information security in Victoria. My office administers both the *Privacy and Data Protection Act 2014* (Vic) (**PDP Act**) and the *Freedom of Information Act 1982* (Vic). As Information Commissioner, one of my functions under the PDP Act is to make public statements on matters affecting personal privacy.¹

My office recognises that educating children and young people about the importance of privacy, and giving them the tools and skills to help protect it, is vital to minimising the privacy risks facing this group. Therefore, the incorporation of privacy education in the Australian Curriculum is of particular interest to my office.

This submission outlines my office's views on the extent to which privacy and information security education is incorporated under the proposed revisions to the Australian Curriculum and recommendations for optimising this area of education for your consideration.

General comments

1. OVIC understands that the Australian Curriculum proposes to incorporate privacy and information security education within the 'Technologies' learning area,² and the 'Digital Literacy' general capability.³ OVIC is pleased to see inclusion of education about privacy and security, described by ACARA as "the protection of data when it is stored or transmitted through digital systems",⁴ in the Australian Curriculum and acknowledges that there is a need to develop good digital privacy habits in children and young people in today's digital age.⁵

¹ *Privacy and Data Protection Act 2014* (Vic) section 8C(1)(f).

² ACARA, 'Technologies Consultation Curriculum: All elements F-10', *Australian Curriculum* (2021).

³ ACARA, 'General Capabilities – Digital Literacy (previously ICT): Consultation Curriculum', *Australian Curriculum* (2021).

⁴ ACARA, 'Technologies Consultation Curriculum: All elements F-10', *Australian Curriculum* (2021) 35.

⁵ Office of the Victorian Information Commissioner, Submission to the Special Rapporteur on the Right to Privacy, 'Privacy and Children' (30 September 2020).

2. However, while the Australian Curriculum includes references to education around understanding the collection, use and protection of personal information in digital settings,⁶ my office notes that privacy extends beyond digital settings. For instance, young people commonly share their personal information amongst each other,⁷ hold copies of documents with personal information, and are asked to provide physical copies of documents containing personal information⁸ to access goods or services.
3. OVIC recommends the Australian Curriculum include education about protecting individual privacy in both digital and non-digital settings across the Foundation to Year 10 curriculums. This should encompass a discussion on what personal information is, when it is appropriate to share, and how to protect it. For instance, the curriculum could highlight the importance of being aware of your surroundings and the possible risks of sharing their personal information in varying real-world situations, as opposed to focusing only on digital settings. For example, a child might disclose their residential address or phone number to a friend whilst travelling to school on public transport. This could pose a risk to the child's privacy and safety as members of the public may overhear and then know how to contact them and where they reside.
4. OVIC notes that expanding privacy and information security education beyond digital settings may result in such education falling outside of the 'Technologies'⁹ learning area and 'Digital Literacy'¹⁰ general capability. OVIC suggests privacy education more broadly, or in non-digital settings, could be incorporated into the 'Ethical Understanding'¹¹ general capability on the basis that understanding privacy and protecting one's personal information relates to the two revised elements of the capability:
 - a. Understanding ethical concepts and perspectives; and
 - b. Responding to ethical issues, including making and reflecting on ethical decisions.¹²
5. For example, under the 'explore ethical concepts' sub-element of the 'Ethical Understanding' general capability, ACARA has identified the importance of teaching children and young people about '...rights and responsibilities, in a range of situations and contexts'.¹³ Australians have a legislated right to privacy under *Privacy Act 1988* (Cth), along with any rights they may in their State or Territory, and privacy education would therefore fall within education around rights and responsibilities.
6. Additionally, the 'making and reflecting on ethical decisions' sub-element provides for young people to develop an understanding of how their 'emotions, wants and needs impact their choices and actions'.¹⁴ Incorporating privacy into this would allow young people to develop a sound understanding around factors that influence their decisions around disclosing their personal information, thereby providing them with the opportunity to make informed decisions to protect their privacy.

⁶ ACARA, 'Technologies Consultation Curriculum: All elements F-10', *Australian Curriculum* (2021) 14.

⁷ For example, when a student asks another student for their address, phone number, date of birth, etc.

⁸ For example, birth certificates, learner's driving permit, Medicare card, etc.

⁹ See especially, the 'privacy and security' sub-strand.

¹⁰ See generally, the 'practising digital safety and wellbeing' and 'managing and operating' elements.

¹¹ ACARA, 'General Capabilities – Ethical Understanding: Consultation Curriculum', *Australian Curriculum* (2021).

¹² *Ibid.*, 4.

¹³ *Ibid.*, 7.

¹⁴ *Ibid.*

Understanding Personal Information and Sensitive Information

7. OVIC understands that Foundation children and young people will be taught how to identify types of personal information about themselves¹⁵ under the proposed revisions but such education does not seem to be continued through Years 1 to 10.
8. OVIC suggests discussions around what constitutes personal information under the *Privacy Act 1988* (Cth) and the relevant State and Territory's privacy legislation be continued throughout Years 1 to 10. In particular, OVIC suggests the Australian Curriculum include teaching children and young people that some types of personal information, such as personal attributes (race, gender, sexual orientation, religion, etc.), are more sensitive than others as they can be used for bullying and discriminatory purposes if disclosed to the wrong people.
9. Children and young people will undoubtedly hold numerous types of personal information as they grow (for example, email addresses, mobile phone numbers, bank card details, Medicare number, learner driver's licence number, passport, etc.). Continuing to educate children and young people about personal information and sensitive information beyond the Foundation year level would address privacy risks associated with the growing amount and types of personal information held by them as they progress through their primary and secondary education towards adulthood.

Valuing personal information

10. The Australian Curriculum appears to be largely silent on educating children and young people about the value of their personal information.
11. OVIC suggests that children and young people should be encouraged to determine the value of information before disclosing it by considering the possible consequences of disclosing their personal information before they do so. For example, if you give someone your bank card details, there is a risk that they might misuse that information to purchase goods and services (for example, identity theft).¹⁶
12. It is important to teach children and young people that their personal information is valuable because it 'reveals who you are, what you do, what you think and what you believe'¹⁷ and, when disclosed without caution, can have serious consequences in some circumstances. In particular, the aggregation and analysis of personal information allows for potentially lifelong manipulation and exploitation of individuals for financial or political gain.

The Australian Privacy Principles

13. While it is encouraging to see the Australian Curriculum refers to the *Privacy Act 1988* (Cth) and the Australian Privacy Principles (**APPs**) within them,¹⁸ it appears that they are only directly included within the privacy and security education for children and young people in Years 9 and 10.¹⁹
14. OVIC considers that children and young people as young as those in Years 5 and 6, would be capable of understanding the basic concepts of privacy laws, including the meaning and objectives of the individual APPs. OVIC suggests the Australian Curriculum begin educating children and young

¹⁵ ACARA, 'Technologies Consultation Curriculum: All elements F-10', *Australian Curriculum* (2021) 84. See AC9TDIFP01 and AC9TDIFP01_E3.

¹⁶ Australian Cyber Security Centre, 'Identity theft' (Webpage, 18 May 2020) <https://www.cyber.gov.au/acsc/view-all-content/threats/identity-theft?gclid=EAlalQobChMI24zuvpPO8QIVAyUrCh2_IAGREAYASAAEgK69_D_BwE&gclidsrc=aw.ds>.

¹⁷ Office of the Australian Information Commissioner, 'Privacy Tips for Parents and Carers' (Webpage) <<https://www.oaic.gov.au/privacy/your-privacy-rights/children-and-young-people/privacy-tips-for-parents-and-carers/>>.

¹⁸ ACARA, 'Technologies Consultation Curriculum: All elements F-10', *Australian Curriculum* (2021) 14, 120.

¹⁹ Ibid, 120. See especially content description AC9TDI10P14.

people about their privacy rights, including the obligations of regulated organisations who hold their personal information from Years 5 and 6.

15. Children at these younger ages are already engaging with social media platforms and applications that require sharing of their personal information. For example, TikTok requires users to be 13 years of age or above, but in the United States, TikTok removed over 7,000,000 user accounts belonging to children under the age of 13 years in the first quarter of 2021 alone.²⁰ Additionally, the Australian Council on Children and the Media have conducted a privacy check of the 'Top 50 Children's Android Apps in Australia' and have found that popular entertainment and educational applications²¹ used by children, sometimes as young as four years old, are collecting personal information.²²
16. Educating students about their privacy rights, and obligations of organisations under the APPs, as early as possible would equip children and young people with the basic skills and knowledge to protect their privacy. Thank you for the opportunity to comment on the proposed revisions to the Australian Curriculum. My office will be watching this review with interest, and we look forward to reading the newly designed Australian Curriculum. I have no objection to this submission being published without further reference to me. I also propose to publish a copy of this submission on OVIC's website and would be happy to adjust the timing of this to allow you to collate and publish submissions proactively.

If you would like to discuss this submission, please do not hesitate to contact me or my colleague Jenna Daniel, Policy Officer, at Jenna.Daniel@ovic.vic.gov.au.

Yours sincerely



Sven Bluemmel
Information Commissioner

²⁰ AXIOS, 'Exclusive: TikTok removed 7 million+ accounts for being under 13 in Q1 (Webpage, 30 June 2021) <https://www.axios.com/tiktok-removed-7-million-accounts-under-13-49697cf4-9748-461c-b8a3-0e52e2ec8dc9.html?mkt_tok=MTM4LUVaTS0wNDIAAAF-ByRW2OMo_xvAYytr8Q1-2n4niGhkapfNNMirbVx-tLf-R1wKdtRH4ui27zuTdKylyrXLbJJWa7x9tnLAuLdRZmA_IVOUNMdnkM_hATx8JZYe>.

²¹ See for example, Reading Eggs, an educational application used by many parents and schools in supplementing children's literacy development.

²² Australian Council on Children and the Media, 'Privacy Check of the Top 50 Children's Android Apps in Australia' (Webpage) <<https://childrenandmedia.org.au/app-reviews/privacy-check/top-50>>.