


# Chapter 8

## Parental Consent in the Digital Age: Online Consent and the Role of Parents

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### ABSTRACT

*This study presents an exploration of parental consent in the digital age, analyzing the evolving challenges and ethical considerations surrounding children's online privacy and security. With the widespread use of digital platforms, social media, and educational technology, parents are increasingly required to navigate complex consent mechanisms to protect their children's data. Legal frameworks such as the Children's Online Privacy Protection Act aim to regulate data collection practices, yet concerns persist regarding transparency, informed consent, and the effectiveness of parental oversight. As digital environments become more immersive with AI-driven content, biometric tracking, and the Metaverse, ensuring meaningful consent becomes more difficult. Additionally, the growing autonomy of tech-savvy children raises questions about the balance between parental authority and a child's digital rights. This study examines current policies, technological safeguards, and best practices to enhance parental control while fostering a safe and ethical digital space for minors.*

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## 1. INTRODUCTION

Parental consent in a digital era has become increasingly critical, as many children and young people spend a considerable part of their lives exploring web-based content, using electronic gadgets, and engaging in online activities. Digital technologies have profound implications for children and minors, ranging from their psycho-social development to their safety and privacy. Consequently, whenever minors are required to interact with digital devices and services, some level of parental supervision and control is often necessary (Mathews et al., 2005). This has given rise to several legal requirements that aim to preserve children's rights and interests. In general terms, since most minors cannot give valid consent, parents are usually required to agree on their behalf, particularly when the proposed treatment involves the use of their data and may potentially conflict with their privacy rights or other interests (Esbensen et al., 2008).

While the need for parental consent has always been present wherever the processing of minors' data is involved, there are reasons to believe that its significance has grown significantly in the digital context and that it indeed reflects the general trend towards more protective approaches that are currently emerging in the domain of privacy law in order to ensure more effective protection of minors. The technologically mediated circulation of personal data and information typically at play during children's digital interactions are essential elements that shape their sense of identity, their sociality, and their opportunities to grow. Besides, as digital exposure rises, there is a direct impact on privacy (Jones, 2000). One example of this tendency is the introduction of several parental consent regimes connected to different high-tech appliances typically used by children, including e-books, gaming consoles, smart toys, online educational services, social network features, and tracking tools. The intuition underlying these rules is that traditional forms of consent are being rethought and reintegrated into evolving data protection systems in accordance with the specificities and nuances of the never-ending digitalization of communication technologies (Stretch et al., 2009). In sum, whether a safeguard or a trustworthy prompt, parental consent in the digital era seems to be "here to stay," waiting to be seen and thus to be framed in light of ad hoc legal and technological insightful distinctions and refinements.

In an environment where digital technology has transformed so many aspects of a child's life, are we still right to expect that they should obtain the consent of their parents before making digital choices? How might such expectations square with existing understandings of young people's evolving competencies? Indeed, are today's young people really more independent, less moral, and more fragmented than those who grew up before the age of digital technology (Siregar, 2022)? Are these, indeed, suitable questions to ask given what we know about the way in which

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