

Media Release

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A major step forward: draft Children's Online Privacy Code prioritises the best interests of the child

The Alannah & Madeline Foundation strongly welcomes today's announcement by Attorney-General Michelle Rowland and the Office of the Australian Information Commissioner that the draft Children's Online Privacy Code (COPC) is now open for public consultation. This is a long-awaited milestone in the fight to ensure that the digital world is built with the safety and rights of children as a primary consideration, not an afterthought.

For too long, digital platforms have operated under a business-as-usual model that treats children's personal information as a commodity. From the scraping of identifiable images to train AI models to the intrusive profiling used for targeted advertising, children's data has been used without their consent despite knowing the long-term risks.

The draft Code represents a fundamental shift toward privacy by default and safety by design. It mandates that online services likely to be accessed by children must act in ways consistent with children's best interests, a core principle the Foundation has advocated for through our systemic reform work.

Sarah Davies AM, CEO of the Alannah & Madeline Foundation, welcomed the release of the draft code – which comes as National eSmart Week begins – as a significant victory for families:

“Every child has the right to be safe online, and this Code is an essential tool to uphold that right. By requiring platforms to prioritise the wellbeing of children over data-driven profits, we are finally seeing the systemic accountability that parents and educators have been demanding,” Ms Davies said.

“We welcome this code and call for clear penalties for non-compliance. We are eager to ensure that the regulator is fully resourced and has support to bring these protections to life. It's no small task to change the way the tech industry handles children's data, but with the rise of generative AI and other digital technologies, we cannot afford not to do it.”

The draft Code seeks to address several critical areas of concern, including:

- Personal information must only be collected, used and shared in ways that genuinely serve a child's best interests, not to fuel algorithms or advertising.



- Direct marketing is tightly restricted, only allowed with the child’s consent, when clearly in their best interests, and only from information they provide themselves.
- Children gain stronger rights, including the ability to request deletion of their personal information, giving them control over old accounts or data collected when they were younger.
- Privacy information must be clear and age appropriate, using simple language so children understand what’s happening with their data.
- Consent processes must be stronger and more transparent, including telling a child when a parent or guardian has consented on their behalf.

The Foundation encourages all parents, educators, and civil society organisations to participate in the consultation process, which is set to run until 5 June 2026.

“Digital products and services are not neutral spaces. Many are designed to maximise attention and engagement by users, including children, in order to facilitate data-handling and exposure to advertising. The commercial hunger for data has led to design choices and operations which put children at risk. These exploitative practices must be reined in, and this Code is a vital opportunity to do that.”

“We have a unique opportunity to shape a digital environment where children can learn, explore, and connect without being exploited,” Ms Davies said. “By getting this Code right, we ensure that every child has the freedom to flourish in a safe and supportive digital world.”

To review the draft, visit <https://www.oaic.gov.au>

National eSmart Week runs from 30 March to 5 April 2026. For more information, visit: <https://www.alannahandmadeline.org.au/news/get-ready-for-national-esmart-week-2026>

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About the Alannah & Madeline Foundation

The Alannah & Madeline Foundation was founded 29 years ago by Walter Mikac AM, and a small group of volunteers in memory of Walter’s young daughters Alannah and Madeline, aged just six and three, who tragically lost their lives along with their mother and 32 others at Port Arthur in Tasmania on 28 April 1996. The Foundation was established with the belief that “all children and young people should be able to live a happy and safe life, free from violence and trauma.” Our mission continues today through our Care, Prevention and Advocacy programs – we fight for their right to be safe, so their future is strong. www.alannahandmadeline.org.au

