

Our reference: IRQ/2016/005

Date of response: 28 September 2016

## **Request for Information**

Thank you for your request for information dated 6 September 2016 regarding the Unicef Child Rights Launchpad.

### **1. Has the Commissioner carried out any review of this program before promoting it on their twitter feed?**

<https://twitter.com/CYPCS/status/772714666523037696>

- 1.1. The Children and Young People's Commissioner Scotland has been involved in the development of the Unicef Child Rights Launchpad since its inception in October 2013. Please note the Launchpad was initially called the Child Rights Journey.
- 1.2. We have been members of the Unicef Reference Group and the Advisory Group for development of the Launchpad. Our membership of the Advisory Group was to provide guidance and feedback on the wording and scenarios used to illustrate and explain to children and young people about their human rights.
- 1.3. Our participation in the Reference Group and the Advisory Group has enabled us to review the development of the Launchpad. I have therefore included all the information held that illustrates the extent of our participation. This information is located in the attached document 'FOI Response information held (IRQ/2016/005)'.
- 1.4. Four PowerPoint presentations accompany this response as separate documents. Presentation 1 was attached to Email 08/11/2013 at 13:20 (Document 1) and Presentations 2,3 and 4 were attached to Email 29/10/2014 at 12:08 (Document 12).
- 1.5. Email 29/08/2016 at 15:47 (Document 27) refers to a ppt (Powerpoint Presentation). This presentation does not include slides on the Child Rights Launchpad, and therefore has not been provided in response to this request.
- 1.6. Documents 30-35 are copies of handwritten notes and comments on the Launchpad by a member of the Commissioner's staff. They have been provided

in response to your request, as they are a useful indicator of the extent of our participation in the development of the resource.

1.7. In accordance with our obligations under the Freedom of Information (Scotland) Act 2002 (FOISA), we have disclosed as much information in response to this part of the request as we hold. However, we have where appropriate redacted information exempt from disclosure under FOISA. The exemptions we have applied are listed in Appendix 1 of this response.

**2. If the Commissioner hasn't looked into a scheme they are promoting, I'd like to know why not? Given they are tasked with protecting kids rights, which includes privacy.**

2.1. As indicated in our response to question one, our participation in the Reference Group and the Advisory Group has enabled us to review the development of the Launchpad from the beginning of the program.

**3. What options are open to children to refuse or opt out of the data gathering exercise?**

3.1. The Launchpad is an online resource owned by Unicef UK, and therefore limited information is held by the Commissioner on the options open to children to refuse or opt out of providing their personal data.

3.2. Information held in the Unicef document '*Child Rights Launchpad Guidance for Adults*', under the section 'Getting Started' (p.6-7) indicates that a child needs to create an account before they can start playing the game. This information is available to view at:

[https://launchpad.unicef.org.uk/media/2644/launchpad\\_guidance-for-adults\\_0415.pdf](https://launchpad.unicef.org.uk/media/2644/launchpad_guidance-for-adults_0415.pdf)

3.3. Informal feedback indicates that not all children are creating individual accounts before they start playing the Launchpad. In some cases, a teacher is creating one account for a whole class. Please see Document 24 and 28 for further information.

3.4. According to the privacy statement under item 4 of the terms and conditions section of the Child Rights Launchpad, users under the age of 18 who do not have consent from an adult guide before they sign up for the Launchpad, will not be allowed to provide Unicef with personal information. This information is available to view at: <https://launchpad.unicef.org.uk/tscs/>

**4. Will parents of young children be informed about this scheme and be asked for their consent for their minor children to be signed up for a website that tracks their use and collects their replies? If not, then why not?**

4.1. The Launchpad is owned by Unicef UK, and therefore no information is held by the Commissioner as to the extent to which parents of young children will be informed about the Launchpad, and be asked for their consent for their children to sign up and create an account to play the game.

4.2. Information held in the Unicef document '*Child Rights Launchpad Guidance for Adults*', indicates that to take part in the Launchpad a child needs to have an adult guide, who will be able to answer questions and help with activities if required. It suggests that this guide could be a teacher, coach, youth worker or other adult.

4.3. As outlined in paragraph 3.4 above that whilst users should have consent from an adult guide before they sign up for the Launchpad, this adult guide does not need to be a parent.

**5. Has the Commissioner carried out any review to make sure this is compliant with not only the DPA but also Article 8 given the recent Supreme Court judgement re data gathering and sharing without consent?**

5.1. The Commissioner has neither undertaken a review, nor holds any recorded information of a review of the Child Rights Launchpad, with regard to its compliance with the Data Protection Act 1998 or Article 8 of the European Convention on Human Rights.

5.2. Taking into account the concerns that you have raised under questions 3 and 4 the Commissioner will write to Unicef UK to seek clarification on 1) whether or not a child must provide personal data before they can use the Launchpad and 2) whether parents must provide consent for their children to sign up for the Launchpad.

5.3. The Commissioner will write to the Information Commissioner's Office and seek their advice on the extent to which they would consider the Launchpad to be compliant with the Data Protection Act 1998, and where there is non-compliance the steps that can be taken address this.

5.4. The Commissioner's office will contact Unicef UK and advise them that the Privacy Statement weblink under the terms and conditions section of the Launchpad website is broken.

### **Review and Appeal**

If you are in any way dissatisfied with the way in which I have dealt with your request, you can ask for an internal review within 40 working days of receiving this response. When making a request for review can you please provide your name, an address for correspondence (this can be an email address), details of your original request and say why you are dissatisfied. You will receive a full response to your request for review within 20 working days of its receipt. Contact details are:

Children and Young People's Commissioner Scotland  
Rosebery House  
9 Haymarket Terrace  
Edinburgh, EH12 5EZ  
Email: [info@cypcs.org.uk](mailto:info@cypcs.org.uk)

If you are dissatisfied with the outcome of the internal review, you can appeal to the Scottish Information Commissioner within six months of receiving the response to your review request. Contact details are:

Scottish Information Commissioner  
Kinburn Castle  
Doubledykes Road  
St Andrews  
Fife, KY16 9DS  
Telephone: 01334 464610  
Email: [enquiries@itspublicknowledge.info](mailto:enquiries@itspublicknowledge.info)

Further information about requesting a review or making an appeal can be found on the website of the Scottish Information Commissioner:

<http://www.itspublicknowledge.info/YourRights/UnhappyWithResponse.aspx>

Should you require any further advice or assistance concerning this request please contact me on 0131 346 5350 or [Gillian.Munro@cypcs.org.uk](mailto:Gillian.Munro@cypcs.org.uk)

Yours sincerely  
Gillian Munro  
Information Officer

## Appendix 1: Exemptions applied

Document Number	Page Number	Document Type	Exemption relied on
9	20	Email	S38(1)(b)
10	22	Email	S38(1)(b)
14	33	Email	S38(1)(b)
21	49	Email	S38(1)(b)

The exemption contained in section 38(1)(b) of FOISA has been applied to the above documents in the attachment 'FOI Response information held'. The information where this exemption is relied on has been redacted. We have set out below our detailed considerations in applying these exemptions.

### Personal Data

Section 38(1)(b) together with section 38(2)(a)(i) of FOISA creates an exemption from disclosure where the information requested constitutes the personal data of a third party and disclosure of that data would breach any of the data protection principles set out in the Data Protection Act 1998 (DPA).

In relation to this exemption, we have redacted information of a personal or sensitive nature. This includes in some cases sensitive personal data. We are satisfied that such information constitutes "personal data" or "sensitive personal data" as defined in section 1.1 of the DPA.