

Our reference: IRQ/2016/005  
Date of response: 22/11/2016

## **Request for Information**

Dear My Crawford,

Thank you for your additional questions and comments regarding Unicef's Child Rights Launchpad.

- 1. So, despite a promise from the commissioner to contact the ICO for clarification they haven't done so yet but do plan to in future? How long does it take the commissioner to write a letter or does he have to wait for UNICEF to give him the ability / authority to do this?**

As indicated in our FOI Review Response, the Commissioner has contacted the ICO to seek their advice on the concerns you have raised in terms of the way the Launchpad is operating. A copy of the Commissioner's letter to the ICO is enclosed.

- 2. The Commissioner must review law, policy and practice relating to the rights of children and young people with a view to assessing their adequacy and effectiveness. Why didn't the commissioner do this with the launchpad?**

We consider that all relevant information held in response to this question has been disclosed. As previously outlined to you in our FOI Review Response, paras 1.3 and 2.2, "the Commissioner had not 'looked into' or undertaken a 'review' of the Launchpad as he was not aware of possible privacy implications, in terms of the way the Launchpad was being operated". Our membership of the Unicef Reference Group and Advisory Group had been "to provide guidance and feedback, on the wording and scenarios used to illustrate and explain to children and young people about their human rights...our focus was not on the way in which children and young people were expected to 'sign up' to have access to the resource".

- 3. The Commissioners job is to promote and safeguard the rights of children. These duties are written in statute. The Commissioner for Children and Young People (Scotland) Act 2003 states clearly**

"(1) The general function of the Commissioner is to promote and safeguard the rights of children and young people.

(2) In exercising that general function the Commissioner is, in particular, to—

- (a) promote awareness and understanding of the rights of children and young people;
- (b) keep under review the law, policy and practice relating to the rights of children and young people with a view to assessing the adequacy and effectiveness of such law, policy and practice;"

<http://www.legislation.gov.uk/asp/2003/17/section/4>

### **Why hasn't the commissioner done any of this?**

As indicated in our response to your previous question, prior to receiving your information request in September, the Commissioner had not been aware of possible privacy implications, in terms of the way the Child Rights Launchpad was being operated. Since receiving your request, the Commissioner has raised the concerns you identified with Unicef UK, offering to explore steps that could be taken by Unicef UK to address any possible infringement of children and young people's privacy rights, whilst also seeking to ensure children and young people have the means and opportunity to learn about their human rights.

If you believe that the Commissioner has failed to fulfil their general function and duties, you may wish to make a complaint. Further information about making a complaint can be found on the Commissioner's website at the following address.  
<http://www.cypcs.org.uk/ufiles/Complaints.pdf>

4. **In light of the recent supreme court decision (Re: collecting and sharing kids' data without consent being ruled unlawful) why hasn't the commissioner halted this program until a review on its compatibility with this judgement has been carried out? Being a data controller does NOT mean they can act in contempt of the UK Supreme Court.**

As you have indicated the Commissioner has several duties written in Statute, however in exercising his general function to promote and safeguard the rights of children and young people these duties do not provide him with a sufficient level of authority as to be able to halt the Unicef Child Rights Launchpad.

The Commissioner has noted the concerns you have raised, and contacted Unicef UK for clarification on the way in which the Launchpad is currently operating. Unicef UK have stated that a child or young person does not need to create their own account to access the Launchpad, that it is possible to access it within an educational setting via a whole class account. They have also confirmed that no personal data processed by the Launchpad is shared with a third party. They have also made a commitment to review how the Launchpad could be operated without any personal information being processed.

Considering these factors, at this moment in time the Commissioner is satisfied that this is a proportionate response from Unicef UK to the issues raised. The Commissioner will monitor how Unicef UK progress with their review, and follow-up with them any advice or suggestions for improvements that he receives from the ICO in response to his letter.

Should you require any further advice or assistance concerning this matter 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