

Digital Parental Authority: Navigating the Online World

Explore the evolution of parental responsibility in the digital age, examining the challenges, legal framework, and best practices for protecting minors online while respecting their rights and autonomy.

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Understanding Digital Parental Authority

Definition

Digital parental authority extends traditional parental responsibility to the online world, safeguarding children's safety, privacy, and well-being in digital environments.

Challenges

Balancing parental control with respect for minors' autonomy and privacy presents unique challenges in the digital sphere.

The Digital Landscape for Minors

■ Pervasive Technology

Electronic devices and internet access are now commonplace among minors, offering opportunities and risks.

■ Addictive Design

Digital platforms employ addictive patterns to retain minors' attention, exploiting their vulnerabilities.

■ Digital Identity

A minor's digital footprint often begins at birth, raising concerns about privacy and future implications.



Legal Framework in Spain

1

Civil Code

Provides the foundation for parental rights and duties, interpreted to include digital environments.

2

LOPDGDD

Incorporates provisions on digital rights and reinforces parental duty in online protection.

3

GDPR

Establishes guidelines on processing minors' personal data and digital consent age.





Challenges in Digital Parental Authority



Protecting Against Online Risks

Parents must safeguard children from cyberbullying, inappropriate content, and dangerous interactions online.



Balancing Control and Privacy

Finding equilibrium between supervision and respecting minors' right to privacy is crucial.



Managing Digital Identity

Parents face challenges in preserving their children's digital identity and privacy rights.



Digital Rights of Minors

Right to Privacy

Minors are entitled to personal space in the digital environment, free from unnecessary interference.

Data Protection

Consent for data processing on social networks is required from age 14 in Spain.

Image and Honor

Minors have the right to control their image and develop their own digital identity.



Parental Obligations in the Digital Sphere



Supervision

Monitor children's internet access and activity on social networks and digital platforms.

Education

Teach children about safe and responsible use of the internet and digital technologies.

Protection

Implement measures to safeguard children from online risks and inappropriate content.



Supreme Court Case Law

1

STS 152/ 20 19

Established that using a minor's image on social networks requires consent from both parents.

2

STS 149/ 20 15

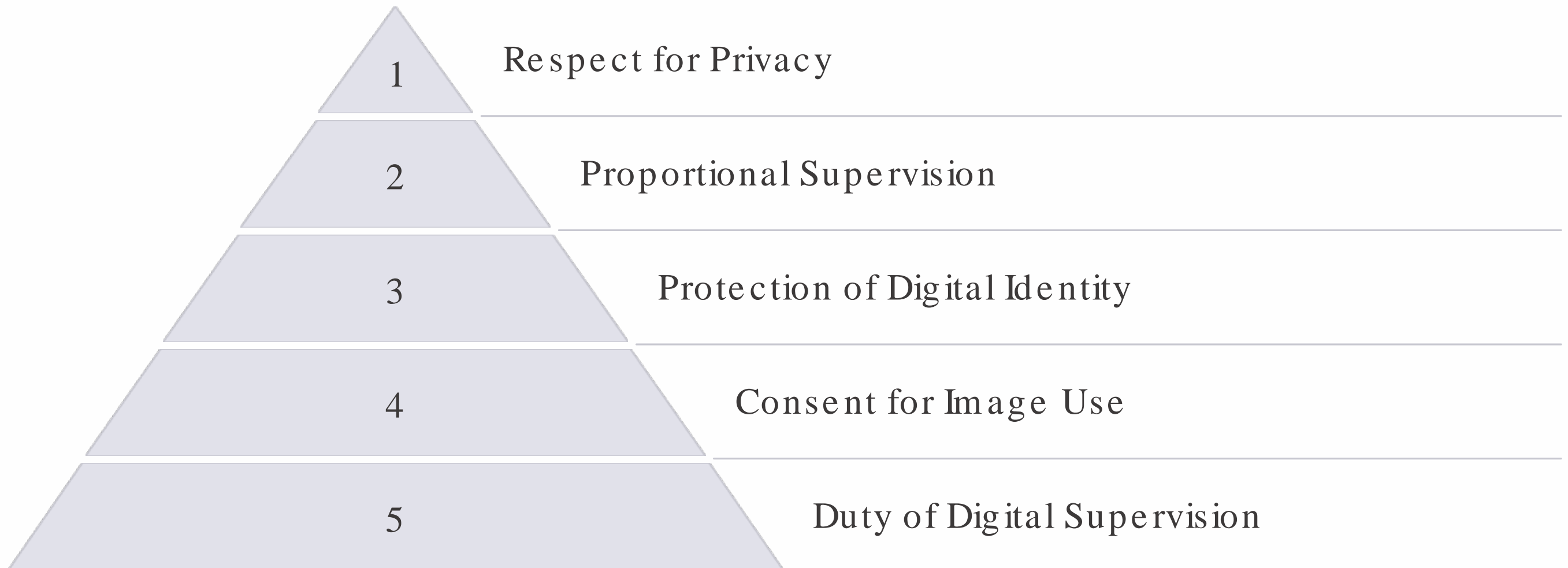
Affirmed parents' duty to supervise and control their children's digital activities for safety.

3

STS 307/ 20 10

Addressed the balance between parental supervision and respect for minors' privacy in digital realms.

Principles of Digital Parental Authority



Challenges: Consent and Social Network Access

1 Age Verification

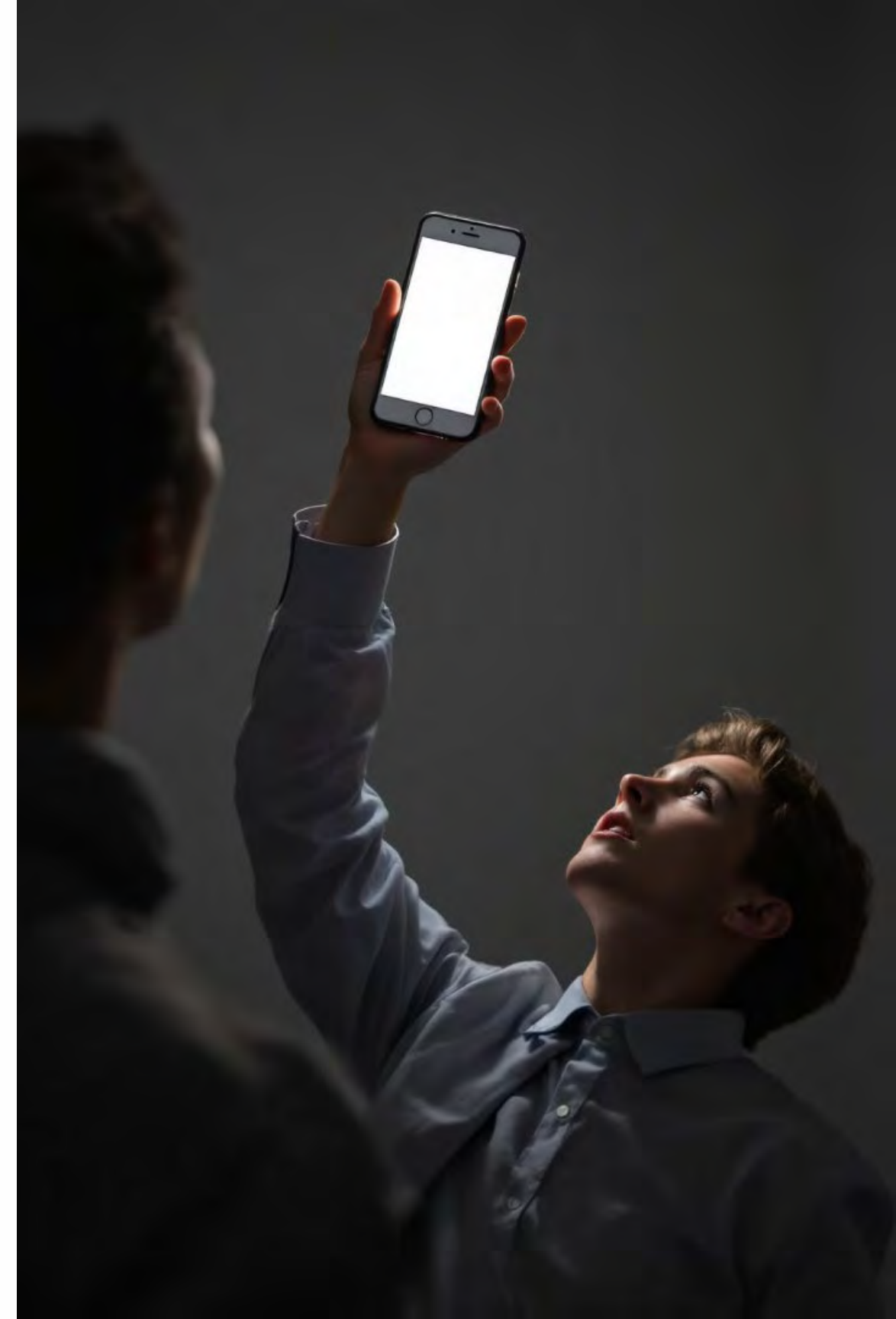
Platforms often have lax age verification measures, making it easy for minors to access.

2 Autonomy Conflicts

Adolescents demand more autonomy in managing their social media accounts, challenging parental control.

3 Parental Disagreements

Separated parents may have differing views on granting social media access to their children.



Privacy vs. Parental Supervision

Proportional Supervision

The Supreme Court emphasizes the importance of proportional supervision based on the minor's age and maturity.

Right to Privacy

Intrusion into a minor's privacy should only be justified when there is evident risk.

The Challenge of "Sharenting"

Parental Sharing

"Sharenting" exposes minors to privacy loss and unauthorized use of their image.

Consent Issues

Using a minor's image on social networks requires consent from both parents in separated families.

Digital Identity

Minors have the right to construct their own digital identity autonomously.



Data Protection and Targeted Advertising



Data Protection Duty

Parents must protect their children's personal data until they turn 14.



Targeted Advertising Risks

Social media algorithms can expose minors to personalized ads, influencing their behaviour.



Privacy Education

Parents need knowledge of platform privacy policies to protect their children effectively.



Conflicts in Separated Families

1

Disagreements on Digital Access

Parents may have different views on granting social media access to their children.

2

Image Use Conflicts

Publishing images of the minor can lead to disputes requiring court intervention.

3

Supervision Approaches

Conflicts may arise when parents have differing digital supervision styles.



The Future of Digital Parental Authority

1

Legislative Reforms

Specific laws on digital parental authority are needed to provide clear guidelines.

2

Mediation and Training

Family mediation and comprehensive digital skills training can help resolve conflicts.

3

Evolving Case Law

Courts will continue to shape the boundaries of digital parental authority.

4

Comprehensive Protection

Focus on protecting minors' digital identity while respecting their growing autonomy.