



Safe on Social

Age recommendation Guidelines and the law

Cheat Sheet

Time to clear something up that parents tell us is often used in talks about cyber safety.

We're talking about the age recommendations provided for social media apps, and children possessing accounts well below the 13+ suggestion.

The refrain is constant. It's "illegal" for kids to have these accounts. Except it's not. It's not illegal.

It's may be foolish because of the impact it has on a child's digital footprint, and it may affect the mental health of a child by being exposed to things they are not emotionally ready for, but possessing a social media app when you are below thirteen will not see any parties involved being arrested.

Almost all social media apps have a recommended age attached to them. Most of these hover around the 13+ mark, but some are 17+, some 14+, it varies. Familiarise yourself with these in the terms and conditions of use rather than what the app store says.

An age recommendation reflects the minimum age that a potential account holder should be. Content and concepts that appear within the app are therefore not considered suitable for a younger user.

These recommendations are the BARE minimum that the developers of the apps can get away with. It's an extraordinarily easy thing to lie on social media sign-up details when providing a DOB. There is a common misconception that these age recommendations have some kind of legal tie in. That someone can be prosecuted in some way for having an account on an app in breach of the recommendations provided. For a child, this is not the case.

While Australian law is set up to deal with R+ and X + rating movie and gaming content, and can prosecute for children being exposed to such content - this does NOT apply to social media age recommendations. Let's use Instagram as an example.

There are an enormous number of kids well under the age recommendation of 13+ holding accounts on this app in Australia.

Safe on Social Media regularly see children in Year 2, happily providing their full name, age, additional social media addresses, and too much information in the bio area on Instagram on a public account – supported and sometimes even encouraged by Mum and Dad.

It's incredibly risky to let a tween/child loose on this social media app before they are mature enough to manage it. And the rationale that "everyone else has it" is no excuse anymore.

Choosing followers, using privacy settings, and determining what sort of content is appropriate to post is beyond the level of maturity these children possess, but it's NOT illegal.

What is illegal, are the shots an underage child takes and posts on social media, those ones when they are in their underwear or less, or posing provocatively. That falls under the category of self-produced child pornography (posing in a sexual way). Sending that image onwards? That's distribution of child pornography.

These are serious crimes and it might seem like an impossibility that a child under the 13yr age recommendation could be guilty of such. Yet that is the technical reading of the law.

Currently Federal Child pornography laws found in the Criminal Code 1995 (Cth) state that it is illegal to take, share, keep and distribute images of a sexual nature (AND this includes the individual if they are sending images of themselves) if the person involved is under 18, by phone or online. The most relevant section is s474.19 – Using a carriage service for child pornography material. The offence lists the following criteria to prove guilt in an individual.

An offence is recorded if a person:

- Accesses material or causes material to be transmitted to himself/herself
- Transmits, makes available, publishes, distributes, advertises or promotes said material
- Asks for material

Now what IS illegal is out of the way, underage accounts are not recommended. What this underage use is doing is encouraging lying and deceptive behaviour.

Lying about their age online is a bad idea, due to the digital footprint left behind. In later years of life, it may be possible to determine that a prospective job applicant chose to lie about their age repeatedly in their digital life.

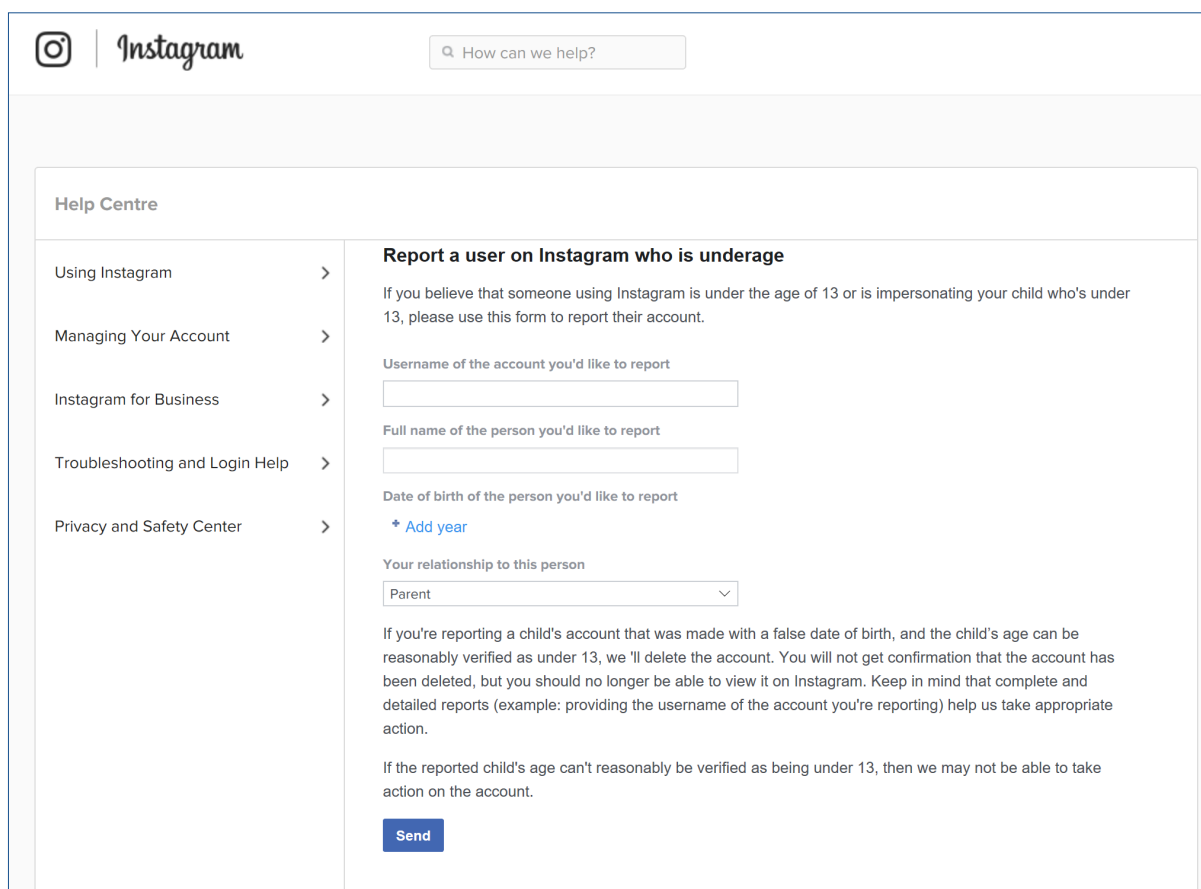
This may show a pattern of deceit and bad character unattractive to a future employer, and is a very negative addition to an individual's digital footprint. Worse, this lying is often condoned and sometimes encouraged by parents.

The penalties for an "underage user" on social media are..... nothing. There is no legal remedy or punishment under Australian law.

The options are to report to Instagram (or other social media app) that the account holder is underage, and the account will eventually be deleted if the relevant form is filled out correctly.

This is how that can be done for Instagram

https://help.instagram.com/contact/723586364339719?helpref=faq_content



The screenshot shows the Instagram Help Centre interface. At the top left is the Instagram logo and the word "Instagram". To the right is a search bar with the text "How can we help?". Below this is a "Help Centre" section with a list of categories on the left: "Using Instagram", "Managing Your Account", "Instagram for Business", "Troubleshooting and Login Help", and "Privacy and Safety Center". The main content area is titled "Report a user on Instagram who is underage". It contains the following text: "If you believe that someone using Instagram is under the age of 13 or is impersonating your child who's under 13, please use this form to report their account." Below this are several input fields: "Username of the account you'd like to report", "Full name of the person you'd like to report", and "Date of birth of the person you'd like to report" (with a "+ Add year" link). There is also a dropdown menu for "Your relationship to this person" with "Parent" selected. The form concludes with a "Send" button and two paragraphs of explanatory text regarding account deletion and verification.

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