



## A Forensic Glance to Children's Virtual Privacy in Web 3.0

### Web 3.0'da Çocukların Sanal Mahremiyetine Adli Bir Bakış

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**Abstract:** With the social media era considering as a turning point for communication age sharing has become unlimited. Many families have chosen technological devices rather than a safe play area for their children. It has been considered that children hang by a thread regarding easily accessibility and personal info via YouTube which is considered the biggest video sharing platform and another recent micro-film application which is popular with children.

It is necessary that children and adolescents to get connect with their peers. The children and adolescents who are lurking in online world without any guidance may join social media movements so called "trends".

The other thread which children and adolescents could face is the video-sharing sites which turned into trading sector. While children are online, their parents who have an urge to get goods from those sites give their children a chief part in those videos.

Another negativity for children who have a role in these videos is destructive comments that are typed under videos. Some comments which are filled with jealousy and anger can be labeled as "cyber-bullying"

Consequently, when the severe usage of YouTube and video-sharing sites considered, it has been a necessity to protect children' personal information and their privacy. The harm which is stemmed from sales policy has to be spoken by experts. If there are some platforms which are harmful for children by the meaning of sexual and economical abuse have to be warned.

**Keywords:** YouTube, TikTok, Child, Adolescent, Neglect, Abuse

**Öz:** Haberleşme ve iletişim çağının dönüm noktalarından biri olan sosyal medya dönemi ile iletişim ve paylaşım sınırsız hale gelmiştir. Birçok aile eskiden olduğu gibi çocuklarına oyun ortamı sağlamak yerine teknolojik araçlara başvurmayı tercih eder hale gelmiştir. En büyük video paylaşım platformu olarak kabul edilen YouTube ve son dönemde çocukların bir diğer uğrak noktası olan mikro-film uygulamaları yoluyla milyonların beğenisine çıkan çocukların, akıllı telefon ve tabletler aracılığıyla kolay ulaşılabilirlik ve kişisel bilgilerinin gizliliği bakımından tehdit altında oldukları düşünülmektedir.

Çocukların/ergenlerin akranlarıyla iletişim kurmaları olumlu kimlik gelişimleri için gereklidir. Çevrimiçi dünyada herhangi bir rehberi olmadan kendi başına hareket eden çocuk veya gençler bu kimlik arayışı sırasında akranlarıncı kabul görmek adına "trend" olan sosyal medya akımlarına katılabilmektedirler.

Çocukların/gençlerin karşılaşabileceği bir başka tehlike ise video-paylaşım sitelerinin artık birer ticaret unsuru haline gelmesinden kaynaklı olabilmektedir. Bu kazançtan pay almak isteyen içerik üretici aileler ise artık kendi çocuklarını da videoların başrolü haline getirmeye başlamışlardır. Bu sitelerdeki videolarda rol alan çocuklar için bir diğer olumsuzluk ise çocukların erişimi sınırsız olan bu videolara yapılan yorumlara maruz kalmalarıdır. Kimi yorumcunun kıskançlık ve öfke duyduğu bu yorumlar bir çeşit "siber zorbalık" olarak nitelendirilebilmektedir.

Sonuç olarak, YouTube ya da video-platform sitelerinin yaygın olarak kullanımı göz önünde bulundurulduğunda çocukların kişisel bilgilerinin ve mahremiyetinin titiz bir biçimde korunması gerektiği anlaşılmaktadır. Çocuklar üzerinden güdülen satış politikalarının çocuğun ruhsal gelişimine zarar verdiği uzmanlarca dile getirilmeli, çocukların ekonomik ve cinsel olarak istismar ve ihmal edildiği düşünülen platformlar yasal kanallarla uyarılmalıdır.

**Anahtar kelimeler:** YouTube, TikTok, Çocuk, Ergen, İhmal, İstismar

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## 1. Introduction

Along with the social media period which is one of the milestones of the communication era, communication and sharing have now become almost indefinite. In this virtual world, ever-changing with the current information technologies which bring us new terms such as anonymization, cyberbullying, etc., children cover one of the third of the total amount of internet users (1). With the change from Web 2.0 to Web 3.0, the possibility of sharing social media and private life has made it necessary for children to be observed in video sharing platforms.

## 2. YouTube Video Sharing Platform

Considered as the biggest video sharing platform, YouTube, with the chance of access from 88 countries with 76 languages, has more than 1 million users (2). This platform, used frequently by children under the age of 13, and seen as the primary amusement way, by the ones age of 8, enables its users to create their own content and share their personal information with anonymous viewers (3-5). Via YouTube Partner Programme, YouTube has developed a system that enables its content creator users to have financial gain, as advertisement gain. In this way, video creators are not only getting sponsor share thanks to the products, such as toys, candy, video games, etc., that they have promoted in their own videos, but they also gain certain amounts of money from the views and likes, determined in the YouTube's mentioned program (6). In 2018, to be able to participate in the Partner Programme, one needed to have 4000 hours of views and 1000 subscribers in the last 12 months (7). YouTube's economic incentives with the purpose of turning its users into "creative content creators" caused YouTube to become a platform that people get ambitious about being famous (9). Thus, young users have started to show some parts of their personal lives, scripted or unscripted, to the public to get a "micro-fame".

### 2.1. Privacy of Child in Microfilm Practices

Lately, children under the age of 18 have been involved mostly in microfilm practices (10). Children, who can be seen by millions and liked by them with very short-time videos formed as playback, are under threat, in regards to accessibility and confidentiality of personal information, via smartphones and tablet computers (11). In this respect, microfilm sharing practices, such as TikTok, Musically, etc., have been fined 5.7 million dollars for the claim for recording children's information without the allowance of their legal guardians and the use of this information by the third persons (12).

One of the most important developmental tasks of childhood is the ability to building suggestive social relations. However, modern life has altered the playgrounds and social interaction spaces of young ones. Many families now enable their children to access technological devices easily, instead of organizing a playground as it was before (13).

### 2.2. Traumatic Effects of Video Sharing Sites and Microfilm Practices on Children

One of the most important steps of the identity development of children, especially adolescents, is the quality of the relationship with their peers. Revealing oneself or self-presentation refers to the children's choice of an image or an identity to show the others. During this period, the child opens up in the context of their thoughts, feelings, and behaviors. Their self-expression and how they presented themselves to their peers affect identity development. Thus, it can be deduced that the children who use these kinds of video sharing channels or microfilm practices can face various troubles in that of this identity task (14).

Children or adolescents who go through online without any parental guidance may follow social media trends in order to be accepted by their peers. One of these trends is the one that is some kind of show of strength, called "choking challenge." According to a study, attracted by adolescents since the time YouTube was established, 2005, with the choking challenge, peers try to experience the "euphoria" by choking themselves with or without an instrument and stop the action right before passing out. This behavior is thought to be a show of strength and proving oneself to others. According to a study based on abroad, the frequency rate of this challenge among adolescents is in the range of 6%-12% (15).

Another YouTube "trend" that affects the children and adolescents is the videos of "hurting themselves" without suicide. This behavior's frequency rate among adolescents is in the range of 14%-21% (16). In the event of the repetition of the mentioned harmful behavior, which appeared again as a trend, it can cause children and adolescents to have interpersonal communication problems, increasing psychological symptoms and completed suicide attempts (17). It is considered that it poses a treat for the audience, children and adolescents, and it can affect their development negatively.

Another threat that children and adolescents can face is derived from the fact that video-sharing websites have now become commercial. In the event of finding a sponsor in a direct way or in a roundabout way, content creators whose videos are broadcasted on YouTube can gain

certain amounts of money (18). This new feature directly affects especially children and adolescents that cover a wide range of internet users. In fact, video games, toys, kids' games, and all the materials appealing to children are among the most "clicked" videos. 21 of 100 channels, whose users are from Turkey and total views are in the range of 27,839,567,985 and 567,171,174, are detected channels themed as toys, video games, cartoons and children's games (19).

It is observed that in many videos offered to the audience, there are elements that are thought to be harmful to children's mental health. In some videos that contain a lot of expressions such as blood and death, "fake" games of children recorded by their parents can make children feel troubled and as if they were in a la-la-land. The rating of this kind of "real life" themed videos is quite high among children. These kinds of videos are thought to cause bad behaviors (21). Even the children in the videos seem like they are doing the action and having fun, they are still directed by their parents and act as their parents want. Moreover in some of these videos, children are even forced by their parents or producing companies to act in a way that does not good for their mental or physical development. It can be clearly seen that in some videos that the child's right to privacy is ignored and their whole day is presented to the audience, the child leading is doing makeup or dying their hair to different colours, just like adults (21,22). Another negative effect of these videos for the children in it is that they are exposed to the comments made for these videos with unlimited access. Some comments can be considered as a kind of cyberbullying for showing the jealousy and anger of the person who makes the comment. A little child at the developmental stage might have to face comments filled with jealousy, anger, mockery, and hatred, addressing their physical appearance, voice, characteristic features, written by their peers, and therefore, their mental health might be affected negatively (21).

Moreover, economical abuse of the children who are the actor or the viewer of these videos is also at the agenda. Channel owner parents, firms that placed an ad into the video and video-sharing platforms take advantage of the contents that children spent time and energy on. To make this income permanent, parents might feel like they have to create new content all the time and they record and broadcast videos consistently in order not to lose their subscribers. These obligations are believed to take the children out of the playground and turn them into some kind of "virtual workers" (21,23).

### 3. Digital Footprints and the Child's Virtual Privacy

The anonymous environment in the social sharing websites and apps does not provide information on who has the children's personal information or images (24). Thus, it is claimed that children's personal information and images can be used for visual arousal by anonymous persons (24, 25). Therefore, according to a project supported by the European Union, it is discovered that 22% of children who spend time on access environments such as internet and social media have exposed to sexually explicit messages (26).

Changed with Web 3.0, the virtual security concept has gained even more attention especially with easier access of children to the web. This brings the necessity to argue on this in order for the protection of children from neglect and abuse. In this study, three primary topics on the virtual security of children have been determined. These topics are "digital footprints" that children leave after every single activity he performed, "discernment" which is the source of child's reactions to various types of situations, and "informed consent" which should be taken as a legal basis for the social media or for every website that the child is the user.

One of the most critical problems related to the virtual world and children is the possibility of the stream of digital identities of child users in the digital world for a lifetime. This digital identity, defined as the whole of online platforms and social media equipment, has started to take more place in the modern world with the popularisation of information technologies (27).

Written or visual contents shared by individuals or child users are effective for these individuals or child users in the virtual world, other than their real environment. Considered from this perspective, it can be said that no matter how cautious the individuals are on their personal data, sharing networks have bigger effects on these digital identities (28). Thus, social media service which hosts the digital identity can mostly use data for economical reasons.

Obtained by social media sites and firms, these digital identities might change hands without the knowledge of individuals, in that case children, and might be used a virtual identity completely unrelated to its real owner. On the other hand, these data may be obtained not only to be used in social media but also by other digital service providers trading data. In this respect, it can be said that when the number of these data-collecting organizations increases, the control of children and their parents on this data will disappear. This may be thought some kind of neglect caused by parents (29).

As Boyd stated (2008), data collected online become perpetual when it is automatically recorded and saved (30). Perpetuity of this data collected from various channels brings ethical problems for children. Therefore, the fact that these data become permanent and their long-term effects and consequences make it even a bigger problem (31).

With the rapid improvement in technology, the anonymization of data has now become another problem. This problem is caused because of the lack of privacy with the aggregation and anonymization of data in the digital world (32). Even these data, anonymized in the virtual environment, is a secured argument for the third-party software developers or service providers, it is still possible, using various technics, to remove the anonymity of these data (30, 33). Reverting the child's digital identity into a real one might lead to adverse outcomes in their life. This lack of privacy on their real identity will harm their future social, work and personal lives and will cause them to face discrimination (28).

However, as people started to gain from platforms such as Youtube, content creator parents who would like to get a share of the cake has pushed their own children to be the lead in the videos. Nevertheless, this poses a problem. According to UNICEF Data Research and Policy Department, children constantly leave digital footprints on online platforms. Thus, it is emphasized that these footprints are followed and abused by malicious people, and therefore, it is strongly recommended the necessity of precautions that will cover the digital footprints of children (20).

#### 4. Discernment of Child

When it is generally thought that children use technology effectively, it is still accepted they are not fully aware of the internet terms such as cookies that copy personal data and offer them to the third-party software (35). Therefore, it must be recognized that children's forward-looking discernment is still progressing on the decision-making mechanism (36). Also, when it is considered the fact that adolescents who are 12-14 can mostly act impulsively, it is thought that they are even more careless about personal data (37).

#### 5. Informed Consent

In cases as giving credentials for signing up to social media sites or complete a buying on various websites, "informed consent" becomes a necessity, especially for securing the data. Another ethical problem is children's consent without the knowledge of their parents (38). According to research on informed consent in 2005, it was

understood that none of the websites designed especially for children had clear instructions. Therefore, "terms of use" which must be included in informed consent, was written in a quite formal way (39). On the other hand, the "terms of use" option push children and parents to make a choice between complicated provisions and giving up the service they want to acquire. Hereby, these websites claim that they secure the data themselves. Nevertheless, these websites expect their visitors to give consent to a statement that is not clear and understandable.

#### 6. Conclusion

The problems encountered should be evaluated in the legal framework of the articles on the protection of personal rights placed in the Turkish Civil Code and the Turkish Republic Constitution Articles 20 and 41. The Turkish Republic Constitution Articles 24, 25 and 26 intended the retention of legal personality. According to these articles, one's name, honor, material and nonmaterial integrity are legally protected and it can be initiated legal action for those who cause harm on mentioned legal principles (40). In this respect, it is possible to damage nonmaterial integrity.

However, it is stated in the Turkish Republic Constitution Articles 20 that; "Everyone has the right to respect for his private and family life, his home and his correspondence. There shall be no interference on the right of privacy and family life." Again, the Turkish Republic Constitution Article 41 is on the protection of family and child rights, and it declared that the state shall take necessary precautions against all kinds of abuse or violence.

There are lots of children monetized by their parents who have a reputation on YouTube or other social media platforms. The parent, who should be the one to protect the child from various harm and abuse, has become the one who abuses their own children economically and causes the violation of their right of privacy, consciously or unconsciously, by exposing the child (41).

It is an undeniable fact that social media or other applications and virtual services that children frequently use obtain some personal information. However, this case can also be in favor of children. These data collected may be turned into vital maps for children with the help of adequate analysis (42). Thanks to this map, children in a difficult situation who are in need of vital necessities can be located and helped with these necessities to be covered.

The data collectors ought to offer solutions especially on social media platforms where children accept "the terms of use" without the recognition of the system and share their data. At the present time, with the spreading of

smartphones, developments in technology cause security measures to be varied. It is now possible to detect the age of the user using iris or facial recognition (43). In the event that the one who accepts to share their “data” by signing up is recognized as a child according to the national and international legal regulations, then the sharing of the data may not be approved. On the other hand, when a child, who wants to be involved in the system with the help of their parents, inform them, it will be possible to protect the child’s privacy.

Eventually, when it is considered the frequency of occurrence of informative technologies, spreading of internet and evergrowing and ever-changing system of social platforms, it is clearly understood that children’s personal information and privacy must be guarded carefully. Families must set up a rule on the duration of the use of smartphones, tablet computers etc. for their children and observe them during the use of these devices. Experts must reflect that economic reasons and sales policies conducted on children are harmful to their mental development. Also, platforms, which are thought to be the reason for children to face abuse and neglect, must be legally warned. These platforms must offer solutions against abuse and neglect, and make these solutions permanent.

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