

Children's Personal Data under the Digital Personal Data Protection Act, 2023

Who is a child?

Under the Digital Personal Data Protection Act, 2023 (DPDPA), a child means any individual below 18 years of age.

Key Obligations for Organizations

1. Obtain verifiable parental or lawful guardian consent before processing a child's personal data.
2. Do not process children's personal data in a manner likely to have a detrimental effect on the child's well-being.
3. Do not undertake behavioural monitoring or tracking of children.
4. Do not carry out targeted advertising directed at children based on their personal data or online behaviour.

Practical Implications

Organizations such as EdTech platforms, gaming companies, social media platforms, healthcare providers, e-commerce businesses, and connected device providers should implement age verification mechanisms, parental consent workflows, child-specific privacy notices, and privacy-by-design controls.

Recommended Compliance Controls

- Age-gating and age verification mechanisms.
- Verifiable parental consent workflow.
- Child-friendly privacy notices.
- Disable behavioural tracking and targeted advertising for child accounts.
- Follow data minimisation and purpose limitation principles.
- Maintain consent records and conduct periodic compliance reviews.

Key Takeaway

The DPDPA moves beyond obtaining parental consent. Organizations must design products and services that are privacy-first, child-safe, and ethically responsible by default.