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Social Media age recommendation guidelines and the law



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. There is no legal remedy or punishment under Australian law.

It 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.

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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 account user names (Snapchat), 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.

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 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

That is the penalty if someone chooses to act. The removal of the account. No fines, no charges, no safeguarding investigations for holding such an account – nothing. That these juvenile account holders have broken a law is a misconception.

It is not illegal. Age restrictions or recommendations are not enforceable under law.

The penalties for an "underage user" on social media arenothing.