

Worksheet 4.4

Your Life Online — FAQs

We answer some frequently asked questions from young people about online rights and internet use.

№.1 What does GDPR stand for?

A: GDPR stands for the General Data Protection Regulation. It is an EU law on data protection and privacy which gives you more rights to know how your data is being used and why.

№.2 Can I say anything I want online?

A: No, while there is a constitutional right to freedom of speech, that right is not absolute and must be balanced against other people's rights. The **Harassment, Harmful Communications and Related Offences Act 2020** has been introduced to broaden the scope of the offence of online harassment to cover all forms of persistent communications about a person, and will cover situations where the perpetrator distributes or publishes a threat or grossly offensive communications to the victim or about the victim and is likely to be used to **address cyberbullying**. It can cover once-off threatening or grossly offensive communications and will increase the penalty from 7 to 10 years imprisonment. For example, you cannot incite hatred against a person online or defame them etc. In addition cyberbullying another person online can lead to criminal charges of harassment.

№.3 Using someone else's work (pictures, music, video or text) you find online without their permission is illegal.

A: Using somebody else's work without their permission is a potential copyright infringement and a civil wrong.

Should you use another person's work in your own work, without acknowledging same, as well as being a breach of copyright, it may also be plagiarism.

№.4 I can post a video, photo or audio of someone else online without their permission.

A: Publishing a video, photo or audio of someone else without their permission might constitute an offence depending on the nature of the content.

Coco's Law: The Harassment, Harmful Communications Act 2020 introduces new offences to deal with the non-consensual distribution of intimate images with a penalty of an unlimited fine and/or up to seven years imprisonment. It will be irrelevant that a person may have consented to the taking of an image if it is subsequently published or distributed without their consent.

Individuals have a constitutional right to privacy which must be respected and videos, photos, audio files taken of people in a place where they would expect privacy may breach that right and constitute a civil wrong. Individuals also



have privacy rights under the European Convention on Human Rights.

In addition, anyone who publishes private content online could also be in breach of the General Data Protection Regulation (“GDPR”) and be required to take the content down or be subject to fines.

A common sense approach is always best and it is good practice to ensure that you have a person’s consent to post his or her photo and to take down a photo of someone if they ask you to.

№.5 It is an offense to impersonate someone online?

A: Setting up a fake profile in order to impersonate someone, publish false information or target another person online is an act of cyberbullying and may also constitute a criminal offence under the Harassment, Harmful Communications and Related Offences Act 2020.

№.6 Can I sign up for a social media account if I am under 16?

A: The Digital Age of Consent in Ireland is 16 under section 31 of the Data Protection Act 2018. This means that in order to legally process the personal data of a person under the age of 16, a social media company must make reasonable efforts to obtain the consent of that person’s parents, if the company is relying on consent as the legal basis for processing personal data. Additionally, most companies provide that a person under the age of 13 cannot set up an account, even if they have their parent’s consent.

№.7 Can I request information about me to be removed from the internet?

A: Yes, if your personal data is no longer needed or is being used unlawfully then you can ask for your data to be erased. This is known as “the right to be forgotten”.

These rules also apply to search engines, such as Google, as they are also considered to be data controllers. You can ask for links to web pages including your name to be removed from search engine results, if the information is inaccurate, inadequate, irrelevant or excessive.

№.8 Is online harassment/hate speech an offence?

A: Yes, the Harassment, Harmful Communications and Related Offences Act 2020 has been introduced to cover all forms of persistent communications about a person, and will cover situations where the perpetrator distributes or publishes a threat or grossly offensive communications to the victim or about the victim. It can cover once-off threatening or grossly offensive communications.

№.9 Can social media and online companies share my information with anyone?

A: Yes, however GDPR requires that any company which gathers your personal data must get your permission before sharing this information with third parties. You must be given the option to “opt-in” to sharing your personal data with third parties. Any website which tells you that you need to “opt-out” of data sharing is not GDPR-compliant.

№.10 Can I access my personal data held by a company or organisation?

A: Under GDPR you have a right to ask for and obtain from the company or organisation confirmation as to whether or not it holds any personal data which concerns you. The right of access is one of the most important data protection rights because it allows individuals to find out whether their personal data is being held by a specific organisation and to obtain a copy of their personal data.

Activity 4

Quizzing the law

This activity is owned, and was produced, by the eSafety commissioner who are an Australian Government agency. It has been adapted here for the Irish context.

Step 1

Organise students into small groups and ask them to brainstorm or research legislation in Ireland related to media, technology, the internet or digital devices. Some examples include:

- bullying, and bullying using social media or technology
- copyright laws
- taking, sending and sharing sexually explicit images
- someone threatening you online
- posting videos of fights online
- identity theft
- anti-piracy laws (downloading content)
- data protection

Step 2

Ask students to research current legislation, including if it is national or European law. The *Your Life Online* answer sheet is a helpful starting point.

Example – Ask students to research the General Data Protection Regulation (GDPR)

Some other useful resources include:

www.webwise.ie

www.dataprotection.ie

www.gov.ie/en/campaigns/be-safe-online

www.eugdpr.org

www.gdpr-info.eu

www.itsyourright.ie

www.oco.ie/itsyourright

www.un.org/en/about-us/universal-declaration-of-human-rights

www.ohchr.org/en/professionalinterest/pages/crc.aspx

www.echr.coe.int/Pages/home.aspx?p=basictexts&c

www.childrensrights.ie/sites/default/files/Know-Your-Rights-2019.pdf

Step 3

With this legal information, invite students to create a digital laws quiz for younger students. They might like to think about which legislation is most relevant to students in 1st or 2nd year (for example). Students might like to use digital resources to create and share their quizzes e.g. Kahoot, Google Forms, Office 365, Quizlet, Quizzes, Wizer.me, Survey Monkey.

Sample Quiz Questions

- What is the digital age of consent in Ireland?
- What types of material does copyright law include? (Give three examples)
- What is the right to be forgotten?

Step 4

Review, play and edit the quizzes as a class group.

Step 5

During or after the quizzes, explore these questions:

- What most surprised you about your research?
- What are the differences between legislation for young people under 16 or 18, and adults 18 and older? Do you agree or disagree with these differences?
- Which legislation most needs to be updated and why?
- How has legislation related to media and technology changed over time? Why?
- If you could create new legislation related to media or technology, what would you develop and why?

Tips and ideas

- This is a great activity for a cross-age student interaction. Students can work with smaller groups of younger students or create a longer class quiz to present to younger students in another class.
- Creating the quizzes online allows students to edit and modify their questions and answers, as well as answer feedback after the class group has reviewed their quiz. This will help students to practice editing their work and improving the clarity of their writing.

