

25 February 2021



Mr Rod Sims
Chair, Australian Competition and Consumer Commission

By email to: adtechinquiry@accc.gov.au

Dear Mr Sims,

We write in response to the ACCC's Interim Report on the Digital Advertising Services (Ad Tech) Inquiry (Inquiry).

The Obesity Policy Coalition (OPC) is a partnership between Cancer Council Victoria, Diabetes Victoria, VicHealth, and the Global Obesity Centre at Deakin University, a World Health Organization Collaborating Centre for Obesity Prevention. The OPC advocates for evidence informed policy and regulatory change to address overweight, obesity and unhealthy diets in Australia, particularly among children.

Every child should be able to participate in a digital environment that promotes their wellbeing and protects them from harm and exploitation.

Digital media is an important part of children's lives, and they use it to learn, to access information, to communicate with friends and family and for entertainment. Children should be able to participate in this environment without the collection, use and disclosure of their data or personal information, particularly for the purposes of marketing of harmful products, like unhealthy foods and beverages.

The OPC is concerned about the processed food industry's use of digital media to target children with marketing for unhealthy food, and the impact of this marketing on children's health and wellbeing. The technology that enables digital marketing gives processed food companies access to increasing amounts of data on Australian children, including specific information about a child's online behaviour, purchase preferences, social networks and physical location. This data can then be used by the processed food industry to deliver personalised, targeted marketing campaigns that normalise an unhealthy diet, influence what children eat, want to eat and ask caregivers to purchase, as well as building powerful brand awareness from a young age.

Our community expects government to act to protect children, putting their health above company profits. This includes setting higher standards to protect children's data and personal information online, and to stop the collection, use and disclosure of that data and personal information which is then used to target children directly with unhealthy food marketing.

The Inquiry should assess the impact of current practices and reform proposals on children

We understand that there are significant competition concerns within the Ad Tech sector that the Inquiry seeks to address. Resolving these issues must not, however, be done at the expense of consumers and, in particular, at the expense of children. The Interim Report in many instances acknowledges that proposals would need to be designed in a way that

protects consumer privacy, however it does not include an assessment of the potential harms of expanding access to, and use of, consumer data even where consumers are not identifiable. It does not assess how children will be affected by this expansion, nor does it assess the necessary steps to ensure children are protected.

The digital marketing system is designed to benefit corporations, including advertisers, advertising agencies and digital platforms, with little consideration given to the impact on individual consumers, subsets of consumers or to our community as a whole. We ask the ACCC to assess these broad issues and the overall net benefit or harm resulting from the proposed reforms, with particular focus on the impact on children.

The Inquiry should protect children by recommending steps to ensure children's data cannot be collected, used or disclosed by the Ad Tech sector for marketing purposes

We make the following recommendations for change in the final report:

1. The final report should expressly assess how each proposal will affect children. We note that the Interim Report did not include sufficient assessment on how the current ad tech system, or any of the proposals for reform, affect or will be likely to affect, children.
2. We ask the ACCC to recommend that children's data must be protected, specifically that no children's data can be collected, used or disclosed for the purposes of any form of marketing.
3. We ask the ACCC to recommend that children be expressly excluded from the operation of all proposed reforms that enable expanded access to or portability of data.

We thank you for your consideration of these important issues. Please contact me at [REDACTED] if you would like to discuss any of the issues further.

Kind regards,

[REDACTED]

Jane Martin
Executive Manager
Obesity Policy Coalition