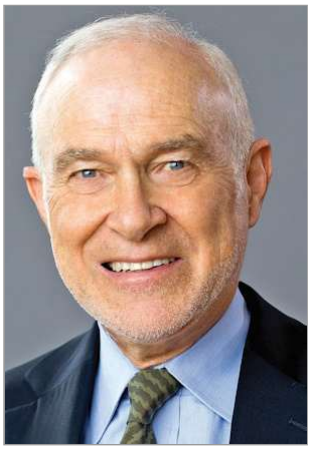
LAW360® Canada

Law360 Canada | 2 Sheppard Avenue East, Suite 1900 | North York, ON M2N 5Y7 | www.law360.ca
Phone: (800) 668-6481 | customerservice@lexisnexis.ca

The OPC's Children's Privacy Code: A statutory design code precursor for platforms?

By **David Young**

Law360 Canada (November 19, 2026, 2:41 PM EST) -- The Office of the Privacy Commissioner of Canada (OPC) has published its *Children's Privacy Code*, a guidance document for organizations interacting with children and youth through online platforms.



David Young

The code is the latest instalment in the emerging regulatory initiatives to protect children and youth from online harms. Its origins may be traced back to the U.K.'s 2022 statutory code of practice for online communications with children — *Age appropriate design: a code of practice for online services*. Since the publication of the U.K. code, its precedent has been followed in many international jurisdictions. More critically, events have overtaken the specific focus on privacy protections for children.



TarikVision: ISTOCKPHOTO.COM

In Canada, the Tumbler Ridge tragedy, involving the use of the ChatGPT AI tool by a youth contemplating gun violence, has pushed to the top of the federal government's legislative agenda reintroduction of an online harms law with a primary focus of protecting children, as well as its continuing attempt to modernize the privacy law to strengthen children's protections. Additionally, these initiatives must be viewed in the context of the government's proposed transfer of privacy oversight to a new regulator, the Digital Safety and Data Protection Commission of Canada, which will have jurisdiction for both privacy and online harms.

In the face of these developments, much of the regulatory focus is now on preventing harm to children and youth online as opposed to the arguably narrower focus of protecting their personal information. Consistent with the government's proposed online harms law, other governments both domestic and international have enacted or are proposing: social media bans for children and youth, legislation banning addictive social media features directed at children, and rules regulating or prohibiting chatbot interactions with children.

Unlike the U.K. code and similar initiatives in U.S. states, which have the force of law, the OPC's code

is a guidance document. While it includes what may be characterized as "bright-line" rules or standards as are found in the U.K. code, the thrust of the code is to provide guidance points for organizations considering interacting with children online, all in the context of ensuring compliance with the operative privacy law, the *Personal Information Protection and Electronic Documents Act* (PIPEDA). The code sets out what it describes as robust privacy-protective expectations for organizations that collect, use or disclose children's personal information, to be grounded in privacy rights deserving of enhanced protection, and that such protection should be embedded into the design practices of all online interactions with children and youth.

The code is intended to apply to all interactions with children under the age of 18 and to all organizations governed by PIPEDA that collect, use or disclose personal information — specifically those involving an online commercial service (including websites, applications, platforms and digital tools) that is directed at children, or is likely to be accessed by children. In other words, it applies irrespective of whether an organization intends to direct its service to children — even if not intended to be so directed, if the service is likely to be accessed by children, the code will apply. The code provides guidance indicators to assist organizations in determining whether either of these criteria apply to a particular service.

The code articulates certain "Foundational Principles," which it describes as the overarching values and considerations that underpin the code, as opposed to specific obligations. Key among these principles are the recognition that decisions regarding operationalizing any child-related interaction must take into account the best interests of the child, that such decisions must address child-specific risks that are distinct from those affecting adults, and that as children grow, they have an evolving capacity to understand and make privacy-related decisions.

However, the core of the code is contained within its sections that set out "Expectations" and "Prohibited Practices." These provisions articulate what can be considered the key compliance rules of the code, analogous to the "standards" set out in the U.K. code, although in certain instances they are articulated as simply expectations or best practices as opposed to hard and fast rules.

As noted, the code must be viewed in the context of legislative and judicial developments regarding children's online harms generally. In particular, a key focus of the government's proposed *Digital Safety Act* is the protection of children and youth online from harmful content and from victimization and exploitation. As can be appreciated, any such activities inherently involve the obtaining and use of personal information about an individual. There is wide recognition of the risks to children that may result from processing their personal data, potentially resulting in physical or psychological injury.

Significantly, the *Digital Safety Act* contemplates a statutory governance framework for online platforms. The requirement for platforms to adopt child-protective design features may be seen as a vehicle for the proposed commission to articulate in effect a mandatory design code that addresses not only online harms but also the related protection of children's online privacy. The code could inform the development of such a statutorily mandated design code.

The OPC is soliciting comments on the code until Jan. 20, 2027, after which it may publish an updated version of the code.

David Young is principal at David Young Law, a privacy and regulatory counsel practice in Toronto.

The opinions expressed are those of the author(s) and do not necessarily reflect the views of the author's firm, its clients, LexisNexis Canada, Law360 Canada or any of its or their respective affiliates. This article is for general information purposes and is not intended to be and should not be taken as legal advice.

Interested in writing for us? To learn more about how you can add your voice to Law360 Canada, contact Analysis Editor Richard Skinulis at Richard.Skinulis@lexisnexis.ca or call 437-828-6772.

All Content © 2003-2026, Law360 Canada