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Ensuring digital privacy rights of children from artificial intelligence applications: A legal analysis in Sri Lanka

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Background: The main objective of this research was to make a proposal for ensuring children's digital privacy rights from Artificial Intelligence (AI) technologies and suggest best practices in light of international standards and statutory laws in other jurisdictions. AI continues to build digital interactions and children's data privacy faces many challenges. AI systems collect large amounts of children's data from online learning platforms to social media. AI systems collect, analyze and process children's data through AI algorithms for targeted advertising, to create databases etc. Therefore, this research aims to address the adequacy of the existing legal framework in safeguarding children's privacy from AI systems in light of international child rights instruments including United Nations Child Rights Convention, General Data Protection Regulations. The Personal Data Protection Act, No.09 of 2022 and the Computer Crimes Act No.24 of 2007 generally address data protection and computer related online crimes. However, those statutes do not expressly address provisions regarding the protection of children's digital data privacy from Artificial Intelligence (AI) technologies.

Method: This research uses a qualitative approach with a doctrinal legal research method. The doctrinal legal research method is followed to analyze the primary sources and secondary sources such as legislations, case laws, textbooks, scholarly articles.

Result: These findings aimed to fill the gaps and offer significant insights for policymakers, legal practitioners for ultimately contributing to enhancing the legal framework relating to child rights in the AI era.

Conclusion: Therefore, there is a lacuna in the legal framework in Sri Lanka related to ensuring child digital privacy in the AI era. The technology, offences and violations based on AI is different from traditional type of offences. Therefore, children engaging in activities on online platforms have to become more vulnerable than older people. It is required to enhance and make significant improvements in the legal framework is essential.

Keywords: Artificial Intelligence (AI), child rights, data protection.