

Direktorat Jenderal Aplikasi Informatika  
Ministry of Communications and Informatics  
Jl. Medan Merdeka Barat No. 9  
Gambir, Jakarta 10110

Via email: [hkaptika@kominfo.go.id](mailto:hkaptika@kominfo.go.id)

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To whom it may concern,

We have received a copy of the Ministry's draft Regulation on the Governance of Child Protection in the Implementation of Electronic Systems. As you may know, AVIA is the Association of the Video Industry in the Asia-Pacific and we have a great interest in the operation of broadband networks to deliver video programming to consumers around the region, including in Indonesia. Whilst there has been a limited time for consultation, we thought it would be useful to share some initial views on the current draft for your consideration.

The draft regulations recognise the growth of minors in accessing data and online content through a variety of electronic means in the digital space. Our comments on the draft regulations focus specifically on those aspects applicable to the Online Curated Content (OCC) video industry. As a responsible part of the video industry, we agree that it is important to create a safe digital space for children; indeed AVIA's Governance Framework for the OCC industry focuses on the importance of robust systems for control of access by the consumer, whether by PINs, passwords or other means to restrict access.

It is also important to note that curated content is accessed by consumers in a very different manner to that of traditional pay TV content. For OCC consumers, the content to be viewed is selected and controlled by the consumer, at a time, place and on a device of their choosing. Along with parental controls, such as PINs, passwords, etc., OCC services already provide ratings guidance and program descriptors to ensure consumers make informed choices about the type of content to view.

With respect to the draft regulation, AVIA would recommend that the Ministry's draft text should adopt a light touch approach for OCC as they do not require the same level of supervision and be consistent with Indonesia's Personal Data Protection Law, due to come into force in October 2024. Specifically, we would encourage KOMINFO to reconsider the requirements for the designation of officers as contained in Article 16 and limiting the provisions of Article 17 sub-clauses (3) and (4) to the extent required to investigate violations referred to in Article 17 sub clause (2) b. We urge KOMINFO to ensure that any additional guidance on the protection of children's personal data should be based on the existing Personal Data Protection Law principles and do not add unnecessary compliance burdens to companies.

In parallel with this, AVIA requests that the Ministry reconsiders the requirement in the current draft to conduct a personal data protection impact assessment for each product/service/online feature that is accessed or may be accessed by children (Article 5). We note that Indonesia's Personal Data Protection Law requires a personal data protection impact assessment only in the event that the processing of

personal data has a high potential risk to the personal data subject and recommend that the requirements under these regulations are re-drafted to match those under the Personal Data Protection Law.

We hope the Ministry finds these suggestions helpful, and of course we are happy to conduct a further dialogue with the Ministry if that is deemed useful.

Please accept our thanks for the Ministry's consideration of our input.

Sincerely yours,



Clare Bloomfield

Chief Policy Officer