[FR] Law to protect child YouTubers and influencers

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The activities of children under 16 whose image is disseminated via online video platforms are now regulated in France. This phenomenon often has significant economic and financial implications, either for the children's families, who frequently generate a large income from it, or for the brands that use these videos as a new form of advertising. Before the recent introduction of a new law, videos of this type, which are filmed by parents and depict minors, were not regulated in any way. Unlike the work of children in the entertainment industry, for example, filming schedules and durations were not governed by employment law. The money the children earned could therefore not be deposited in a *Caisse des dépôts et consignations* account until they reached the age of majority and was paid directly to the channel owners, who were usually their parents.

Child "influencers" whose activities are treated as a form of work now enjoy the same protection under the Employment Code as children in the modelling, entertainment and advertising industries (Article L. 7124-1 *et seq*. of the Employment Code). Before their children are filmed or their videos are disseminated, parents must request an individual licence or approval from the authorities. Their child's rights and the consequences of their child's image being posted on the Internet are explained to them. Parents also have a new financial obligation and must now deposit some of the income earned by their child with the *Caisse des dépôts et consignations* until they attain the age of majority or emancipation, as is already the case for children in the entertainment industry. Sanctions are in place for parents who keep the money for their own use.

Child "influencers" whose activity is not the subject of an employment relationship (and who are therefore not covered by Article L. 7124-1 of the Employment Code) are also protected by the new law. A declaration must be filed if they exceed certain thresholds (to be determined by decree) for the length or number of videos produced or income earned from their distribution. Their parents are also made aware of these legal obligations and are required to deposit a proportion of their child's income with the *Caisse des dépôts et consignations*. In the absence of any authorisation, approval or declaration, the authorities can refer the case to the courts (new Article 6-2 of the Law on Confidence in the Digital Economy of 21 June 2004).

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The law also requires advertisers who place products in videos that mainly feature children to assume a certain level of responsibility.

Video-sharing platforms are also urged to adopt charters, in particular to make children aware of the consequences that the distribution of their image could have for their private life, as well as the associated psychological and legal risks. The *Conseil supérieur de l'audiovisuel* (the French audiovisual regulator – CSA) is responsible for promoting the signature of such charters (new Article 15-1 of the Act of 30 September 1986).

Finally, the text expressly gives minors the right of deletion or to be forgotten, as enshrined in Article 15-1 of the amended French Data Protection Act of 6 January 1978. At the direct request of the child, video-sharing platforms must remove their videos. Parental consent is not required.

All these measures will enter into force six months after the law was published, that is, in April 2021.

Loi n° 2020-1266 du 19 octobre 2020 visant à encadrer l'exploitation commerciale de l'image d'enfants de moins de seize ans sur les plateformes en ligne

https://www.legifrance.gouv.fr/jorf/id/JORFTEXT000042439054

Law No. 2020-1266 of 19 October 2020 regulating the commercial exploitation of children under 16 on Internet platforms

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