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Submission to the Victorian Youth Strategy Discussion Paper

About us

Thank you for the opportunity to provide input on the Victorian Youth Strategy Discussion Paper.

Rights in Records by Design is a transdisciplinary research project investigating how multiple and lifelong rights in records and recordkeeping can be recognised, respected and enacted in Out of Home Care systems utilising digital and networking technologies. It uses participatory research and design methodologies to bring together researcher from a range of academic, community and organisational contexts and variety of disciplinary perspectives to tackle this complex problem. It is an example of giving voice and agency to those with Care experiences in research to address their recordkeeping needs.

We are members of the co-design team that has come together to prototype a rights-based participatory recordkeeping system [1]. Joanne, Gregory and Han are IT researchers at Monash University. Rhiannon, Aedan, Ella, Liz and Matt are Care Leaver Advocates, with past or present experience as Young Consultants for The CREATE Foundation – the national body representing the voice of children and young people with statutory Care experiences [2]. As CREATE Young Consultants we have undergone extensive training to develop advocacy, leadership and public speaking skills, and have used our stories and experiences to work with Commissioners for Children and Young People, Department Secretaries, Ministers and CEOs of representative bodies and non-government agencies on making positive changes in the Care sector.

While many of us are no longer in the 12-25 age bracket, we all share a passion for improving the experiences and outcomes for children and young people in Out of Home Care, with a particular focus on addressing recordkeeping issues. We want recordkeeping across the sector to better nurture and support the lifelong identity, memory, accountability and autonomy needs of those who spend all or part of their childhoods in the Out of Home Care system. Those of us with Care experiences have often had to fight for our rights and interests to be at the forefront of decision-making, in a fractured, fragmented and under-resourced system. Quality recordkeeping is one of the rights that should be accorded as a matter of course as part of making Care systems more efficient and effective in safeguarding children and young people.

Enabling participation of young people in the design of the systems, services and infrastructure that impact on them

The first key point we would like to make about the Youth Engagement Strategy is the need to ensure it facilitates the involvement of young people not only in the development of 'front end' interfaces of services and systems, but also brings their living experience and expertise to be part of 'back-end' infrastructure considerations. Our co-designing has featured the discussion of the overall architecture of systems like Facebook, MyGov and MyHealth Record and how that impacts on the way they treat 'users' and the functionality that is afforded to them [3], [4]. We also talked about the legislative and policy mandates that impact on ability to participate in recordkeeping and limit rights to access records for children, young people and adults. We have together 'deep dived' into the recordkeeping that surrounds Care experiences and trajectories, blending the 'street-level' perspective on practice and systems that comes from living experience with institutional policy and process documentation. Mutual learning has enabled us all to gain a deeper understanding of Care records, the impacts of a lack of voice and agency in records and recordkeeping, and possibilities for system transformation.

Our experience shows that facilitating the involvement of young people in strategy and system design requires resourcing. While ensuring that young people are appropriately paid and recompensed to be at the table is a must, investing in the organisations, like CREATE, that develop advocacy capabilities is also essential.

A further key investment is in making sure that all those at the table learn how to listen and don't dismiss living experiences, baffle with jargon or rush to solutionism. Those of us who are IT researchers found that the best design ideas and insights came from unpacking the niggly points rather than trying to skip over them or bat them away. For that we needed to create a comfortable and safe environment, spend time on developing trust, and sharing a bit of our own living experiences. Here again we benefited from some of the strategies our co-designers learnt through their CREATE training and adapting them together to suit.

Engagement with young people needs to be conducted with openness, honesty and integrity. It should aim not just to give young people a voice, but to enhance their agency in processes and outcomes. If it is just 'tick-the-box' consultation then don't call it co-design. We recommended that the strategy develop a framework that allows for different degrees of engagement as suits contexts and purposes, and which has appropriate accountability and oversight by young people themselves.

Knowing and being able to exert digital rights as essential for empowerment

The second key points we would like to make about the Youth Engagement Strategy are about the need for it to encompass greater reflection on the challenges that young people face in growing up and coming of age in an era featuring increasing use of data-driven and algorithmic technologies. Digital surveillance by discretionary and non-discretionary systems is a growing feature of their lives, and the rights they have in the ways they are represented, remembered and forgotten by commercial and government systems need to be examined.

It is vital that mechanisms to efficiently and effectively identify, protect and monitor these rights for young people are incorporated into digital systems, as there is a real danger that

existing social and economic disadvantage will be amplified without fulsome and holistic exploration of privacy and other digital rights challenges. This goes beyond the framing of privacy and digital rights in terms of control over commercial exploitation of data. It concerns participation in modern digital recordkeeping and the way it manifests throughout childhood and beyond. While this is true for all young Victorians, it is particularly pertinent for those with Care experiences.

Children and young people in Care have little to no discretion around participation in the child protection and welfare systems that document the intimate, sensitive and personal details of their lives. A multitude of inquiries in Australia [5]–[10] and in other countries – Ireland, UK, Sweden, Canada, Norway, Iceland, Denmark, Germany, South Africa [11] have detailed the lifelong consequences of a lack of participation and agency in and over records of childhood Alternative Care experiences. A lack of agency in recordkeeping has been shown to deny children, young people and the adults they become their fundamental human rights to identity, memory, privacy and accountability [12], [13].

In Care environments the increased surveillance capabilities of both discretionary and non-discretionary systems have the potential to be utilised both for and against the best interests of the children and young people. While increased abilities to monitor online activities and capacities for seamless sharing of digital data and information might help to identify safety risks to children and young people, they may also infringe on their rights to privacy and confidentiality with consequent impacts on the development of self-identity, and connection to family and community. The ability to establish identity as an individual human being, as well as having agency and control over personal and sensitive information, goes to the core of fundamental human rights to autonomy and self-determination [14], [15].

The potential for digital and networking technologies to address, rather than exacerbate, the current power asymmetries in Care information and recordkeeping systems could herald a new paradigm of rights-based practice in the sector, and achieve better outcomes for young people. However, there is a need to explicitly design these affordances into the technology and have similarly digital enabled mechanisms for their governance and oversight with regards to children and young people’s rights to privacy and knowledge about how their personal information is distributed and used.

We would like discussions about these issues to be embraced in a Victorian Youth Strategy. There is a danger in making blithe assumptions about young people as ‘digital natives’ not caring about privacy, and that the joining up of their personal information in government and health systems is always a good thing. While there are situations where this can improve services and experiences, there are also circumstances where it may work against a young person’s best interests, their rights to privacy and the development of their identity. We would like to see robust exploration of dynamic consent mechanisms where young people are able to see and/or have a say over how their personal information is managed and used, together with the development of the digital literacies and provision of the digital infrastructure that enables digital autonomy.

We would also call for the Victorian Youth Strategy to address disparities in access to digital technologies for young people in vulnerable circumstances and/or facing digital disadvantage. In our co-design work we have talked a lot about various dimensions of digital divides for young people in Care including access to devices, network connectivity, systems

and services, particularly when dealing with sudden changes in living arrangements and/or people in their care and support networks. It is vital that in moments of stress and instability that a young person's access to digital systems and services is not unduly compromised or curtailed. It is also important that explicit attention is paid to the development of digital competencies as young people transition into adulthood, steering clear of stereotypical assumptions [16].

We feel that there is great potential in using digital technologies to re-imagine how services and systems can support young people's transitions into adulthood and foster the development of their sense of self and worth, support their connections with family, community and culture, and enable them to successfully negotiate, celebrate and document their rites of passage. Young people need to be part of exploring and exploiting that potential, and designing the digital dimensions of the Victorian Youth Strategy.

Prepared by

Rhiannon Abeling
Aedan Brittain
Liz Constable
Matt Drever
Joanne Evans
Han Duy Phan
Ella Roberts
Gregory Rolan

Contact: Associate Professor Joanne Evans
Faculty of IT
Monash University
Telephone +61 3 9903 2177
Email joanne.evans@monash.edu

References

- [1] Rights in Records by Design, 'MySSy: a personal recordkeeping system for those with Care experiences', 2020. <https://rirservermonash.gitlab.io/landing/>.
- [2] CREATE Foundation, 'Who we are', *CREATE Foundation*, 2014. <https://create.org.au/who-we-are/> (accessed Dec. 19, 2020).
- [3] G. Rolan *et al.*, 'Voice, agency, and equity: deep community collaboration in record-keeping research', *Information Research*, vol. 24, no. 3, Sep. 2019, Accessed: Dec. 15, 2019. [Online]. Available: <http://informationr.net/ir/24-3/rails/rails1803.html>.
- [4] G. Rolan, H. D. Phan, and J. Evans, 'Recordkeeping and Relationships: Designing for Lifelong Information Rights', in *Proceedings of the 2020 ACM Designing Interactive Systems Conference*, Eindhoven, Netherlands, Jul. 2020, pp. 205–218, doi: 10.1145/3357236.3395519.
- [5] Community Affairs References Committee, 'Commonwealth Contribution to Former Forced Adoption Policies and Practices', Commonwealth of Australia, Canberra, Feb. 2012. Accessed: Oct. 09, 2013. [Online]. Available: http://www.aph.gov.au/Parliamentary_Business/Committees/Senate/Community_Affairs/Completed_inquiries/2010-13/commcontribformerforcedadoption/report/index.
- [6] Human Rights and Equal Opportunity Commission, 'Bringing them Home: Report of the National Inquiry into the Separation of Aboriginal and Torres Strait Islander Children from Their Families', Human Rights and Equal Opportunity Commission, 1997. Accessed: Oct. 09, 2013. [Online]. Available: <http://www.humanrights.gov.au/publications/bringing-them-home-report-1997>.
- [7] Royal Commission into Institutional Responses to Child Sexual Abuse, *Final Report: Volume 8 Recordkeeping and information sharing*, vol. 8, 17 vols. Attorney-General's Department, Australian Government, 2017.
- [8] Senate Community Affairs References Committee, 'Lost Innocents: Righting the Record - Report on Child Migration', Commonwealth of Australia, Aug. 2001. Accessed: Apr. 04, 2013. [Online]. Available: http://www.aph.gov.au/Parliamentary_Business/Committees/Senate/Community_Affairs/Completed_inquiries/1999-02/child_migrat/report/index.
- [9] Senate Community Affairs References Committee, 'Forgotten Australians: A Report on Australians Who Experienced Institutional or Out-of-Home Care as Children', Commonwealth of Australia, Aug. 2004. Accessed: Oct. 12, 2013. [Online]. Available: http://www.aph.gov.au/Parliamentary_Business/Committees/Senate/Community_Affairs/Completed_inquiries/2004-07/inst_care/report/index.
- [10] Victorian Koorie Records Taskforce, 'Wilam Naling ... Knowing Who You Are...: Improving Access to Records of the Stolen Generations, A Report to the Victorian Government', Department for Victorian Communities, Melbourne, May 2006. [Online]. Available: <http://prov.vic.gov.au/wp-content/uploads/2011/05/WilamNalingReportJune2006.pdf>.
- [11] J. Sköld, E. Foberg, and J. Hedström, 'Conflicting or Complementing Narratives? Interviewees' Stories Compared to Their Documentary Records in the Swedish Commission to Inquire into Child Abuse and Neglect in Institutions and Foster Homes', *Archives and Manuscripts*, vol. 40, no. 1, pp. 15–28, 2012, doi: 10.1080/01576895.2012.668842.
- [12] J. Z. Wilson and F. Golding, 'Latent scrutiny: personal archives as perpetual mementos of the official gaze', *Archival Science*, vol. 16, no. 1, pp. 93–109, Mar. 2016, doi: 10.1007/s10502-015-9255-3.
- [13] P. Mendes, J. Z. Wilson, and F. Golding, 'Child Protection Hypothetical Case Studies for a Virtual Archive: Professional Perspectives Versus the Lived Experience and Expertise of Care Leavers in Victoria, Australia', *Br J Soc Work*, 2020, doi: 10.1093/bjsw/bcaa018.
- [14] J. Evans, S. McKemmish, E. Daniels, and G. McCarthy, 'Self-determination and archival autonomy: advocating activism', *Archival Science*, vol. 15, no. 4, pp. 337–368, 2015, doi: 10.1007/s10502-015-9244-6.
- [15] United Nations High Commissioner for Human Rights, 'The right to privacy in the digital age', UN General Assembly, Human Rights Council, A/HRC/39/29, Aug. 2018. Accessed: Dec. 16, 2018. [Online]. Available: <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G18/239/58/PDF/G1823958.pdf?OpenElement>.
- [16] A. King, 'Digital natives are a myth', *RMIT News*, Nov. 2020. <https://www.rmit.edu.au/news/c4de/digital-natives-are-a-myth> (accessed Dec. 19, 2020).