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# A Study on the Limits of Consent for Minors' Participation in Short-Form Video Content in the Digital Age

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## ABSTRACT

In the era of short videos, adolescents have transformed from passive viewers into active creators (or live streamers, commercial on-camera personalities); however, the authorization of platform accounts and the use of their likenesses is often completed with a single, bundled click. According to the provisions of the Civil Code regarding the distinction in legal capacity between individuals aged 8 and 16, minors find it difficult to fully anticipate the potential future legal implications of such authorizations, and the personal material or commercial authorizations they provide do not necessarily possess full legal validity. Currently, Chinese legislation only refers in general terms to minors' rights regarding online identity and personal information, without establishing a tiered informed consent framework for the reuse of content such as short videos, live-streamed e-commerce, and AI-generated material. Furthermore, judicial interpretations regarding the checking of agreement boxes, platforms' duty to disclose, and consent granted by guardians on behalf of minors remain inconsistent. This article will examine factors such as civil capacity, informed consent, and regulatory materials based on actual cases following the implementation of the *Regulations on the Protection of Minors Online*. It will analyze the challenges and judicial errors encountered in defining the legal status of minors online in China. Drawing on practices from other countries-including the EU's GDPR, the U.S. COPPA, and the UK's "proportionality" approach-the article proposes a two-dimensional method for assessing informed consent based on age and context, providing a rational foundation for safeguarding minors' rights and platform management.

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***KEYWORDS:*** *minors; short videos; informed consent; capacity for civil conduct; platform compliance; digital personality rights.*

## I. INTRODUCTION

With the continued growth of the short-video industry, minors' participation in online activities has gradually shifted from passive browsing to active content creation and live-streaming interactions. The number of minor internet users has reached 193 million, of whom nearly 30 percent have filmed and posted short videos.[1] However, significant issues exist regarding the authorized use of their personal information, likenesses, and creative content. Platforms generally rely on standardized agreements to obtain authorization; yet, because minors' cognitive abilities are still developing, such agreements often result in a discrepancy between formal consent and substantive informed consent, making it difficult for a click to "agree" to truly reflect their genuine intent. China's current laws have established a basic framework for the special protection of minors' personal information.[2]

1 [Department for the Protection of Youth Rights and Interests, Communist Youth League of China; China Internet Network Information Center: *Report on the 5th National Survey of Internet Use Among Minors*, 2023.]

2 [Article 28 of the *Personal Information Protection Law of the People's Republic of China* stipulates: " Sensitive personal information refers to personal information that, if leaked or used unlawfully, is likely to result in the infringement of a natural person's personal dignity or endanger their personal or property safety. It includes information such as biometric data, religious beliefs, specific identities, medical and health information, financial accounts, and location history, as well as the personal information of minors under the age of fourteen." Article 31 stipulates: "When a personal information processor processes the personal information of a minor under the age of fourteen, it

However, when implementing these provisions in the context of short-video platforms, there remains a lack of detailed criteria regarding the authorizing party, scope, and methods of authorization. Most platform agreements do not establish tiered authorization mechanisms based on age, scenario type, and risk level, and issues such as the verification of guardian status and the legal relationship between the consent of the minor and that of the guardian require further clarification. Legislation in other jurisdictions has already established a differentiated consent model centered on age-based tiers,[3] providing a reference for China. The U.S. COPPA protects children under 13 and requires verifiable parental consent. [4]The UK's "Age-Appropriate Design Guidelines" propose 15 specific standards to encourage platforms to shift from one-time consent to age-appropriate protection throughout the entire process. [5]It is evident that establishing differentiated consent mechanisms based on age tiers and scenario-specific risks is a widespread trend in the protection of minors' digital rights. While many current studies focus on macro-level interpretations of guardian consent rules or the establishment of personal information protection systems, there is a lack of detailed discussion regarding the validity of consent in the context of minors' "participatory creation" within short-video platforms. Drawing on literature review, case analysis, and comparative research methods, this paper attempts to construct a two-dimensional framework for assessing the validity of informed consent that combines age-based stratification with scenario-based classification. It also offers recommendations for improvement in areas such as age-appropriate agreement design, scenario-specific authorization, guardian identity verification, authorization revocation mechanisms, and judicial review standards, thereby providing clearer regulatory guidance on the scope of consent for minors' participation in short-video content in the digital age.

## II. Theoretical Foundations and Contextual Characteristics of Informed Consent for Minors in Short Videos 2.1 Definition of Core Concepts

### 2.1. Risk Categorization of Minors' Participation in Short Videos

The ways in which minors handle their rights in short video contexts vary greatly in severity. "Browsing" and "liking" involve only the passive processing of non-sensitive information, such as "device identifiers," whereas "live-streamed e-commerce" and the use of "authorized likenesses" in AI training directly relate to the commercial exploitation of "personality" and the distribution of benefits. Applying the same consent rules uniformly to these different forms of participation would restrict minors' digital expression and social engagement, and could also expose them to high-risk commercial uses due to a lack of adequate protection. This conclusion is not merely a logical inference; it is also supported by actual data. The Chinese Academy of Social Sciences' *Blue Book on Youth: Report on Internet Use Among Minors in China (2025)* indicates that by 2025, internet penetration among Chinese youth will reach 98.7%, while short video adoption will reach 92.3%, representing a year-over-year increase of approximately 10%. Among this group, 43.6% have posted their own short videos, and 18.2% have participated in live-streaming. The *5th National Survey Report on Internet Use Among Minors*, jointly released by the Communist Youth League of China and the China Internet Network Information Center, reveals that the proportion of minors in rural areas using short videos has reached 91.5%, with 15% of them having attempted to independently publish their own content.[6]

shall obtain the consent of the minor's parents or other legal guardians. When a personal information processor processes the personal information of minors under the age of fourteen, it shall establish specific rules for the processing of such personal information."]

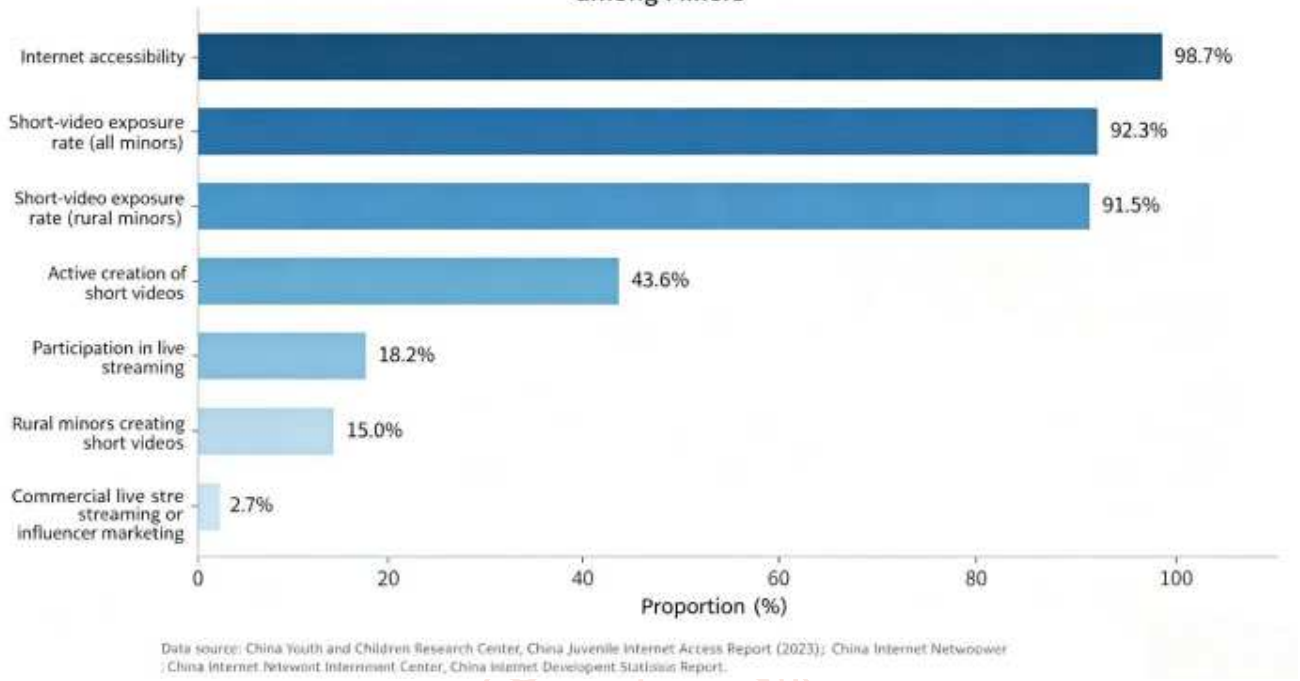
3 [Article 8 of the EU's General Data Protection Regulation (GDPR) stipulates that the processing of personal data of minors under the age of 16 requires the consent of a guardian; member states may adjust the lower age limit, but it must not be lower than 13 years of age.]

4 [U.S. Children's Online Privacy Protection Act (COPPA)]

5 [UK Information Commissioner's Office (ICO): "Guidelines on Age-Appropriate Web Product Design," 2020.]

6 [ Communist Youth League of China, China Internet Network Information Center: *5th National Survey Report on Internet Use Among Minors*, 2025. ]

Figure 1. Statistics on Short-Video Exposure and Behavioral Correlates among Minors




Data source: China Youth and Children Research Center, China Juvenile Internet Access Report (2023); China Internet Networker ; China Internet Network Information Center, China Internet Development Statistics Report.

These data indicate that minors have transitioned from passive viewers of short videos to active creators, and the proportion of those independently publishing content has been steadily rising. However, there are significant differences in the extent of rights granted for posting daily updates versus conducting live-streamed e-commerce. Tiered protection is not merely a theoretical construct but is formulated based on real-world needs. There is already a certain degree of consensus on this point within the academic community: Sun Yueyuan points out that the current rules regarding guardian consent lack a tiered and categorized mechanism, making them insufficiently practical, and that they should be refined in terms of both scope of application and implementation methods;[7] Meng Xiaoli suggested establishing a regulatory framework based on three risk levels: high, medium, and low ;[8] After examining the UK's "Age-Appropriate Design Guidelines" and the U.S. COPPA, Gao Qi and Liu Qingshuai also proposed that the one-size-fits-all model of parental consent should be abandoned in favor of a differentiated consent mechanism. [9]Although the above studies take different approaches, their core reasoning is consistent. Building on this foundation and incorporating specific types of behavior in the short-video context, this paper proposes a two-dimensional protection framework that combines age-based stratification with scenario-based classification. Based on the degree of rights disposition, this framework can be divided into three tiers from least to most restrictive. The first tier consists of basic behaviors such as browsing, liking, and posting text comments. In these cases, platforms only obtain device identifiers and browsing history; there is no public disclosure of portraits or voices. Consent rules can be simpler here-adequate notification and general consent suffice, without the need to routinely require guardian involvement. The second tier refers to individuals filming and posting everyday videos or conducting ordinary live streams without product sales. In this process, portraits and voices are actively disclosed to the public. Platforms must clearly inform the public about the scope of dissemination and the consequences of secondary use, and the extent of guardian involvement should be determined based on the child's age and cognitive level. The third tier involves live-streaming for e-commerce, filming commercial advertisements, granting long-term authorization for the use of one's likeness for commercial purposes, or uploading footage for AI model training. This category includes the distribution of financial proceeds and the commercial exploitation of personal attributes, making it the most

7 [ Sun Yueyuan: "A Review and Improvement of the Guardian Consent Rule in the Protection of Minors' Personal Information," published in *Journal of South China Normal University (Social Sciences Edition)*, Issue 1, 2023, pp. 149–164. ]

8 ["The Regulatory Logic of Tiered Protection of Minors' Information Rights in China," published in *Journal of Fuyang Normal University (Social Sciences Edition)*, Issue 3, 2023, pp. 106–112.]

9 [ Gao Qi and Liu Qingshuai: "The Application of Scenario Integrity Theory in the Regulation of Children's Data Protection: A Case Study of the UK's 'Age-Appropriate Code' and the U.S. COPPA," in *Chinese Youth Social Sciences*, No. 4, 2021, pp. 132–140.]

complex; AI training, in particular, poses a significant risk: once material enters a dataset, it may be repeatedly replicated outside its original context, causing irreversible harm. Therefore, separate authorization is required, and guardians must, in principle, be involved throughout the process and clearly express their consent, while also respecting the minor's wishes to the extent appropriate for their age and intellectual capacity.

The aforementioned categorization aims to move beyond the "either a blanket ban or complete laissez-faire" mindset, ensuring that the stringency of consent requirements aligns with the level of risk posed by the activity, thereby achieving corresponding protection based on the principle that "the higher the risk, the stricter the consent requirements." The two-dimensional protection framework previously proposed by An Qi-with age on the horizontal axis and information type on the vertical axis. [10]Methodologically, this is consistent with the framework presented in this paper; both represent modifications to the traditional, monistic rule regarding guardian consent.

#### 2.1.1. Informed Consent in the Context of Short Videos

Informed consent refers to a voluntary decision made by a minor or their guardian after fully understanding the scope, duration, and circumstances of the use of video footage. Theoretically, it can be categorized into three types: broad bundled consent, segmented consent, and implied consent. Among these, the broad bundled consent model-widely used on short-video platforms-combines elements of different natures, such as account registration, commercial portrait authorization, and third-party information sharing, into a single option. This stands in stark contrast to the "separate consent" requirement stipulated in the *Personal Information Protection Law*. Empirical research indicates that more than 70 percent of platforms adopt a blanket authorization model when processing personal information, and more than 80 percent of platforms do not establish distinct notification and authorization procedures for minors of different age groups; informed consent on these platforms is largely a mere formality.

"Consent restrictions" refer to the boundaries within which a minor can independently grant valid authorization based on their age and cognitive capacity. The Civil Code distinguishes between persons without civil capacity and those with limited civil capacity in a similar manner: authorization granted independently is, in principle, invalid, and guardians may refuse or revoke authorization that exceeds the minor's cognitive capacity. However, age 14 is not a clear watershed in cognitive development; the 12–16 age range represents a stage of gradual development, making a simple "age restriction" untenable. The approach advocated by An Qi-using age as a dividing line to achieve tiered protection-aligns with the "age + context" binary structure outlined in the paper.

### 2.2. The Underlying Legal Rationale for Informed Consent by Minors

The validity of informed consent given by minors should be understood in light of two sets of regulations: those regarding the classification of capacity for civil conduct and those concerning the protection of personal information. The Civil Code establishes the ages of eight and eighteen as the dividing lines, defining individuals as either lacking capacity for civil conduct or having limited capacity for civil conduct, respectively; anyone aged sixteen or older who supports themselves through earned income is deemed to have full capacity for civil conduct.[11] Taking short videos as an example to analyze authorization, it can be seen that: checkbox selections made by individuals under the age of eight in agreements are not valid, and relevant authorizations must be clearly confirmed by their guardians; minors aged eight to eighteen with limited capacity for civil conduct should only engage in low-risk authorizations such as browsing and "liking," while high-risk activities-such as live-stream sales or long-term use of their likeness-must still be verified by their guardians before proceeding.

In discussions regarding the requirements for consent, Article 14 of the *Personal Information Protection Law* already stipulates that informed consent, voluntary consent, and explicit consent are essential conditions for consent, while Article 29 further states that the processing of sensitive information must be

10 ["Protection of Minors' Personal Information: Theoretical Clarification and Rule Reshaping," published in *Chinese Youth Social Sciences*, Issue 2, 2023, pp. 132–140.]

11 [ Article 18, Paragraph 2 of the Civil Code of the People's Republic of China provides: "Minors aged sixteen or older who derive their primary means of livelihood from their own labor income shall be deemed to have full capacity for civil conduct." Article 19 provides: "Minors aged eight or older are persons with limited capacity for civil conduct; they may engage in civil legal acts only through their legal representatives or with the consent or ratification of their legal representatives; however, they may independently engage in civil legal acts that are purely beneficial or commensurate with their age and intellectual capacity." Article 20 provides: "Minors under the age of eight are persons without capacity for civil conduct; civil legal acts on their behalf must be performed by their legal representatives."

based on the individual's separate consent.[12]However, current platforms generally group account registration, the use of portraits, and even third-party data sharing under a single checkbox for processing. The disclosure statements used are both numerous and difficult to understand, and are in clear conflict with the standards set by law. Of even greater importance is the principle of the best interests of the child as set forth in Article 4 of the *Law on the Protection of Minors*, which requires that authorizations undergo substantive review-even if a child formally consents to a particular provision, if that authorization permits long-term commercial use of their image or otherwise harms their interests, the court may invalidate it.

### 2.3. The Unique Nature of Informed Consent in the Context of Short Videos

Compared to known offline methods of written authorization, the authorization involved in short videos differs fundamentally. These differences can be summarized in three points: the general nature of the authorization itself; its long-term or continuous nature; and the widespread presence of risks in technological forms, with damages that are often cumulative and irreversible. These three characteristics do not constitute conclusions regarding platforms or legal principles, but rather objective facts arising from the specific structure and operation of this type of medium; they are also the fundamental prerequisites (or key points to be examined) for applying the traditional informed consent system in this context.

First, the authorization model is generally broad and ongoing. In traditional terms, practices such as "one-time selection, long-term validity" fall under this category. Service agreements signed by registered users typically include account usage, content publication, portrait processing, and information exchange within the scope of authorization, and the duration of such authorization is generally determined by the actual existence of the account (with no set time limit). Article 15 of the Personal Information Protection Law specifies an individual's right to withdraw consent, but currently, most platforms structure the "withdrawal of consent" process in a "multi-tiered" manner, requiring users to navigate through several steps before they can locate the "opt-out" option. In 2015, the Jiangsu Provincial Consumer Protection Commission conducted a similar survey, concluding that without an option stating "I have read this, and you may not use it," such a broad and ongoing authorization system makes it difficult for users to accurately understand the consequences of each authorization when they give their consent.

Second, risks manifest in certain technological and proliferative forms. The use of images and audio involved in traditional authorizations was limited and controllable, but the era of short videos has redefined this reality. First, we must consider scenarios such as "derivative works." The China Academy of Information and Communications Technology estimates that by 2025, the global generative AI market will reach $52 billion, with AI face swapping and AI-generated videos having already been used approximately 230 million times. User-uploaded portraits can now be directly used as source material for face swapping or compositing, and a single photograph can be transformed into dynamic video. Second, attention should be paid to algorithm-driven recommendations: videos filtered by algorithms can reach hundreds of thousands or even millions of viewers, and when further edited by humans, they can facilitate even wider dissemination. Both types of risks discussed stem from the technology itself; once someone makes information public, it is impossible to fully foresee its subsequent use and dissemination.

The resulting harm is cumulative and irreversible. While harm caused by offline infringement is often localized and can be relatively easily remedied by ceasing the infringement, harm in the context of short videos tends to be cumulative and irreversible. If the relevant footage has been incorporated into a system as AI training data for a platform or a third party, it will be repeatedly accessed and used as optimization material during actual application; at this point, the use of the material goes far beyond the limited circumstances originally permitted by the authorization. At the same time, the dissemination of online content is inherently long-term; even if the original video is removed, derivative screenshots, reposts, or adaptations may not necessarily disappear. Take Huzhou, Zhejiang, as an example: the likeness of a minor named Xiao Jiang was used without

12 [ Article 14 of the *Personal Information Protection Law of the People's Republic of China* stipulates: "Where personal information is processed based on the individual's consent, such consent shall be given voluntarily and explicitly by the individual on the premise of being fully informed. Where laws or administrative regulations stipulate that the processing of personal information requires the individual's separate consent or written consent, such provisions shall prevail. If there are changes to the purpose, method, or categories of personal information being processed, the individual's consent must be obtained anew." Article 29 provides: "The processing of sensitive personal information shall require the individual's separate consent; where laws or administrative regulations stipulate that the processing of sensitive personal information requires written consent, such provisions shall prevail."

permission in an advertisement by a clothing company. Although the court ordered the removal of the images, the company did not fully comply and continued to use the relevant images, illustrating the practical difficulties of remedying harm in the internet age.

The three characteristics listed above are all unique to the context of informed consent in short videos. Under such circumstances, the various provisions regarding current laws, platform practices, parental responsibilities, and court rulings do not fully align, and each presents its own challenges in application.

## III. Practical Challenges in the Informed Consent Mechanism for Minors in Short Videos

### 3.1. Structural Shortcomings in Current Legal Provisions

In the context of short videos, current laws reveal three structural shortcomings regarding the mechanism for obtaining informed consent from minors.

We will now address the inadequacies in the elaboration of relevant rules. Article 28 of the Personal Information Protection Law classifies personal information involving minors under the age of fourteen as sensitive information, and Article 31 requires the consent of a guardian when processing such information ; [13]Article 72 of the *Law on the Protection of Minors* similarly requires that the processing of minors' personal information adhere to the principles of legality, legitimacy, and necessity.[14]However, the provisions currently listed remain largely general in nature and do not differentiate consent mechanisms based on the various risks associated with "daily content creation and posting," "commercial appearances for product promotion," and "uploading AI-generated content" in the context of short videos. Article 31 of the Regulations on the Protection of Minors on the Internet merely requires internet service providers in general terms to "take necessary measures" to protect minors' information.[15] It does not differentiate based on specific circumstances or risk levels, resulting in a lack of definitive legal basis for courts when adjudicating related issues.

There are gaps in the authorization rules for generative AI scenarios. Article 7 of the *Interim Measures for the Administration of Generative Artificial Intelligence Services* stipulates that providers of generative artificial intelligence services involving personal information must obtain the individual's consent.[16]However, there are no specific authorization rules established for scenarios such as the use of minors' visual materials for AI model training or AI portrait recreation. In practice, platforms often claim to have obtained authorization based on the blanket user agreement provided at the time of registration, yet current law does not explicitly clarify whether the original, general authorization covers subsequent uses for AI training

13 [Article 28 of the Personal Information Protection Law of the People's Republic of China stipulates: " Sensitive personal information refers to personal information that, if disclosed or used unlawfully, is likely to result in the infringement of a natural person's personal dignity or endanger their personal or property safety. It includes information such as biometric data, religious beliefs, specific identities, medical and health information, financial accounts, and location history, as well as the personal information of minors under the age of fourteen." Article 31 stipulates: "When a personal information processor processes the personal information of a minor under the age of fourteen, it shall obtain the consent of the minor's parents or other legal guardians. When a personal information processor processes the personal information of a minor under the age of fourteen, it shall establish specific rules for the processing of such personal information."]

14 [ Article 72 of the *Law of the People's Republic of China on the Protection of Minors* provides: "When an information processor processes the personal information of minors via the Internet, it shall adhere to the principles of legality, legitimacy, and necessity. When processing the personal information of minors under the age of fourteen, consent must be obtained from the minor's parents or other legal guardians, unless otherwise provided by laws or administrative regulations. If a minor, parent, or other legal guardian requests that an information processor correct or delete the minor's personal information, the information processor shall promptly take measures to correct or delete it, unless otherwise provided by laws or administrative regulations."]

15 [Article 31 of the Regulations on the Protection of Minors on the Internet stipulates: "Where an internet service provider offers services such as information posting or instant messaging to minors, it shall, in accordance with the law, require the minor or their guardian to provide the minor's authentic identity information. If a minor or their guardian fails to provide the minor's authentic identity information, the internet service provider shall not provide the relevant services to the minor. Live-streaming service providers shall establish a dynamic verification mechanism for the authentic identity information of live-streaming broadcasters and shall not provide live-streaming broadcasting services to minor users who do not meet the requirements stipulated by law."]

16 [Article 7 of the *Interim Measures for the Administration of Generative Artificial Intelligence Services* stipulates that providers of generative artificial intelligence services shall conduct training data processing activities, such as pre-training and optimization training, in accordance with the law, using data and foundational models from legitimate sources; where intellectual property rights are involved, they shall not infringe upon the intellectual property rights lawfully enjoyed by others; where personal information is involved, they shall obtain the individual's consent or comply with other circumstances prescribed by laws and administrative regulations; they shall take effective measures to improve the quality of training data and enhance its authenticity, accuracy, objectivity, and diversity.]

and recreation. As a result, minors' personality rights face the risk of ongoing commercial exploitation.

The standards for determining platform liability are relatively vague. Article 41 of the Regulations on the Protection of Minors on the Internet and Article 66 of the Personal Information Protection Law stipulate corresponding penalty measures.[17]However, neither of these regulations provides a specific list of what constitutes a violation. Current laws lack clear definitions regarding whether bundled, blanket authorizations constitute a violation, whether the failure to provide age-appropriate disclosure texts constitutes a violation, or where the boundaries of a platform's duty to review user-uploaded content lie; as a result, judges have considerable discretion in similar cases.

### 3.2. Compliance Mechanisms on Short-Video Platforms Are Generally Merely a Formality

By examining the registration procedures and content posting regulations used by mainstream short-video platforms (Douyin, Kuaishou, WeChat Video Account, and Xiaohongshu), three common issues can be identified. All platforms currently use a standardized binding authorization method. Regarding account verification procedures, various types of authorizations are often bundled into a single checkbox; users cannot "post" or "go live" unless they accept all agreements. This stands in significant conflict with the legal provision on "separate consent" outlined in Article 29 of the Personal Information Protection Law. According to data published by Xinhua News Agency in 2022, the terms of service and privacy policies used by major software applications currently average around 27,000 words. High-risk content related to commercial portraits and third-party information is often addressed through general provisions, making it difficult for minors and their guardians to provide clear, targeted consent based on these terms.

Second, the content covered by "notification" is too difficult for minors to understand. Currently, the privacy terms used by various platforms are filled with technical jargon-such as "device identifiers," "de-identification," and "third-party SDKs"-without treating minors as a special category or clearly explaining the risks associated with such commercial practices. An investigation conducted by the Jiangsu Provincial Consumer Rights Protection Commission (CRPC) has already pointed out that users cannot access the relevant services unless they check the box stating "I have read and agree," and the requirement to read the agreement effectively excludes minors from the category of "informed" users.

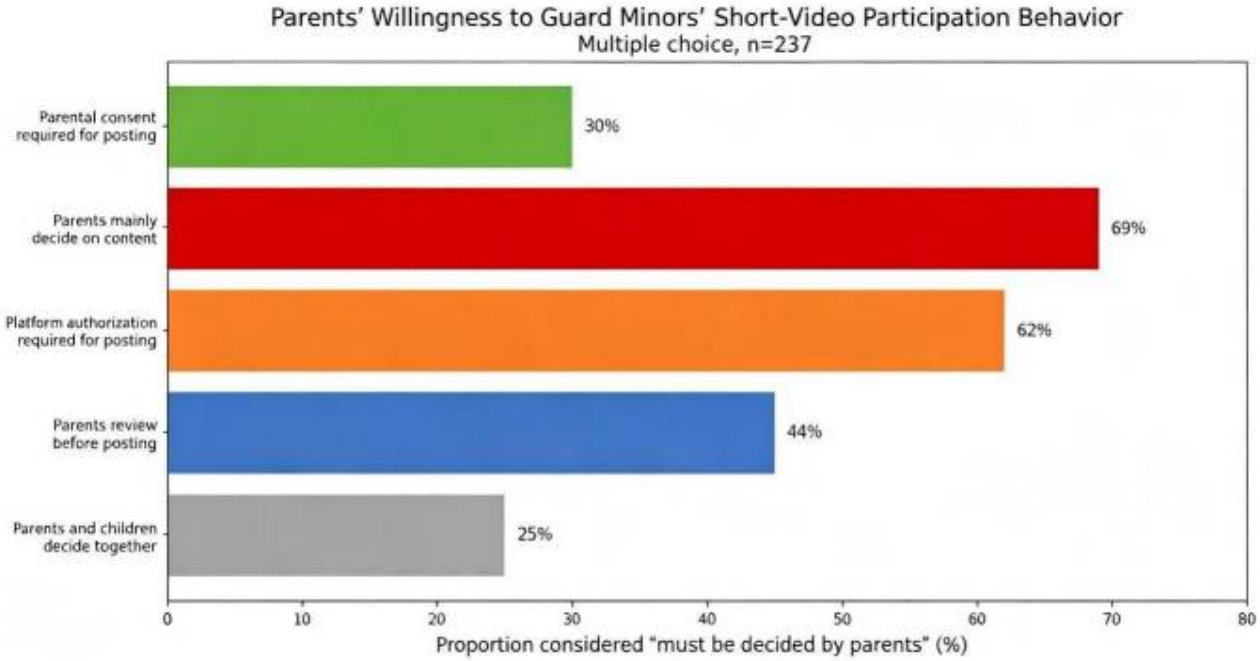
Third, the procedure for revoking authorization is currently cumbersome. On the "Personal Center" homepages currently used by various platforms, there is still no simple and direct entry point for "opting out," so users often have to navigate through several levels of "menu hopping" to find the relevant "option." A survey conducted by Wuhan University's "Institute of Internet Governance" has shown that 77.8% of internet users "hardly ever or never" read privacy agreements when using software. If users do not have a clear understanding of the agreement itself, it is highly unreasonable to expect it to provide explicit instructions for deletion.

### 3.3. Defects in the Validity of Consent Due to Absence of Parental Guardianship

To understand the state of parental supervision regarding minors' exposure to short videos, the survey sample should consist of parents of elementary and middle school students as well as the students themselves. The author conducted a corresponding questionnaire survey in 2026, ultimately collecting 237 valid questionnaires from parents and 312 valid questionnaires from students.[18] Based on the survey data currently available, two major issues regarding parental supervision can be identified.

17 [Article 29 of the Personal Information Protection Law of the People's Republic of China provides: "The processing of sensitive personal information shall require the individual's separate consent; where laws or administrative regulations stipulate that written consent is required for the processing of sensitive personal information, such provisions shall prevail." Article 66 stipulates administrative penalties for violations of the Personal Information Protection Law, including orders to rectify, warnings, confiscation of illegal gains, and fines; in serious cases, orders to suspend relevant business operations or undergo rectification, as well as notification to the relevant competent authorities to revoke relevant business licenses or business operation permits.]

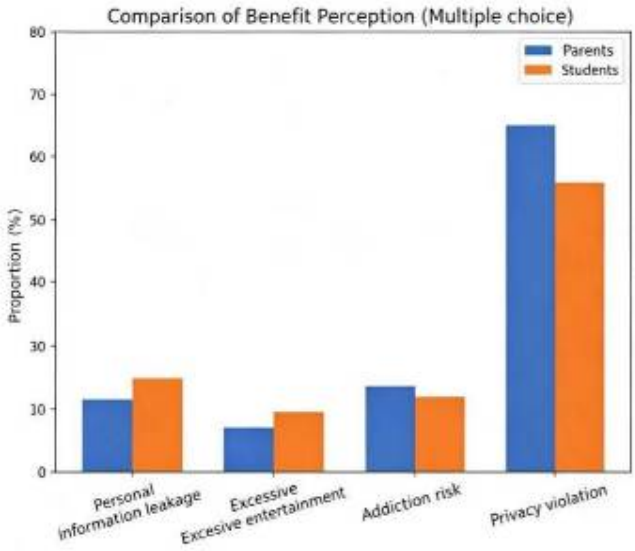
18 [The questionnaire survey titled "Minors' Short Video Participation Behavior and Parental Supervision" survey conducted by our research team in 2026.]

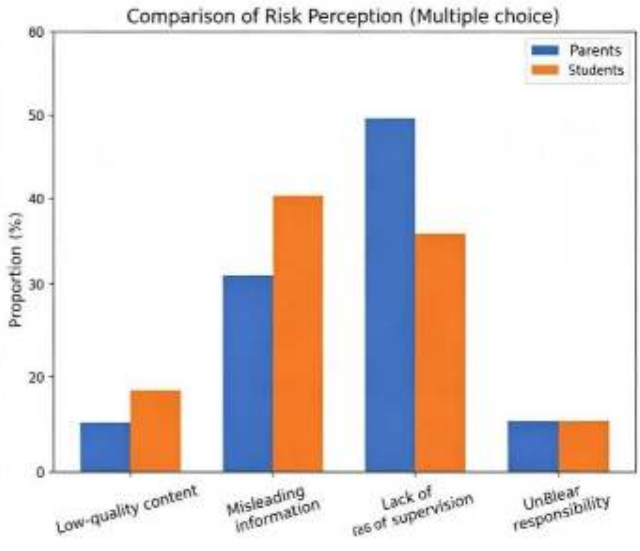



First, parents lack a sufficient understanding of the law and have not, in fact, fully fulfilled their responsibilities toward the children under their care. According to a survey of parents, more than 60% have never read the user agreements or privacy policies of short-video platforms in their entirety, and approximately 70% said that when their children wanted to post videos or go live, the platforms did not require parental confirmation or authorization. Even when such requirements exist, only a small proportion of students (less than half) actually read the terms carefully. Conversely, however, 69% of parents believe that "children giving tips to streamers" should be decided by parents, and 62% believe that "platforms using children's photos for promotional purposes" should be decided by parents. While they subjectively accept such risky behaviors, in reality, they do not have the habit of proactively reviewing the terms of service or verifying the situation in response to platform alerts; therefore, the vetting process has never been truly completed.

Data from the student survey further corroborates this view. According to statistics, more than 70% of students admitted to clicking the "Agree" button without reading the user agreement, and nearly one-quarter said they did not receive relevant confirmation from the platform when uploading videos. A report jointly released by the Department for the Protection of Minors' Rights and Interests under the Communist Youth League of China Central Committee and the China Internet Network Information Center also pointed out that more than 60% of parents of minors approach the application of the licensing terms in platform contracts in a certain way-namely, by being "not very clear" or "completely unaware." However, most parents are unaware that practices such as "confirmation" and "verification codes"-as outlined in the Civil Code-are deemed valid from the moment a user accesses the platform and are equivalent to a written signature.

Second, there is a significant lag in parental supervision of children's online activities. Currently, more than half of parents "do not fully understand" the specific details regarding children's behavior on short-video platforms, and most parents only discover that their children have signed authorization agreements after the children have made large-sum live-streaming donations or been exploited as commodities (such as having their likeness used for commercial purposes). The *Blue Book on Youth: Report on Internet Use by Minors in China (2025)* notes that approximately 13.7% of parents actively utilize or encourage their children to participate in commercial filming or live-streaming, without treating platform authorizations as a key point requiring review. Remedial measures taken at this stage come at too high a cost to children's rights, and there is a high likelihood that the rights in question will remain unprotected for a long time before any actual conflict arises.




### 3.4. Lack of Uniform Standards for Determining the Validity of Judicial Rulings

First, parents lack a sufficient understanding of the law and have not, in fact, fully fulfilled their responsibilities toward the children under their guardianship. According to a survey of parents, more than 60% have never fully read the user agreements or privacy policies of short-video platforms, and approximately 70% reported that when their children wanted to post videos or go live, the platforms did not require parental confirmation or authorization. Even when such requirements exist, only a small proportion of students (less than half) carefully read through the terms. Conversely, however, 69% of parents believe that "children giving tips to streamers" should be decided by parents, and 62% believe that "platforms using children's photos for promotional purposes" should be decided by parents. While they subjectively accept such risky behaviors, in reality, they do not have the habit of proactively reviewing the terms of service or verifying the situation in response to platform prompts; therefore, the vetting process has never been truly completed. Data from the student survey further corroborates this view. According to statistics, more than 70% of students admitted to clicking the "Agree" button without reading the user agreement, and nearly one-quarter said they did not receive relevant confirmation from the platform when uploading videos. A report jointly released by the Department for the Protection of Minors' Rights and Interests under the Communist Youth League of China Central Committee and the China Internet Network Information Center also pointed out that more than 60% of parents of minors approach the application of the licensing terms in platform contracts in a certain way-namely, by being "not very clear" or "completely unaware." However, most parents are unaware that practices such as "confirmation" and "verification codes"-as outlined in the Civil Code-are deemed valid from the moment a user accesses the platform and are equivalent to a written signature.

Second, there is a significant lag in parental supervision of children's online activities. Currently, more than half of parents "do not fully understand" the specific details regarding children's behavior on short-video platforms, and most parents only discover that their children have signed authorization agreements after the children have made large-sum live-streaming donations or been exploited as commodities (such as having their likeness used for commercial purposes). The *Blue Book on Youth: Report on Internet Use by Minors in China (2025)* notes that approximately 13.7% of parents actively utilize or encourage their children to participate in commercial filming or live-streaming, without treating platform authorizations as a key point requiring review. Remedial measures taken at this stage come at too high a cost to children's rights, and there is a high likelihood that the rights in question will remain unprotected for a long time before any actual conflict arises.

## IV. A Comparative Analysis of Digital Informed Consent Regimes for Minors in Other Jurisdictions and Implications for Local Adaptation

### 4.1. The EU GDPR's Rules on Informed Consent for Children

Article 8 of the EU's General Data Protection Regulation (GDPR) stipulates that age must be taken into account when regulating the consent regime: where personal data relating to a child under the age of 16 is to be processed, consent must be given by the child's legal guardian. Member States may adapt this provision as they see fit, provided that the minimum age is not less than 13 years. The Regulation further stipulates that platforms must provide clear

explanations to children, avoid seeking blanket authorisation, and refrain from tying consent to other matters; it also allows users to withdraw their consent at any time. Whilst the proposed rules are well-structured and subject to strict oversight, their implementation entails significant costs and conflicts substantially with current practices in China's short-video industry; consequently, they cannot be simply adopted as they stand.

### 4.2. The U.S. COPPA: Children's Online Privacy Protection Act

The United States' Children's Online Privacy Protection Act (COPPA) draws a "red line" at the age of 13. It stipulates that the personal data of minors under 13 - including portraits, images, and the like - require parental consent, and prohibits the use of "benefits" or incentives to induce minors to provide consent. The Federal Trade Commission (FTC) has enforced this provision rigorously, imposing substantial penalties: in 2019, TikTok (Douyin's overseas version) was fined $5.7 million** for failing to implement guardian identity verification procedures; in the same year, YouTube was fined **$170 million for similar violations. Overall, the United States relies primarily on private litigation and ex post fines, lacking a standardized system of administrative supervision - an approach that differs significantly from China's institutional framework

### 4.3. UK Design Guidelines for the Internet

The 'Age-Appropriate Design Code' is a set of legal operational guidelines established by the UK Information Commissioner's Office and published in 2020. In accordance with its fundamental principles, internet products aimed at minors must provide a detailed breakdown of the services involved; for operations carrying a higher degree of risk, only brief warnings should be provided, rather than burying authorisation clauses within complex terms and conditions; and the appropriate direction for various design elements should be determined based on age-specific characteristics. The principle of 'design is protection' mentioned here effectively reduces instances of minors unwittingly granting consent from the outset, whilst also broadly aligning with the current trajectory of short-form video development in China.

### 4.4. Adapting and Selecting from Overseas Experiences

Each of the three systems proposed has its own advantages and cannot be simply applied as is. Consideration may be given to the EU's approach to tiered consent and itemised authorisation, the US's mandatory guardian verification system, and the UK's 'age appropriateness' framework. In doing so, one should avoid blindly adopting foreign approaches that result in excessively high compliance costs for enterprises or rely on civil litigation to resolve disputes. Instead, building upon China's existing administrative cybersecurity framework, a multi-pronged governance model should be established by integrating administrative guidance, judicial supplementation, platform accountability, and cooperation between families and schools.

## V. Pathways for Improving the Tiered Informed Consent System for Minors' Short Videos

### 5.1. Establishing Tiered and Graded Consent Rules

Current legislation treats 'guardian consent' merely as a general issue, without providing detailed guidance on the various scenarios encountered in practice. This paper argues that the issue should be approached from this perspective, namely by designing a framework based on the dual dimensions of 'age' and 'context'.

When examined by age, the provisions on legal capacity in the Civil Code may serve as a reference: any authorisation granted by a child under the age of eight must be completed with the assistance of a guardian; for minors aged between 8 and 16, they may generally manage low-risk activities such as browsing and expressing preferences independently, but matters involving privacy or transactions require the guardian's permission; if a person under the age of 16 derives their primary income from employment, their consent is legally valid; however, in such cases, the platform is still required to make full disclosure of the relevant facts. This line of reasoning is consistent with the view put forward by Zhang Suhua, Yin Xiaokun and others, namely that 'capacity for informed consent' should be assessed based on the two parallel criteria of 'type of information' and 'behavioural patterns'.

Classified by scenario, the risks involved should be categorised into three levels: when recording or disseminating ordinary videos or general aspects of daily life, the obligations arising from consent should be handled in a suitably simplified manner; for more high-risk activities (such as live streaming or advertising shoots), a stricter authorisation system should be in place; and for situations that are difficult to control-such as using images to train artificial intelligence-guardians should be consulted for confirmation if there is any uncertainty. Anqi's 'age + information-based' two-dimensional approach to child protection serves as an ideal illustration of the aforementioned classifications and their logical relationships.

### 5.2. Optimising the Platform Authorisation Process

The current platform authorisation mechanism has a major shortcoming, namely that authorisation for all types of attributes is presented solely via tick boxes, with a lack of clear explanation or definition of the actual scope of authorisation. A more practical solution would be to ensure that general authorisation applies only to basic functions, whilst commercial use of images is dealt with separately, and AI-generated content requires separate authorisation for reuse. This arrangement is consistent with the provisions of Article 29 of the Personal Information Protection Law. Furthermore, a secure opt-out option should be prominently displayed. Given the design of most current platforms, the opt-out option is often difficult to locate and requires multiple steps to access, which may not be convenient for minors.

### 5.3. Strengthening the Synergy between Parental Supervision and School Education

According to existing research findings, over 60 per cent of parents currently lack an accurate understanding of the content of platform authorisation terms and are unfamiliar with the specific details. It is therefore evident that relying solely on platform compliance or legal measures may not achieve the goal of comprehensive protection. From the platforms' perspective, it is necessary to treat minors' large-sum tipping or the viewing of a large volume of commercial videos as risk factors and to promptly notify guardians via alerts. When schools deliver information technology courses, they should incorporate the rights to one's own image and privacy into the curriculum. In this way, pupils can understand the legal implications of clicking 'Agree', thereby gradually learning to use digital resources and exercise their rights.

Guardians have a duty to fulfil their guardianship responsibilities in practice. In reality, some guardians have already included minors in commercial filming or live-streaming e-commerce schemes without properly checking the relevant authorisation documents for the platforms used; acting in this manner may, in fact, expose minors to the risk of their rights being infringed.

### 5.4. Refining Judicial Adjudication Standards and Regulatory Enforcement Mechanisms

The relevant courts should establish relatively uniform criteria for adjudicating such cases, so as to avoid situations where cases involving the same facts result in differing judgements. When analysing the issues of legal validity from a practical perspective, consideration should be given to the minor's age and cognitive level, the rights involved in the authorisation and the potential risks, whether the platform had provided a full explanation at the time, and whether the guardian subsequently ratified the authorisation. In line with this approach, high-risk authorisations such as those for 'commercial use of likeness' and 'artificial intelligence training' should not be accepted lightly; the scrutiny applied must not be limited solely to the validity of a 'click-to-agree' mechanism.

In the court's view, the adjudication of the agreement involved in the Jinan 'Ai' 'streamer' case was based on a determination that the 'agreement' exceeded the scope of the minor's understanding; that is, the agreement itself was, in principle, invalid. This constitutes a negative interpretation of the validity of civil acts performed by persons with limited capacity for civil conduct that exceed their capacity, and may serve as a case study or point of reference for handling similar cases in the future. With regard to the burden of proof, certain restrictions should be placed on the position taken by the platform; that is, the scope of authorisation and relevant risks must be clearly explained, and the platform must be subject to appropriate verification (without excessive leniency). The method of proof proposed here is designed in accordance with the platform's information and technical capabilities, as it is difficult for minors to verify for themselves whether the other party has provided truthful information, whilst the platform possesses comprehensive materials and various records to support its claims; it is therefore fairer for the platform to bear the burden of proof.

With regard to supervision and enforcement, the cyberspace administration authorities should establish a regular system of spot checks, incorporating short-video platforms' terms of service, authorisation pop-ups and child-friendly modes into the scope of periodic inspections, with a particular focus on non-compliant practices such as bundled authorisations, coerced consent or the absence of age-appropriate warnings. Issues identified during spot checks should be dealt with according to their nature: in general cases, administrative measures such as formal discussions and setting deadlines for resolution should be applied; where serious breaches are involved and rectification has been unduly delayed, penalties shall be imposed in accordance with the law and the findings made public. Minors and their guardians must be provided with convenient means of lodging complaints; reporting channels should be prominently displayed on the websites, and reports concerning minors should be given priority and a swift response. Consideration could be given to establishing a credibility-based record of platform

behaviour, designating platforms with repeated breaches as key targets for supervision, and ensuring that violations incur commensurate consequences.

## VI. Conclusion

The current digital age has already brought significant changes to the lives of minors. Short videos are the most prevalent form of digital media today; completely excluding such content from the lives of adolescents is practically impossible and would not be conducive to their development of digital literacy. Essentially, young people are "digital natives"; only when their rights online are fully realized can the digital society achieve truly sound growth and genuine, positive development.

From a fundamental standpoint, a tiered informed consent system represents a balanced arrangement regarding adolescents' rights and their digital participation. The proposed initiative aims to employ two approaches-"age-based categorization" and "contextual classification"-to weigh the severity of "obligations to consent" against the potential risks involved, striking a balance between "avoiding excessive restrictions" and "mitigating high risks," while simultaneously addressing the issues of "excessiveness" and "high-risk harm."

Achieving this goal requires concerted action from multiple stakeholders. Platforms must proactively improve their authorization procedures; parents should provide appropriate supervision; schools should focus on teaching digital literacy; and the judicial and regulatory sectors must provide institutional safeguards for adolescents. The collective strength generated through collaborative governance is precisely the approach that ensures digital tools truly benefit young people and makes their digital lives more welcoming and fulfilling-and it is also the key to establishing effective protection mechanisms.

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