

Children, vulnerable gender, and zooming: a closer look at tech law

Editorial

Welcome to the second Issue of 2022 of the European Journal of Law and Technology. In this issue, we present three original research articles and a book review. The first two research articles touch upon the theme of data protection and privacy from the perspective of vulnerable groups: the first addressing children's rights, and the second article examines it from a gender perspective. The third research article of this Issue examines the very topical issue of how the use of commercial digital teaching platforms has impacted on teaching practices since the onset of the Covid-19 pandemic.

In our first article 'Children, public sector data-driven decision making and Article 12 UNCRC', Claire Bessant addresses an important but relatively neglected topic, i.e. how public sector bodies are using children's data to make decisions that affect them. Bessant points out that children's own views on the collection, analysis or disclosure of data are never explored, despite the recommendations from the Council of Europe and the United Nations Committee on the Rights of the Child that children should be actively involved in the design, implementation and evaluation of policy and legislation. The article argues that governments must give more consideration to seek children's views in formulating and implementing data policies that affect them, with children's best interests as the primary consideration.

Gianclaudio Malgieri and Gloria González Fuster address a pertinent but previously underexplored topic in their article, 'The vulnerable data subject: a gendered data subject'. The authors investigate the concept of vulnerability from the perspective of gender, and raise interesting points as to whether the interpretation of 'vulnerable data subjects' should go further than children and include gender-based approaches. They propose a solution based on Florencia Luna's 'layered' theory, which they argue might be a 'cautious solution to the ambiguous and inconsistent treatment of vulnerability both in the European Union policies surrounding data protection law and in the EU data protection practice itself'.

The Covid-19 pandemic has affected all areas of life, and the Higher Education (HE) sector has been no exception. HE institutions have had to adopt new teaching and learning methods, with increased take-up of opportunities in the digital space. Bernd Justin Jütte, Guido Noto La Diega, Giulia Priora and Guido Salza, in their article 'Zooming in on education: an empirical study on digital platforms and copyright in the United Kingdom, Italy and the Netherlands' examine how the use of commercial digital platforms has impacted on HE teaching practices. Using data and empirical evidence generated from a study spanning three countries, they point out several problems of 'platformised' educational practices where commercial platforms serve as *de facto* regulators of the sector, and highlight misconceptions and gaps in knowledge regarding copyright law in this context.

Finally, in our book review section, Daniel Davenport provides a thorough and insightful review of David Erdos' book, *European Data Protection Regulation, Journalism, and Traditional Publishers: Balancing on a Tightrope?*

We hope you enjoy reading this Issue. As always, thanks to all our contributors, editors, reviewers, and readers for supporting the work of the EJLT.

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