

THE ISSUE OF ENSURING MINORS' RIGHTS TO PRIVATE LIFE AND PERSONAL DATA PROTECTION: CASE OF LITHUANIA

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Abstract. *The quality protection of minor's right to privacy cannot be achieved without sufficient protection of personal data. Minors merit specific protection, any information and communication when it comes to their privacy and data protection. The issue of minors' right to private life and personal data protection in Lithuania is an important and multifaceted topic, covering the provisions of legal acts, their practical implementation, public awareness and the activities of institutions. Still, there are few scientific studies in Lithuania on minors' right to private life and personal data protection, and scientific research is not often conducted.*

This scientific article aim is to reveal the legal regulation and practical problematic aspects of ensuring minors' right to private life and personal data protection.

After analyzing legal doctrine, court practice and the results of the empirical study, it was revealed that, even with strict legal regulation of minors' private life and personal data protection, it is not enough to protect and ensure these rights. Considering the opinion, experience and knowledge of the research participants, to properly ensure the minor's rights to private life and personal data protection, it is necessary to strengthen legal regulation, take greater preventive measures and promote education, create interinstitutional relations and increase their cooperation and reducing the intervention of state institutions when it is not necessary.

Keywords: *right to privacy, personal data, minor's protection of personal data, GDPR.*

Introduction

With the gradual change of people's way of life, rapid development of information technologies, expansion of people's communication with each other online, increasing attention to the protection of human rights, legal regulation in these areas is also changing. The human right to private life and protection of personal data and the increase in the volume of requirements arising from these rights have activated the interest of various state institutions, organizations, scientists and lawyers, analyzes of problematic situations and searches for ways to solve them. One of the most vulnerable social groups - minors and their right to private life - is gaining even more interest. The issue of minors' right to private life and personal data protection in Lithuania is an important and multifaceted topic, covering the provisions of legal acts, their practical implementation, public awareness and the activities of institutions. Still, there are not many scientific articles in Lithuania on the topic of minors' right to private life and personal data protection, and scientific research is not often conducted.

In a general sense, the problems of protecting the rights of a minor have been analyzed by various authors, such as G. V. Bueren „*The International Law on the Rights of the Child*” (1995), R. Šalaševičiūtė, E. Žemaitytė „*Vaiko teisių apsaugos sistema Lietuvoje*“ (2008), B. Kairienė „*Vaiko teisinis statusas: įgyvendinimo problemos*“ (2012), I. Milkaite, E. Lievens, E. (2018) „*Children's Rights to Privacy and Data Protection Around the World: Challenges in*

the Digital Realm“, E. Štareikė (2022) „Features of the legal regulation ensuring the right of minors to private life and the protection of personal data”, however, some of the works were written quite a long time ago, since then there have been a number of changes in the legal regulation, and based on the increasingly strict legal regulation for personal data protection, it can be said that this topic is still relevant. Also, studies on the right of minors to privacy and protection of personal data are not widely carried out by scientists in Lithuania.

Research problem. Minors are one of the most vulnerable social groups and therefore need special protection and help. Taking into account the practice of the courts, the legal doctrine, it can be stated that minors face a violation of personal data protection (*Mickevičiūtė, G. V., Pasvenskas, V., Štareikė, E.*), and the implementation of the right of minors to private life has not been widely examined. As the legal awareness of democratic society grows, the concept of the protection of private life and personal data is changing, and the need to protect these human rights is growing, especially when the rights of one of the most sensitive sections of society - minors - are violated. In order to ensure the right of a minor to private life and the protection of personal data, it is necessary to analyze international and national legislation protecting these rights, which can effectively improve, modify or supplement the scope of the rights of minors.

The object of scientific article is legal regulation of minors' right to private life and personal data protection.

The **purpose of this scientific article** is to reveal the legal regulation and practical problematic aspects of ensuring minors' right to private life and personal data protection.

The scientific article uses the following **theoretical and empirical methods**: the method of comparative analysis, logical – analytical and systematic analysis, empirical quantitative method – questionnaire. The comparative analysis method was used to compare the content and legal regulation of the right to right to privacy of minors, a logical – analytical method was used to analyse the requirements for the processing of personal data of minors and to identify the most common problems in this area. Logical-analytical and systematic analysis methods are used to reveal the relationship between legal acts and legal doctrine, different legal norms, summarize the scientific article, reveal the main problem, and formulate conclusions. Empirical quantitative method - questionnaire was used in order to find out the problems of the implementation of the protection of the rights of minors and the experience of specialists of the State Child Rights Protection and Adoption Service under the Ministry of Social Security and Labor in this aspect.

Theoretical paradigm and legal regulation of the right to private life

The right to private life is one of the fundamental and universally recognized human rights in a democratic society, which belongs not only to adults, but also to minors. It was internationally established in Article 12 of the *Universal Declaration of Human Rights* adopted by the United Nations General Assembly in 1948: *“no one shall be subjected to arbitrary interference with his personal and family life, the inviolability of his home, secrecy of correspondence, encroachment on his honor and reputation”*. The aforementioned Declaration also emphasizes the importance of the mother and the minor, who must be given special care and support.

The right to the inviolability of private life is also established in Article 17 of the *International Covenant on Civil and Political Rights* adopted by the United Nations General Assembly in 1996: *“No one shall suffer arbitrary or unlawful interference with his personal and family life, the inviolability of his home, the secrecy of correspondence, unlawful*

interference to his honor and dignity. Every person has the right to the protection of the law against such interference or such attempts“.

The 1950 *European Convention for the protection of human rights and fundamental freedoms* (hereinafter referred to as the Convention) is still called the most effective human rights protection system, which gives individuals the opportunity to defend their rights at the international level. In this international document, human rights from abstract principles were established as specific legal obligations, the control of which was assigned to specially created international institutions. Article 8 of the Convention declares that *"everyone has the right to respect for his private and family life, the inviolability of his home and the privacy of his correspondence."* It is noticeable that the rights defended in the first part of this article are closely related to each other, therefore the concept of private life can be understood together as the right to the inviolability of private (personal) life, the right to respect for family life, the right to the inviolability of housing and the right to secrecy of correspondence. Among other things, the European Court of Human Rights recognizes that the illegal surveillance of a person, illegal search of a person or his property, publication of data on the state of health of a person and other aspects fall within the inviolability of a person's private life, and the list is not exhaustive (*Meškauskaitė, 2015*).

Article 7 of the *Charter of Fundamental Rights of the European Union* adopted in 2016 distinguishes the right of a person to private and family life, that every person has the right to respect for his private and family life, to the inviolability of his home and the secrecy of correspondence, and, in addition, Article 24 emphasizes the right of minors to protection necessary for their well-being. It is noticeable that in the international legal doctrine, when describing private life, the inviolability of the housing is also assigned to it, but in our national law, these two rights are protected in separate articles. Article 22, Part 1 of the *Constitution of the Republic of Lithuania* emphasizes that a person's private life, personal correspondence, telephone conversations, telegraph messages and other communications are inviolable, and the inviolability of housing (which, although it is an element of private life), is separated from private life and this right is protected by the Constitution Article 24. According to the Constitution, a person's right to privacy is not absolute and can be limited in accordance with the principle of constitutional proportionality. However, the limits of the protection of a person's private life end when he, by his actions, criminally or otherwise unlawfully violates the interests protected by law, causes harm to individuals, society and the state, and therefore this right can be violated, but only by law.

The European Court of Human Rights has repeatedly stressed that international legislation obliges states not only to refrain from active interference in the private life of a person, but also to act in such a way as to ensure real respect for the private life of others. Consequently, the right to the inviolability of private life must be protected not only in the field of public law, but also in the field of relations regulated by private law, i.e. not only in relations between private individuals and public institutions, but also between private individuals. According to the Constitution, it is possible to restrict constitutional human rights and freedoms, in this case the right to privacy, if the following conditions are met: this is done by law; restrictions are necessary in a democratic society to protect the rights and freedoms of others and the values established in the Constitution, as well as constitutionally important goals; restrictions do not negate the nature and essence of rights and freedoms; the principle of constitutional proportionality is respected (*Constitutional Court of the Republic of Lithuania, 2022*).

Regarding violations of the right to private life, the Constitutional Court of the Republic of Lithuania has repeatedly stated that the right to private life includes personal, family and

home life, physical and mental integrity of a person, honor and reputation, secrecy of personal facts, the prohibition to publish received or collected confidential information etc., illegal interference in a person's private life is also an attack on his honor and dignity (*Constitutional Court of the Republic of Lithuania, 2022*).

The aforementioned legal acts protect the rights of all people, including minors, but to protect their rights and increase special protection measures, The *United Nations Convention on the Rights of the Child (1989)* was adopted. The provision of Article 16 of the Convention on the Rights of the Child establishes that "*no child shall experience arbitrary or unlawful interference with his personal and family life, the integrity of his home, the secrecy of correspondence, or unlawful interference with his honor and reputation*". The rights of minors were also established by the United Nations General Assembly in 1985, which approved the United Nations' standard minimum justice rules for minors, also known as the Beijing Rules. They establish that the right of a minor to a private life must be respected at all stages of legal proceedings, in order to avoid the harm that he would suffer as a result of inappropriate publicity or defamation. The Beijing Rules emphasize the importance of protecting minors from the negative consequences that they may face from publishing information about the case in the media (or other public places), so a provision has been made that prohibits the publication of any information that can identify the juvenile offender, which again establishes the right to private life (*Beijing Rules, 1985*).

Due to the considerable attention paid to the protection of a person's private life, other legal acts protecting this right have also been established in the Republic of Lithuania. Article 10 of the *Law on Fundamentals of Protection of the Rights of the Child of the Republic of Lithuania* protects minors' rights to private and family life, privacy of communication, protection of personal data, confidentiality of correspondence, honor and dignity, inviolability and freedom of the person. *The Law on Public Information of the Republic of Lithuania* provides the following concept of private life - "*private life - the personal life of a person, his family, living environment consisting of a person's living space, private territory belonging to it and other private premises that a person uses for his economic, commercial or professional activities, as well as a person's mental and physical integrity, honor and reputation, secret personal facts, photographs or other images of a person, information on a person's health, private correspondence or other information, a person's views, beliefs, habits and other data, which can be used only with his consent.*"

Thus, the right of minors, like adults, to private life is protected by international and national legal acts, which clearly state that no one should experience arbitrary interference in private and family life. A person's private life consists of many different and diverse elements, such as: a person's private and family life, personal data, living environment, personal image, physical and mental integrity of a person, health data, private correspondence or other communication, etc., which are interconnected and are protected by laws, which can be violated only in cases provided for by law.

The connection between personal data protection and private life institutes

Personal data, as well as a person's private life, are established in the provisions of general legal acts protecting human rights (see 1 Table), such as *the European Convention on Human Rights* (Article 8), *the Universal Declaration of Human Rights* (Article 12) , but at the international level, the first step to protect personal data was the question raised by the European Council and the European Organization for Cooperation and Development, whether in the world of modern technology and science, the European Convention on Human Rights and other

legal acts of the member states sufficiently protect the privacy of a person one of the elements contains personal data. Taking into account the question raised and the recommendations presented, the Committee of Ministers adopted two resolutions, one of which was dedicated to data protection in the private sector, the other in the public sector, after which European countries (Austria, Denmark, France, Germany, Luxembourg, Norway, Sweden, etc.) adopted legal acts protecting personal data (*Točickienė, 2003*). It was recognized that personal data must be processed lawfully, fairly and transparently, in accordance with the principles of legality, fairness and transparency.

Table 1. Legal regulation of the child's right to data protection

CoE legal regulation	EU legal regulation	National regulation
The European Convention for the protection of human rights and fundamental freedoms (Article 8)	Charter of Fundamental Rights of the European Union (Articles 7 and 8)	The law on legal protection of personal data of the Republic of Lithuania (Article 6)
The Convention of the Council of Europe No. 108+	General Data Protection Regulation (Article 8)	The law on information society services of the Republic of Lithuania (Article 10)
	The resolution of the European Parliament, dated July 6, 2011, on a comprehensive approach to the protection of personal data in the European Union (2011/2025 (INI))*	The law on the protection of the rights of the child of the Republic of Lithuania (Article 10, part 1)
	Article 29 Working Party, Guidelines on Automated individual decision-making and Profiling for the purposes of Regulation 2016/679*	
	Article 29 Working Party opinion 2/2009 on the protection of personal data of minors (<i>Opinion 2/2009 on the protection of children's personal data</i>)*	
	Article 29 Working Party working document 1/2008 on the protection of personal data of minors (<i>1/2008 on the protection of children's personal data (general guidelines and the special case of schools)</i>)*	
	*Documents are of a recommendatory nature, i.e., not legally binding	

Source: Štareikė, 2022.

Further, with the development of the importance of personal data protection, other legal acts regulating the protection of this right were also adopted. *The European Council Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data (ETS No. 108)*, signed in 1981, is the first legally binding international document adopted in the field of data protection, which was updated in 2018. The main objective of this legal act is to ensure that the automated processing of personal data in the territories of all countries respects the rights and fundamental freedoms of every person, regardless of his nationality and place of

residence, and above all his right to private life. The importance of this document is also based on the main principles of personal data protection established in its norms: the integrity, legality and expediency of the collection and processing of personal data, the security of the processing, the rights and guarantees of the data subject, the responsibility of the controller, the protection of special data (*Council of Europe, 2018*).

Article 8 of the *Charter of Fundamental Rights of the European Union* establishes the right to the protection of personal data, where the rule of law on the proper processing of data is strictly established, the use of which requires a specific purpose and the consent of the subject. It is worth emphasizing that the Charter protects personal data in a separate article, in contrast to the European Convention on Human Rights, where the right to the protection of personal data is covered by the provisions of Article 8, which establishes the right to respect for private and family life, the inviolability of housing and the secrecy of correspondence. *The Supreme Administrative Court of Lithuania* in an administrative case (2020) noted that "from the point of view of the protection of personal data, Articles 7 (the right to respect for private life) and 8 of the Charter are immanently related", this is also confirmed by the fact that *the Court of Justice of the European Union (CJEU)* (2010) normally refers to both Articles of the Charter in matters relating to the protection of personal data. The CJEU also adheres to the provision that the right to respect for private life recognized by Articles 7 and 8 of the Charter in the processing of personal data relates to all information about an identified or identifiable natural person, the restrictions that may apply to the right to the protection of personal data are in accordance with Article 8 of the ECHR. For these reasons, Articles 7 and 8 of the Charter establish the right to respect for the processing of personal data.

In order to ensure the real protection of personal data and to protect the rights of individuals in the digital space, in 2016 the European Parliament and the Council adopted the General Data Protection Regulation, which began to be applied in the European Union law in 2018, which is considered one of the most ambitious attempts to protect the rights of individuals in the digital space (*Buttarelli, 2016*). This international document aims to protect all citizens of the European Union from privacy and data breaches worldwide (which means that it applies not only within the European Union, but also outside it) by creating a clearer and more coherent security system (*GDPR, 2018*). The GDPR establishes the latest and most comprehensive legal data protection standards. This regulation establishes rules related to the protection of natural persons in the processing of their personal data and rules related to the free movement of personal data, which is why it has become imperative in the protection of personal data. This legal act regulates the processing of minor's personal data for the first time in the European Union law (*Štareikė, Kausteklytė-Tunkevičienė, 2018*).

On the same day, the *Directive (EU) 2016/680 of the European Parliament and the Council "on the protection of natural persons with regard to the processing of personal data by competent authorities for the purposes of the prevention, investigation, detection or prosecution of criminal offences or the execution of criminal penalties, and on the free movement of such data"* was also adopted, which establishes the provision protecting citizens' fundamental right to data protection when personal data is used by law enforcement authorities. It ensures that the personal data of victims, witnesses and suspects are properly protected. Consequently, rules were adopted that would guide not only citizens, but also law enforcement agencies, whose employees have full access to national systems and registers that collect citizen data, such as full name, date of birth, personal code, photos of a person's face, place of residence, family members, relatives, property held, etc., in which personal data is processed without his consent, in accordance with applicable laws. Although all of these laws protect the rights of adults but also of minors, some legal norms have stressed that minors need special

protection of their personal data, as they may not be sufficiently aware of the dangers, consequences or safeguards associated with the processing of personal data and even their own rights, so the necessary protection must also be applied in a virtual environment where minors spend more and more time (*Recommendation of the Council on Children in the Digital Environment, 2012*).

After discussing the legal regulation of the right to private life and the protection of personal data, it is obvious that ensuring the right of a person to privacy also guarantees the protection of his data, and ensuring the protection of personal data also protects the privacy of a person (*Petraitytė, 2011*). A violation of data protection usually also violates a person's private life (for example, the ECHR case *K.U. vs. Finland*), but a violation of a person's private life will not necessarily lead to a violation of personal data (for example, the ECHR case *Soderman vs. Sweden*). In other words, the protection of personal data is inseparable from a person's right to private life, but these personal rights are not identical legal categories.

In the Charter, the right to data protection is an independent right, separate from private life (Articles 7 and 8 of the Charter), but "the Court of Justice of the European Union observes that the right to respect for private life in the processing of personal data, recognized by Articles 7 and 8 of the Charter, relates to all information about an identified or identifiable natural person, the restrictions that may be imposed on the right to protection of personal data are in accordance with Article 8 of the Convention." (*The Supreme Administrative Court of Lithuania,, 2022*) Thus, although these two rights are established in different articles of the Charter, they collectively establish the right to respect for private life when processing personal data.

These rights seek to protect similar values, i.e., individuals' independence and human dignity by providing them with a space where they could freely develop their personality, think and form their own opinion. The European data protection manual states that "The wording and scope of both rights differ. The right to private life consists of a general restriction ban, which is subject to certain criteria of public interest, on the basis of which, in certain cases, the restriction can be justified. Personal data protection is seen as a modern and proactive law that creates a system of checks and balances to help protect individuals when their personal data is processed." (*Handbook_data_protection, 2021*). The examination of the concepts of the right to private life established in international and national legislation shows that information about a person and their protection is an integral part of the right to private life. That is, information about a natural person (his name, surname, phone number, place of residence, education, beliefs, his photo, etc.) is usually called personal data, but at the same time, this data also belongs to a person's private life. "The right to privacy in the classical sense does not include the collection of private data, and the concept of "personal data" characteristic of most data protection documents is not limited to private or confidential information, but includes any data by which a person could be identified" (*Šidlauskienė, 2019*).

The link between the protection of personal data and the right to private life is determined by two important requirements of the legal regulation on the protection of personal data. First, the legal position on the protection of personal data is formed on the basis of a guarantee of the right to private life and, in accordance with the content, are designed to ensure the privacy of the individual. Secondly, the legal regulation of the protection of personal data can only be to the extent necessary to protect the information privacy of a person (*Petraitytė, 2011*). The implementation of the right to private life is characterized by the establishment of standards of behavior in the processing of personal data, as well as the establishment of measures that can be used by a person seeking to protect or defend his right to private life when it concerns the processing of personal data. According to the second requirement, means are established by which a person can find out which subjects and what information have processed about him,

and the ability to react to the processing of information that does not meet the requirements of legal acts, from the person's point of view (*Šidlauskienė, 2019*).

When distinguishing between the protection of personal data and the right to private life, it is indicated that the latter is a passive right and that the person himself, by his behavior, cannot exercise this right. This means that the right to private life is exercised not by the subject himself, but by the behavior of other persons, which is usually passive, manifested by not doing certain actions, such as not breaking into another person's home. It is for these reasons that this right is considered a negative right, the implementation of which does not require the activities of other persons. Meanwhile, the protection of personal data is the opposite – it is considered a positive right, when other entities are required to perform certain actions, such as creating and organizing the protection of personal data collected for certain purposes (*Petraitytė, 2011*).

In conclusion, it can be said that the right to data protection is often analyzed together with privacy, since personal data are part of the right to privacy, but they are not identical and should not be confused. A violation of personal data will also lead to a violation of the right to private life, but a violation of the right to private life will not necessarily lead to a violation of personal data. The connection between these rights can be seen not only in international legal acts, but also in court practice, when violation of personal data is found to be a violation of the right to private life.

The issue of the implementation of the protection of the rights of minors in terms of the experience of the specialists of the State Child Rights Protection and Adoption Service under the Ministry of Social Security and Labor

The study sought to find out the problem of implementing the protection of the rights of a minor and experience of the specialists of the State Child Rights Protection and Adoption Service under the Ministry of Social Security and Labor in this aspect. Quantitative research was chosen to obtain research data, using a pre-prepared questionnaire survey for data collection. „*A survey is a communicative process consisting of a sequence of prompting actions used to elicit responses from subjects by mutual agreement. A survey, unlike tests, does not measure anything. It attempts to evaluate the opinions of the subjects, attitudes towards certain phenomena, behavioral characteristics and factors related to the behavior*” (*Tidikis, 2003, p. 237*). A typical feature of a quantitative survey is a pre-thought-out and prepared research instrument (questionnaire), which helps to systematize the information received from the subjects. A questionnaire has the advantages of being shorter and simpler than the interview, ensuring sufficient selection, 100 percent or slightly less return of the questionnaires (*Tidikis, 2003*). Questions correlate with the theoretical part of the study and are presented to the subjects in which individuals could reveal their opinions.

In order to find out as much as possible the opinions of specialists, their available knowledge and experience, it was chosen to conduct this survey online, using the "Apklausa.lt" website. The survey consisted of 24 questions of various types (closed and open) that were answered anonymously and whose performance was non-public, i.e., questionnaires could not be accessed by visitors to the survey website www.apklausa.lt, except for those persons who were sent a link to complete the electronic survey.

All subjects were initially informed about the goals and tasks of the study, as well as that the results of the study will be used exclusively to achieve the goals of the research. The study followed the most important ethical principles of the researcher: anonymity, privacy, honesty, objectivity, volunteerism, confidentiality (*Kardelis, 2017*). The data obtained in the study are reliable, since the respondents of this survey are senior specialists of the State Child Rights

Protection and Adoption Service at the Ministry of Social Security and Labor. These respondents were chosen because they respond to reports of a possible violation of the rights of a minor and examine the reports, ensure the interests of minors and perform other important functions. This questionnaire was not visible to other outsiders and they did not have the opportunity to answer the questions. The questionnaire was distributed by e-mail, i.e., the link of the questionnaire was sent to the heads of the Child Rights Protection departments (hereinafter – VTAS) of the counties of State Child Rights Protection and Adoption Service (VTAT) with a request that these questionnaires be sent to the senior specialists of their department. During the research, first of all, the administration of the State Child Rights Protection and Adoption Service at the Ministry of Social Security and Labor (hereinafter - VTAT) was approached in order to obtain permission to conduct a questionnaire survey and interviews from VTAT employees working in territorial departments.

During the quantitative research, the questionnaire was shared with 228 senior specialists of VTAS of "X" counties, and during the survey, 210 responses were received (i.e. 92 percent).

Questions 1-4 of the questionnaire survey are related to information characterizing the interviewed persons. Questions 5-11 are related to minors' right to private life. The questions were asked in order to determine the experience and knowledge of VTAS specialists and their ability to identify violations of minors' right to private life. Also to analyze the causes of violations and protection issues. Questions 12-22 are related to the protection of personal data of minors. The questions were asked in order to determine the experience and knowledge, abilities of VTAS specialists, their attitude to the reasons and the issues of protection of these rights. Questions 23-24 are related to strengthening the protection of the rights of minors.

The majority of respondents (71%) were women, 29% were men. It can be concluded that the majority of VTAS specialists surveyed are women, therefore, the opinion of women on the protection of the rights of minors is more reflected in the data of the study. The age of specialists was also determined during the research. Most of the respondents (43%) are specialists between the ages of 31 and 40, less than a third (29%) consists of specialists over 51 years old. The rest are specialists who are under 30 years old and specialists who are 41-50 years old (the numbers of respondents of these groups are equal, i.e., 14% each). Therefore, most of the surveyed VTAS specialists are young and middle-aged. In order to assess the competence and qualifications of the interviewees, a question was asked about their education. As it turned out, more than half (57%) of the specialists have a university degree in law, a much smaller part (29%) have acquired a university degree in other fields. Meanwhile, 9% of respondents have obtained a higher non-university degree in law and 5% of respondents have obtained higher education. Thus, the vast majority of the respondents have obtained a university degree in law and other fields. Also, the interviewees were asked about their work experience in VTAT, in order to determine how much experience they have in working with minors in this field. After analyzing the received answers, it was noticed that a considerable part (43%) of the respondents have up to 5 years of experience working at VTAT. Another part (29%) of the respondents has 6 to 10 years of work experience, and another part of the respondents (14%) has more than 21 years of work experience in this field. The rest, 9% of the respondents have from 16 to 20 years of work experience and 5% of the respondents have 11 to 15 years of work experience. According to these results, it can be seen that the vast majority of the respondents (72%) have up to 10 years of experience working at VTAT.

The second group of questions is related to the issue of protection of the rights of minors. The respondents were asked which of the presented minor's rights, in their opinion, is insufficiently ensured and is still violated most often. From the answers given, it is observed

that more than half, i.e., 52% of the respondents think that this is the "right to privacy" (see Figure 1).

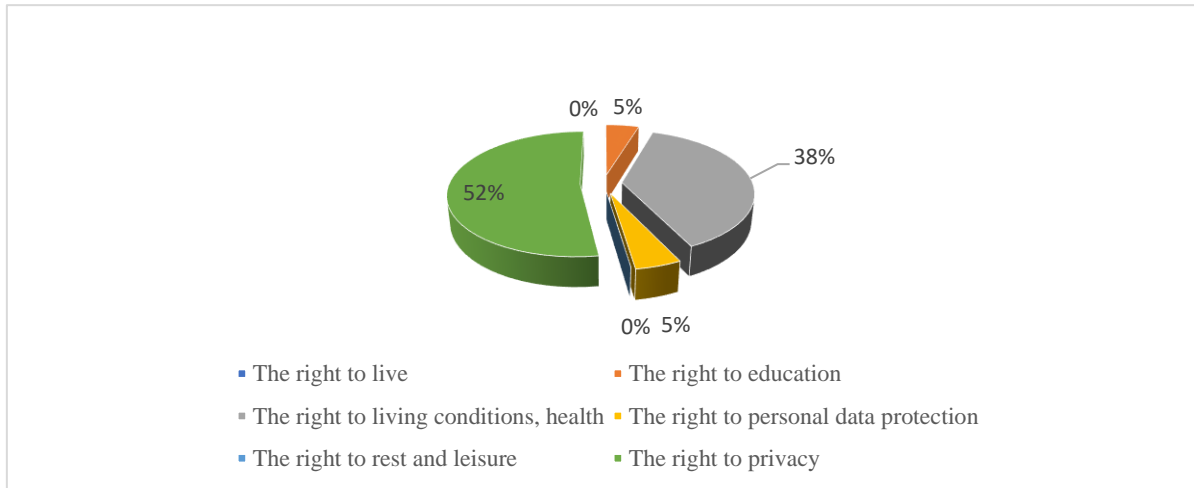


Figure 1. Insufficiently secured and most often violated the right of a minor

Source: authors of this study

Also a significant part (38%) of the respondents believe that the right to living conditions and health is also insufficiently guaranteed and often violates the right of a minor. 5% of the respondents chose the "right to protection of personal data", and the remaining 5% of the respondents chose the "right to education" as the most often violated rights, in their opinion. It can be assumed that the "right to rest and leisure" and the "right to live" are sufficiently secured, since these rights were not chosen by any of the respondents as insufficiently secured and most often violated rights. According to these results, it can be seen that the private life of a minor is still insufficiently secured and most often violated.

In order to determine the competence of the interviewees while working with the issues of this area, the respondents were asked whether they have examined violations of minors' right to private life and how many such violations they have examined.

The research data revealed that almost half (48%) of the respondents have examined violations of this nature up to 10 times. A significant number (24%) of the respondents stated that they have not investigated violations of this nature, and 19% of the respondents indicated that they do not remember whether they have dealt with violations of this nature. 9% of the respondents stated that they dealt with violations related to violations of the private life of minors more than 10 times. Consequently, more than half (57%) of the respondents surveyed have at least once dealt with violations of the right to private life of minors, but a fairly significant proportion (43%) of the interviewees did not investigate such violations or did not remember that they did. This shows that more than half of the respondents have encountered the examination of the right to private life of minors and have experience in examining violations of private life.

In order to determine the opinion of the respondents about the elements included in the concept of private life, respondents were asked to mark the elements that they consider to be classified as private life. The vast majority of respondents consider a minor's personal and family life, living environment, health data, correspondence and conversations, correspondence, personal image to be private life (these options were selected by more than 71% of the respondents). From 28 and 38% of the respondents included the following items in their private life: any information about a person (and information that can be used to determine

identity), biometric data, school grade book, e-mail address, phone number, date of birth, social security code, bank account, friends contacts on the phone. However, the least marked answers were about the address of the place of residence and the name and surname (23% of the respondents chose these elements). According to the choices of these respondents, it can be seen that most of the respondents adequately qualify the composition of private life, but it should be remembered that private life includes personal data, which are any data that can be used to identify a person, the list of which is not exhaustive.

The absolute majority of respondents, about 81%, refers to "photographing a minor without his and his legal guardians consent" as a violation of private life. Other violations of a minor's private life from 62% up to 76% of those interviewed named such actions as: "illegal collection of information about a person", "filming of a minor's living environment", "interviewing a minor without the consent of his legal guardians", "taking away a minor's phone and browsing it". 43% of the respondents believe that the violation of private life consists of "spreading false information about a person".

The legislation strictly specifies cases when it is possible to violate the private life of minors. In order to find out the knowledge possessed by the respondents, they were asked in which cases, in their opinion, the right to private life of minors can be violated. According to the answers given by the respondents, slightly more than half (51%) of them think that the right of minors to private life can be violated only in the cases stipulated by the law. Another, considerable number of respondents (28%) believe that it is possible to violate private life in order to prevent illegal actions, such as criminal acts. 20% of the respondents think that the violation of such a right is possible in order to protect the rights and freedoms of other persons and 1% of the respondents believe that such a right can be violated in order to reveal serious problems, for example, interviews are conducted regarding the illegal behavior of teachers during classes. Therefore, the vast majority believe that minors' right to privacy can be violated only in cases provided for by law, when the aim is to prevent illegal actions and to protect the rights and freedoms of other persons, and this is precisely what Article 8 of the European Convention on Human Rights provides.

In order to find out the available experience about violations of the private life of minors, the respondents were asked which of the subjects, in their opinion, most often violate the privacy of minors (see Figure 2).

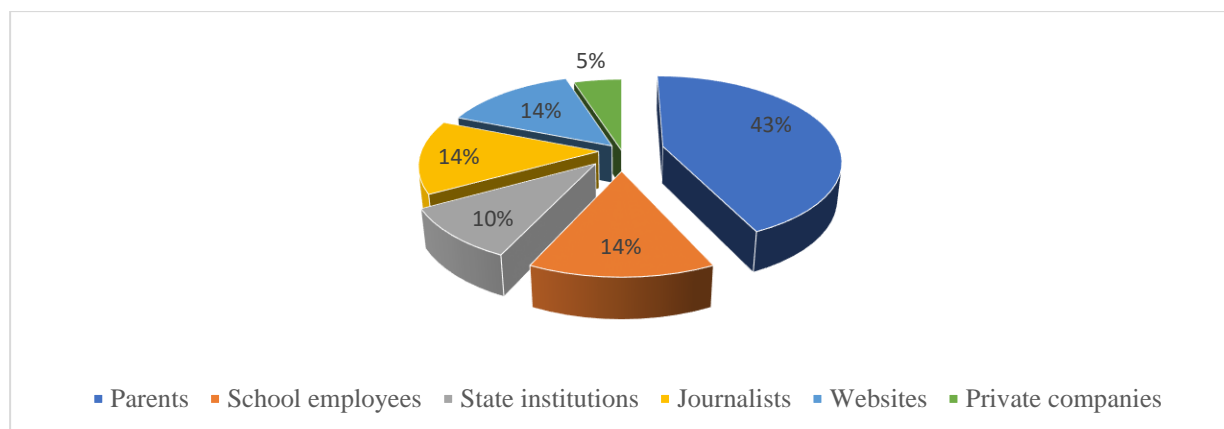


Figure 2. Subjects that most often violate the privacy of a minor

Source: authors of this study

According to the distribution of the respondents presented in Figure 2, we see that 43% of interviewed VTAS specialists believe that the minor's right to privacy is usually violated by parents. Another, considerable number of the respondents were equally divided and believe that

school employees (14%), journalists (14%) and websites (14%) are the most frequent offenders. 10% of the respondents think that state institutions usually violate this right of minors, 5% of the respondents chose another option and indicated that in some cases this right is violated by lawyers.

In order to find out for what reasons the minor's right to privacy is violated, 39% of the respondents indicated that it was due to insufficient legal regulation. 19% of the respondents indicated that the main reason is the impunity of individuals, when minors do not turn to anyone for their violated rights. 14% of the respondents believe that the right to privacy is usually violated due to the ignorance of legal acts of citizens who violate the rights of minors. 13% of the respondents chose the other option and wrote "all are suitable". 10% of the respondents chose the option "due to state institutions that do not take sufficient prevention" and 5% of the respondents believe that the minor's right to privacy is violated due to insufficient education of minors about their rights.

In order to determine the competence and experience of the interviewees while working with personal data, the respondents were asked whether they have dealt with violations of the personal data of minors. 48% of the respondents have had to deal with minors' personal data violations up to 10 times. 28% of the respondents do not remember, and 24% did not examine violations of this nature. When analyzing the results, it can be seen that there are no respondents who have dealt with this type of violation more than 10 times, and there are no persons who indicated a different option other than the ones presented in the options. It can be concluded that less than half, 48% of the respondents have dealt with these violations and are familiar with the regulation on the protection of personal data, while the remaining respondents have not investigated or do not remember doing so.

Similar to the right to privacy, in order to find out the respondents' opinion and available knowledge about the elements that are classified as personal data, the respondents were asked to mark the elements that they think are classified as personal data.

Table 2. Special categories of personal data

<i>Category</i>	<i>Number of respondents (n)</i>	<i>Number of respondents (%)</i>
<i>"Genetic data / data related to health / data on sexual orientation or sex life of individuals / data on racial or ethnic origin / political views / religious or philosophical beliefs of individuals"</i>	117	56 %
<i>"Sensitive / important data"</i>	41	19 %
<i>"Data that may reveal identity and which are prohibited from being processed (except in cases provided for by law)"</i>	21	10 %
<i>"I don't know"</i>	27	13 %
<i>"It is specified in the law"</i>	4	2 %

Source: authors of this study

The vast majority of respondents, over 71% of those interviewed, assign following to personal data: name and surname, health data, residential address, bank account number, personal identification number, date of birth, personal image, telephone number, e-mail address, school report card, biometric data, any information about the person, whose identity can be determined. From 5 to 14% of the interviewees also chose the following options:

personal and family life of the minor, living environment, correspondence and conversations, correspondence, friends' phone contacts, any information about the person. It is worth emphasizing that there is no definitive list of personal data elements, but only such data about a person whose identity is established or can be established are considered personal data.

In order to find out the respondents' knowledge about special categories of personal data, an open question was asked about what they think special categories of data are. The responses of the respondents were distinguished into categories (see 2 Table).

After distinguishing the received answers into categories, it can be seen that more than half (56%) of the respondents answered that the data of special categories are genetic data, data related to health, data about the sexual orientation or sex life of individuals, data about the racial or ethnic origin of individuals, political views, religious or philosophical beliefs. 19% of the respondents indicated that this is sensitive or important data, without elaborating on it. 10% of the respondents indicated that this is data that can be used to reveal the identity of a person and that is prohibited from being processed (except for cases provided for by law). 13% of the respondents stated that they do not know, and 2% of the respondents answered "it is specified in the law". It can be concluded that most respondents are familiar with the GDPR (see 3 Table) and know what data are classified as special categories of data, and which are prohibited to process, except in cases provided for by law.

Table 3. Types of personal data

Personal data	Special categories of personal data	Personal data of minors
Any information about identified or identifiable natural person (name, surname, tel. no, bank card no., fingerprint, iris, face image, vehicle registration no., e-mail address and so on.)	<ul style="list-style-type: none"> - Racial or ethnic origin, political views, religious or philosophical beliefs, trade union membership; - Genetic data, biometric data (to specifically identify a natural person); - Health data, - Data on the sex life/sexual orientation of a natural person. 	Personal data of minors classified as particularly sensitive data requiring greater protection by excluding minors from the general spectrum of the concept of entities (name, surname, personal code, address of residence, telephone number, e-mail address, nationality, date of birth, bank card number, education data (completed primary school, data on diplomas and certificates), data on health (health status, blood group, etc.), image data, biometric data, family member data (if associated with the data subject), interests, purchase and shopping history, internet pages visited by a person, randomly generated telephone number, location data (e.g., location data on mobile), Internet Protocol (IP) address, etc.

Source: Štareikė, 2022.

In order to find out the experience of the respondents regarding the rights of minors to personal data, the respondents were asked which of the entities most often violate the data of minors. According to the received data, it can be seen that 50% of the respondents, think that websites violate the right of minors to the protection of personal data. A significant number of the respondents (19%) believe that this right of minors is violated by journalists, and 17% of the respondents think that parents do it. 7% of the respondents think that school employees

violate the data of minors, and 5% of the respondents think that it is done by state institutions. 2% of the respondents chose the option "private companies". In order to clarify the data on this question, the respondents were asked their opinion on whether websites used by minors adequately ensure the protection of their data. The respondents' answers were equally divided between "no" and "partially" (both answers were chosen by 48% of the respondents). 4% of the respondents chose the answer "I don't know" and none of the respondents chose the answer "yes". According to the results of this question, it can be seen that the respondents believe that websites used by minors do not ensure the protection of minors' data or only partially ensure it.

When examining the problems related to securing the personal data of minors on websites, the respondents were asked what they think is the main problem faced by websites that seek to adequately protect the rights of minors. According to the data provided, half of the respondents, i.e., 50% believe that the main problem faced by websites is the pretense of minors being older than they actually are. Another problem is the laxity of minors in agreeing to various conditions, not getting acquainted with them and not reading them (33% of the respondents think so). 16% of the respondents think that demanding and obtaining parental consent is the main problem, and the remaining 1% of the respondents who chose "other" indicated that all the listed are the main problems and they could not single them out.

When looking more broadly at these issues, the respondents were asked an open question as to what security measures they thought websites should use to determine whether the minor indicated his real age or indicated it as older than he actually is, just to register on the site. 68% of the respondents indicated that additional questions or tasks should be created that only people of a certain age would be able to answer and complete the tasks. 17% of the respondents indicated that the requirement of parental consent is still the main tool, therefore websites should necessarily require this consent and not allow the use of website data until approval is obtained. 12% of the respondents indicated that it is impossible to control. 3% of the respondents indicated that they do not know or have no opinion on this issue.

When answering the question of whether the consent of parents/legal guardians, even if they do not have any knowledge about the processing of personal data on websites, is a suitable measure to protect the personal data of a minor, slightly more than half of the respondents (57%) believe that such consent of parents or legal guardians is not a suitable measure of protection. 24% of the respondents think that it is still a suitable protective measure, and 19% of the respondents chose the option "I have no opinion". The obtained results show that more than half of the respondents believe that such parental consent is inappropriate.

When examining the problem, it was noticed that there is another problem when even minors over 14 years old do not understand what conditions on the websites they agree to, often they do not even read or delve into them. The respondents were asked their opinion, from what age the consent of a minor to the processing of his personal data should be legal in Lithuania. According to the current international and national legislation, in Lithuania the consent of a minor to the processing of his personal data (in connection with the direct offer of Information society services to a child) from the age of 14 is legal and from that age parental consent for the processing of personal data is not required. Even 43% of the respondents believe that such consent should be valid from the age of majority. 28% of the respondents indicated the age limit of 14 years, which is valid, and 24% of the respondents think that it should be from the age of 16. The remaining 5% of the interviewees chose the answer "I don't know". In summary, it can be said that almost half of the surveyed VTAS specialists believe that consent to the processing of personal data should only be obtained from the age of 18, but here again the problem is how to ensure that younger persons do not indicate their other age and register by indicating that they are adults.

In order to find out the knowledge and experience of the respondents, they were asked what, in their opinion, is the main reason for the violation of the minor's right to personal data protection (see Figure 3).

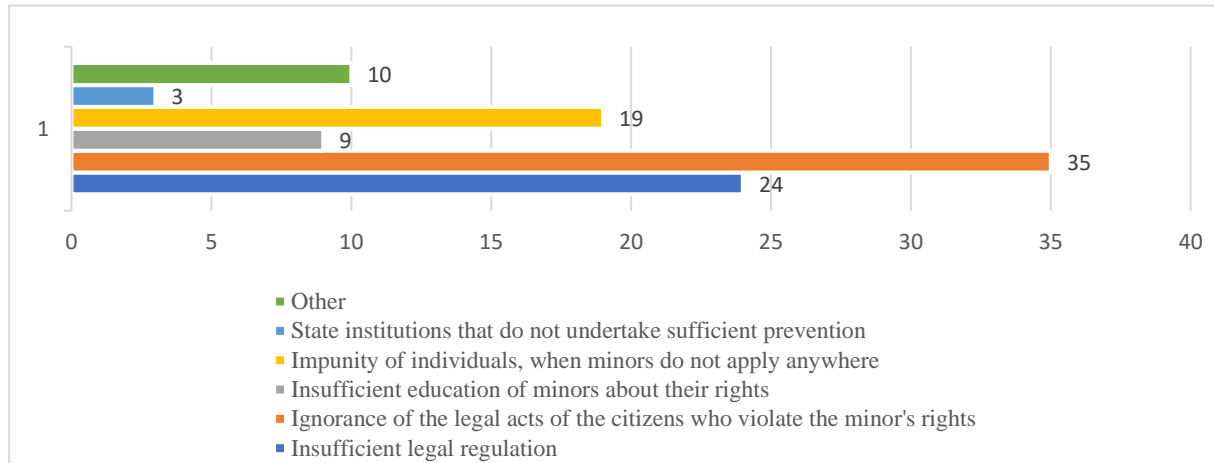


Figure 3. Reasons for violating the personal data of a minor

Source: authors of this study

35% of the respondents believe that the main reason for the violation of the minor's right to personal data protection is the ignorance of the legal acts of the citizens who violate the minor's rights. 24% of the respondents think that there is insufficient legal regulation, 19% of the respondents think that due to the impunity of individuals, when minors do not apply anywhere. 10% of the respondents, choosing the option "other", think that all the listed reasons are inseparable, therefore they could not choose one. 9% of the respondents think that due to insufficient education of minors about their rights, 3% of the respondents think that it is due to state institutions that do not undertake sufficient prevention. However, in the opinion of the respondents, the main reason is the lack of knowledge of legal acts by members of the public and insufficient legal regulation.

In order to determine all possible reasons for insufficient protection of the rights of minors, the respondents were asked about their opinion, whether in their opinion the GDPR sufficiently regulates the regulation of data protection of minors. More than half, i.e. 57% of the respondents believe that the GDPR partially sufficiently regulates the regulation of data protection of minors. 24% of the respondents responded "yes", 10% of the respondents responded "I don't have an opinion", and 9% of the respondents responded "no". According to the answers provided, the vast majority agree that the GDPR partly regulates the protection of personal data of minors sufficiently.

The respondents were also asked whether the institutions ensuring the protection of the rights of the minor adequately protect and are fully involved in the protection of the rights of minors. 62% of the respondents believe that the institutions ensuring the protection of the rights of the minor adequately protect and are fully involved in the protection of the rights of minors, and 38% of the respondents believe that only "partially".

The last question asked to the respondents was of an open nature, in order to find out their opinion about what, in their opinion, measures would improve the protection of the rights of minors, related to the right to private life and protection of personal data. The respondents' answers were distributed as follows (see Figure 4).

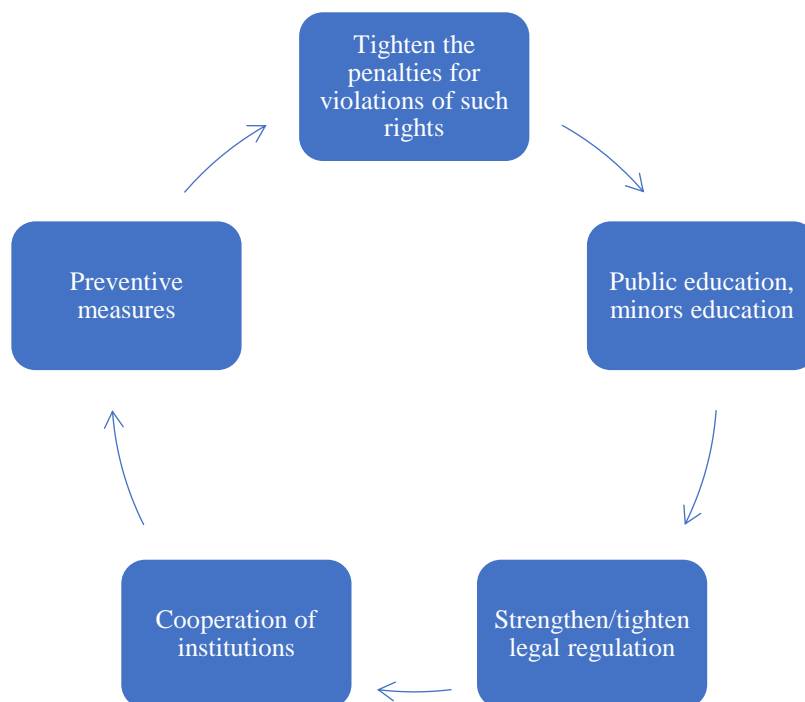


Figure 4. Measures to improve the protection of the rights of minors

Source: authors of this study

Figure 4 shows the groups of respondents' answers. 33% of the respondents indicated that the most appropriate measure would be to strengthen and tighten legal regulation related to minors' right to private life and personal data protection. 23% of the respondents pointed out that greater public education should be undertaken, namely the education of minors about their rights. 20% of the respondents said that the most appropriate measure would be to tighten the penalties for violations of the right to private life and the right to personal data protection. 14% of the respondents advocated closer cooperation between state institutions (namely between VTAT, police and prosecutors). 10% of the respondents indicated that preventive activities and educational activities are important. These respondents' answers showed what was already discussed in the previous questions, namely when examining the issue of protection of minors' rights - the lack of all these listed elements is the main reason why the minor's right to privacy and protection of personal data is still violated. All these elements listed are important for sufficient protection of the rights of minors.

Conclusions

The right to the protection of personal data is formed on the basis of a natural guarantee of a person's right to private life. Examining the concepts of private life established in international and national legal acts, it can be seen that information about a person and the protection of this information are considered to be an integral part of the right to private life, that is, when legal acts guarantee a person's right to privacy, the protection of his data is also guaranteed, while ensuring the protection of personal data, personal privacy is also protected. Nevertheless, these rights are not the same - when data protection is violated, the private life of a person is usually violated, but when a person's private life is violated, personal data will not always be violated.

The results of the conducted research revealed that the participants of the research were adequately aware of the regulation of the rights of minors and their protection related to private life and personal data protection. During the research, it was established that one of the most frequently violated rights of minors is their right to private life. A minor's right to private life is violated by parents, school employees and websites. The most common violations are photographing a minor without the consent of him and his legal guardians, as well as illegal collection of information about him, filming the minor's living environment, taking an interview with a minor without the consent of his legal guardians, as well as depriving and browsing the minor's phone. One of the main reasons why this right is violated is insufficient legal regulation.

When choosing their answers, the research participants classified personal data as an element of private life and indicated that this right is also often violated, and it is usually violated by websites, journalists, and less often by parents. In the opinion of the respondents, the main reason for the violation of minor's personal data is the lack of knowledge of legal acts and insufficient legal regulation, which ensures this right only partially, as a result of which individuals violate the minor's right to personal data protection without understanding and knowing it.

In order to ensure the right of a minor to private life and the protection of personal data and to reduce infringements of these rights, respondents consider that the responsibility for infringements of these rights must first be strengthened, society and minors should be educated more so that they know what rights they have, closer inter-institutional cooperation should be encouraged and other preventive measures should be taken. In order to prevent violations of minors' personal data, the requirements for online sites should be tightened so that they ensure effective protection measures and their services are not used by persons younger than established by legal regulation.

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