Your response

Please refer to the sub-questions or prompts in the [annex](#) to our call for evidence.

Question	Your response
Question 1: Please provide a description introducing your organisation, service or interest in Online Safety.	*Is this response confidential? – No* The Age Verification Providers Association represents 25 of the main technology suppliers who have invested in the development of age verification and estimation solutions to support the implementation of age restrictions online. As an association, we work to: ● Inform and educate the public, industry, and media, on age verification solutions and technology. ● Promote a positive image of effective age verification and the age verification industry. ● Represent the industry to regulators and law makers for the advancement of best practice, socially responsible age verification policy.
	The AVPA was formed in 2018 from organisations involved in the UK's Digital Policy Alliance age verification working group and now includes members from North America, Australia and across Europe. The Association has played a leading role in the euCONSENT, a project, funded by the European Commission at the request of the European Parliament, to deliver interoperable age checks which has just

	completed the two successful largescale pilots across 5 countries.
Question 2: Can you provide any evidence relating to the presence or quantity of illegal content on user-to-user and search services? **IMPORTANT: Under this question, we are not seeking links to or copies/screenshots of content that is illegal to hold, such as child sexual abuse. Deliberately viewing such images may be a criminal offence and will be reported to the police.**	*Is this response confidential? – No* Not applicable
Question 3: How do you currently assess the risk of harm to individuals in the UK from illegal content presented by your service?	*Is this response confidential? – No* Not applicable
Question 4: What are your governance, accountability and decision-making structures for user and platform safety?	*Is this response confidential? – No* Not applicable
Question 5: What can providers of online services do to enhance the clarity and accessibility of terms of service and public policy statements?	*Is this response confidential? – No* Ofcom needs to give a clear signal that the priority for such terms should be to write them in a manner which is understandable by the majority of the population. That is almost inevitably in conflict with a legal view that they must be 100% accurate. As the Online Safety Bill makes enforcement of a platform's own terms and conditions a legal requirement, this may be problematic. Explanatory text needs to be written in clear and simple language, with ambiguities clarified in more formal, legally drafted terms. Services should not be liable for breaching the explanatory text provided their was no intent to mislead users, when it is compared to the underlying Ts&Cs.

Question 6: How do your terms of service or public policy statements treat illegal content? How are these terms of service maintained and how much resource is dedicated to this?	*Is this response confidential? – No* Not applicable
Question 7: What can providers of online services do to enhance the transparency, accessibility, ease of use and users' awareness of their reporting and complaints mechanisms?	*Is this response confidential? – No* Not applicable
Question 8: If your service has *reporting or flagging* mechanisms in place for illegal content, or users who post illegal content, how are these processes designed and maintained?	*Is this response confidential? – No* Not applicable
Question 9: If your service has a *complaints* mechanism in place, how are these processes designed and maintained?	*Is this response confidential? – No* The AVPA operates a code of conduct for its members, and any complaints against members are considered by the Executive Committee.
Question 10: What action does your service take in response to *reports* or *complaints*?	*Is this response confidential? – No* Members may be asked to remedy the situation or in the most serious cases of breaching the code, they may be expelled.
Question 11: Could improvements be made to content moderation to deliver greater protection for users, without unduly restricting user activity? If so, what?	*Is this response confidential? – No* Not applicable
Question 12: What automated moderation systems do you have in place around illegal content?	*Is this response confidential? – No* Not applicable

Question 13: How do you use human moderators to identify and assess illegal content?	*Is this response confidential? – No* Not applicable
Question 14: How are sanctions or restrictions around access (including to both the service and to particular content) applied by providers of online services?	*Is this response confidential? – No* Not applicable
Question 15: In what instances is illegal content removed from your service?	*Is this response confidential? – No* Not applicable
Question 16: Do you use other tools to reduce the visibility and impact of illegal content?	*Is this response confidential? – No* Not applicable
Question 17: What other sanctions or disincentives do you employ against users who post illegal content?	*Is this response confidential? – No* Not applicable
Question 18: Are there any functionalities or design features which evidence suggests can effectively prevent harm, and could or should be deployed more widely by industry?	*Is this response confidential? – No* Any online service with content or functionality that could cause children mental or physical harm should implement a proportionate degree of age assurance (age verification and / or age estimation) so it can identify which users are children and afford them specific protections from harm.
Question 19: To what extent does your service encompass functionalities or features designed to mitigate the risk or impact of harm from illegal content?	*Is this response confidential? – No* Not applicable

Question 20: How do you support the safety and wellbeing of your users as regards illegal content?	*Is this response confidential? – No* Not applicable
Question 21: How do you mitigate any risks posed by the design of algorithms that support the function of your service (e.g. search engines, or social and content recommender systems), with reference to illegal content specifically?	*Is this response confidential? – No* Not applicable
Question 22: What age assurance and age verification technologies are available to platforms, and what is the impact and cost of using them?	*Is this response confidential? – No* There is a wide range of age assurance methods available to platforms. Detailed information of these methods is available on our website. Historically, online age checks have been required for each individual service as a user wishes to access. As the use of these checks has grown, there is an increased likelihood that the user will have previously completed an age check with the same age verification provider serving the new site they wish to access, but this is still limited to those sites served by the same provider. The AV industry has been developing the international standards and technical protocols required to enable interoperability between AV providers. This was accelerated by an EU-funded pilot project, www.euCONSENT.eu which has now completed a successful largescale pilot proving the feasibility of re-using a single age check across multiple services, internationally. The industry is now moving forward to bring this solution into commercial operation. The costs of age verification have also reduced considerably as new methods have been developed. The costs were previously driven by third party fees, for example, levied by credit reference agencies for looking up records. Newer methods, such as facial age estimation do not incur such third-party costs.

| | The re-use of age checks also reduces the cost, and interoperability between providers will continue this trend.

Age assurance is a highly competitive market, and provided it remains so, the cost to services should tend towards the appropriate competitively set price.

There is a risk that large global platforms could be allowed to achieve dominant market positions in age assurance, which may reduce the downward pressure on pricing, and needs to be considered by Ofcom in partnership with the Competition and Markets Authority. |
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| **Question 23: Can you identify factors which might indicate that a service is likely to attract child users?** | *Is this response confidential? – No*

Not applicable |
| **Question 24: Does your service use any age assurance or age verification tools or related technologies to verify or estimate the age of users?** | *Is this response confidential? – No*

As described above, our members use a wide variety of method to verify or estimate age.

We are working with the ICO to agree a consistent approach to measuring the accuracy of estimation methods where, for example, 90% of estimated ages need to be within a stated number of months of the real age, and no more than 1% should be beyond a higher stated number of months of the real age.

We are also defining three standardised levels of assurance for age checks, to facilitate clarity in regulations, in procurement, in solution design and to enable interoperability. These will be captured in the international standard IEEE 2089.1.

These are critical building blocks that will enable implementation of the age assurance requirements of the Online Safety Bill. |
| **Question 25: If it is not possible for children to access your service, or a part of it, how do you ensure this?** | *Is this response confidential? – No*

Not applicable |

Question 26: What information do you have about the age of your users?	*Is this response confidential? – No* Not applicable
Question 27: For purposes of transparency, what type of information is useful/not useful? Why?	*Is this response confidential? – No* The draft international standard IEEE 2089.1 advises services as part of a best practice process, to consider the data they currently hold as the starting point for selecting which methods of age assurance they should deploy. Consumers may prefer to give consent to personal data already held by the service being used to facilitate age assurance rather than needing to provide specific supplementary evidence for this purpose. However, the data already held may not be sufficient to deliver the required proportionate level of assurance, so it may be necessary to seek more information.
Question 28: Other than those in this document, are you aware of other measures available for mitigating risk and harm from illegal content?	*Is this response confidential? – No* Not applicable

The Roadmap for implementation.

In respect of the Roadmap for implementation, we would also like to make a strong argument for the early commencement and rapid enforcement of Part 5 relating to pornographic websites.

This Part of the Bill does not suffer from the need to draft and approve secondary legislation before it can be enforced.

The ICO recently announced its intention to include adult-only sites in scope for the statutory requirements of the Children's Code. GDPR offenses are a combination of both data processing and harmful content (there is no data processing offence if the content served to children as a result is not harmful) so the ICO will need to work closely with Ofcom. The ICO does not benefit from the powers given to Ofcom under the Online Safety Bill to require support services to cease supplying non-compliant services. While it can ask these services to cooperate, only once the powers in the Online Safety Bill are commenced will there be a direct mechanism for enforcement.

There is no rationale for artificially delaying Part 5 of the Bill given it applies to a distinct, separate set of services (or parts of a service) – namely those which include pornographic

content. The requirement for age verification is clear, and these sites have been preparing for its introduction since the Digital Economy Act was passed. Moreover, French and German regulators are already in court enforcing their own requirements for age verification, so these global websites are already having to implement age checks. Thus any argument that implementing Part 5 before Part 3 would require sites to comply with two different regimes at different times is invalid – they are already required to act as if Part 5 was commenced in two of our nearest neighbouring jurisdictions.

Ofcom should prepare guidance for Part 5 now so it can be issued for consultation as soon as the Bill receives Royal Assent, and implemented within no more than 6 months of the Bill becoming law.

Please complete this form in full and return to OS-CFE@ofcom.org.uk