

## Your response

Te Mana Whakaatu – Classification Office as the independent Crown entity and content regulator in Aotearoa, New Zealand welcomes the opportunity to provide feedback to Ofcom on the *Guidance for service providers publishing pornographic content* document.

The feedback that we have offered in this submission reflects our wealth of experience in classifying content, researching harms, educating the public and providing resources to empower New Zealanders to make informed choices about what they watch to protect themselves and their children and young people.

New Zealand has not yet passed legislation that regulates legal online pornographic content, and we watch on with interest as the United Kingdom works to implement these changes. We take particular interest not only as a media regulator in New Zealand but also considering our award-winning three-part [youth focussed research into young people and pornography](#). Our research with young people brought to light several challenges that young people face in this new pornography landscape. Our findings showed that 67% of the 2000 14-17 year olds surveyed had seen pornography and of these 71% were not looking for it when they first came across it. 89% of young New Zealanders thought online pornography should not be seen by children and 71% believed that children and teens' access to online porn should be restricted. We therefore support these efforts to ensure that children are protected from seeing online pornographic content and although we are not at this stage in the process here in New Zealand we have provided as much information as we can to support OFCOM.

Question	Your response
<b>Question 1:</b> Do you agree with our proposed guidance on scope? If not, please provide any information or evidence in support of your views, including descriptions of services or content where you consider it is unclear whether they fall within the scope of Part 5.	Confidential? – N  The proposed guidance on scope appears to be comprehensive and in line with the intent of the legislation, and we look forward to seeing how all the aspects of the guidance come together over the coming years.
<b>Question 2:</b> Do you have any comments on how our proposed guidance applies in respect of pornographic content created by generative-AI services within the scope of Part 5? Please provide any	Confidential? – N  We support AI generated content falling under part 5 as described.

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<p>information or evidence in support of your views.</p>	<p>We, like other child protection agencies and groups, have serious concerns about AI's ability to generate high volumes of unique and derivative content.</p> <p>As AI content generation tools become more sophisticated and accessible it is inevitable they will be used to generate pornographic images, videos and virtual reality environments. It will become increasingly important that those things have appropriate controls to ensure they don't harm the public. For instance, that they can't be accessed by children.</p> <p>The Office's primary role is to classify individual pieces of content. Our legislation is agnostic to how content is generated, and so harmful content can be classified in the same way regardless of how it was created or whether it depicts real people.</p> <p>In particular, we are highly concerned about the use of AI software to create child sexual abuse material.</p> <p>In NZ, material promoting the sexual exploitation of children is illegal regardless of whether a child or young person depicted is a real person, AI generated, or animated. This content still has a promotional effect irrespective of whether it is synthetic or not.</p>
<p><b>Question 3:</b> Do you have any comments on our proposed guidance in respect of the kinds of age assurance which could be highly effective? If you consider there are other kinds of age assurance which have not been listed that you consider could fulfil the proposed criteria, please identify these with any supporting information or evidence.</p>	<p>Confidential? – N</p> <p>Our <a href="#">research into young people and porn</a> found that young people saw parental controls and 'family' filters as being effective for children however, at a certain age parental controls or filters may become less effective as teenagers become more technically savvy, and opportunities for access increase. Age verification technology has advanced considerably over the past few years, and may be effective in situations where filters and parental controls begin to fall short. Therefore, we think the kinds of age assurance tools proposed look like they could be highly effective. We are not aware of any other age assurance options that could be considered at this time.</p>
<p><b>Question 4:</b> Do you agree that service providers should use the proposed criteria to determine whether the age assurance they implement which is highly effective at correctly</p>	<p>Confidential? – N</p> <p>We support service providers being required to meet a code of practice. We think having criteria to follow will</p>

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<p>determining whether or not a user is a child? Please provide any information or evidence in support of your views.</p>	<p>support service providers to determine whether the age assurance they choose to implement is highly effective.</p>
<p><b>Question 5:</b> Do you have any information or evidence on the extent of circumvention risk affecting different age assurance methods and/or on any steps that providers might take to manage different circumvention risks for different methods?</p>	<p>Confidential? – N No comment.</p>
<p><b>Question 6:</b> Do you agree with our proposed guidance that providers should consider accessibility and interoperability when implementing age assurance? Please provide any information or evidence in support of your views.</p>	<p>Confidential? – N Yes, we agree that providers should include accessibility features when implementing age assurance. It is important that users are on a level playing field and are provided an equal opportunity to access legal content, thereby upholding freedom of expression.</p>
<p><b>Question 7:</b> Do you have comments on the illustrative case study we have set out in the guidance? Do you have any supporting information or evidence relating to additional examples of how the criteria and principles might apply to different age assurance processes?</p>	<p>Confidential? – N We think that the illustrative case would deter children from seeing pornographic content. From our research into <a href="#">young people and pornography</a> we found that 89% of young New Zealanders agree that porn should not be seen by children. 71% of young New Zealanders believe that children and teens' access to online porn should be restricted. We wondered if the pop-up box could be a page as some users may have pop-ups disabled on their devices.</p>
<p><b>Question 8:</b> Do you agree with our proposed guidance on the record-keeping duties? Please provide any information or evidence in support of your views.</p>	<p>Confidential? – N Yes, we think that the proposed guidance looks to be fair and reasonable, ensuring transparency for users and accountability for service providers.</p>

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<p><b>Question 9:</b> Do you have any comments on our proposed approach to assessing compliance with the duties on service providers who publish or display pornographic content, including on the proposed examples of non-compliance? Please provide any information or evidence in support of your views.</p>	<p>Confidential? – N</p> <p>We wondered whether there would be guidance for how to support parents and families if they found a child accessing a site with adult pornographic content. Would there be an expectation and requirement for the service provider to have a dedicated space to direct the complainant to? If so, what would this look like and how easily could concerned families access this? In the education and outreach work that we do here at Te Mana Whakaatu we engage with parents and whānau and hear first-hand their concerns about how to protect their children from seeing online pornographic content and how to support them if they do see this content. Therefore, we would strongly advise that service providers have a space for parents and whānau to seek support on their services.</p>
<p><b>Question 10:</b> Do you have any comments on the impact assessment set out in Annex 1? Please provide any information or evidence in support of your views</p>	<p>Confidential? – N</p> <p>No comment.</p>
<p><b>Question 11:</b> Do you agree that our proposed guidance is likely to have positive effects on opportunities to use Welsh and treating Welsh no less favourably than English?</p> <p>If you disagree, please explain why, including how you consider the proposed guidance could be revised to have positive effects or more positive effects, or no adverse effects or fewer adverse effects on opportunities to use Welsh and treating Welsh no less favourably than English.</p>	<p>Confidential? – N</p> <p>Yes, we agree that having the guidance in the indigenous language/s of the United Kingdom would have positive effects. In answering this question we acknowledge our unique context in New Zealand where the Crown and tangata whenua have a treaty based relationship. In practice, ensuring equity for Māori means service design that is accessible by Māori, and upholds their rights. Having information in te reo Māori and other languages used by communities in New Zealand is common practice. We welcome the opportunity to discuss these concepts further if desired.</p>

Please complete this form in full and return to [Part5Guidance@ofcom.org.uk](mailto:Part5Guidance@ofcom.org.uk).