

Online Safety Bill & euCONSENT

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A
B I L L
TO

Make provision for and in connection with the regulation by OFCOM of certain internet services; for and in connection with communications offences; and for connected purposes.

BE IT ENACTED by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

The Online Safety Bill

Online safety objectives

- Effective and proportionate systems and processes for regulatory compliance and risk management
- Appropriate to deal with the number of users of the service
- UK users (including children) are aware of, and understand, the terms of service
- Adequate systems and processes to support UK users
- Category 1: options to increase control over content user interactions
- Higher standard of protection for children than for adults
- Accounts for different needs of children at different ages

General Scope

User-to-user and search services

User-to-user services

- ▶ Anything communicated by means of an internet service,
 - a) whether publicly or privately,
 - b) including written material or messages, oral communications, photographs, videos, visual images, music and data of any description
 - c) whether generated on a service or uploaded to it
 - d) Which can be read viewed, heard or experienced by another user.
 - e) No minimum proportion of content has to meet this definition
 - f) No need to demonstrate actual sharing, just the functionality to allow it

Search services

- a) includes a service or functionality which enables a person to search some websites or databases
- b) does not include a service which enables a person to search just one website or database.
- c) a search engine is not to be taken to be “included” in an internet service or a user-to-user service if the search engine is controlled by a person who does not control other parts of the service

General Duties on regulated services

All

- illegal content risk assessments (section 8)
- illegal content (section 9)
- content reporting (section 17)
- complaints procedures (section 18)
- freedom of expression and privacy (section 19)
- record-keeping and review (section 20)

Category 1 services

- adults' risk assessments (section 12)
- the duties to protect adults' online safety (section 13)
- the duties to empower adult users (section 14)
- the duties to protect content of democratic importance (section 15)
- the duties to protect journalistic content (section 16)
- the duties about freedom of expression and privacy (section 19)

Services likely to be accessed by children

- children's risk assessments (section 10)
- protect children's online safety (section 11)

Pornographic content: Part 5 (the new Part 3!)

- ▶ “Pornographic content” means content of such a nature that it is reasonable to assume that it was produced solely or principally for the purpose of sexual arousal.
- ▶ A duty to ensure that children are not normally able to encounter content that is regulated provider pornographic content in relation to the service (for example, by using age verification i.e. age assurance measures that provide the highest level of confidence about a user’s age
- ▶ A duty to make and keep written records
 - a) The measures taken and the policies implemented
 - b) How they comply with the statutory provision or rule of law concerning privacy that is relevant to the use or operation of a regulated service (including the processing of personal data).

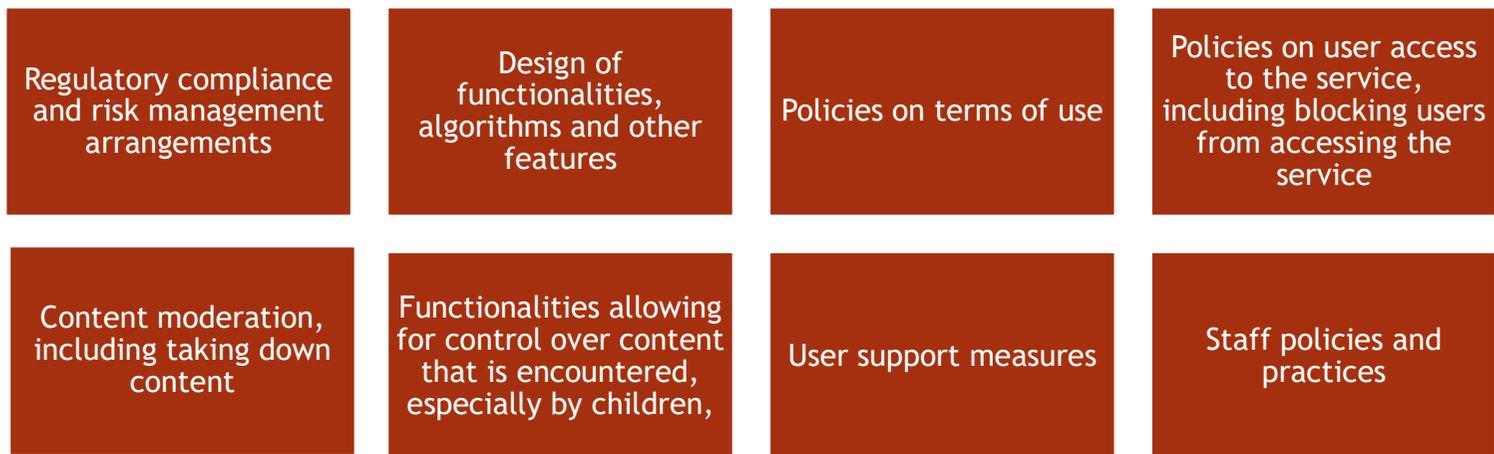


Sites likely to
be accessed
by children

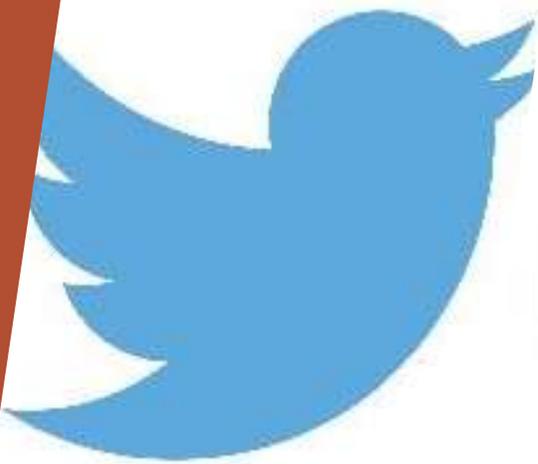
Services likely to be accessed by children: Children's risk assessment duties

- ▶ A duty to carry out a suitable and sufficient children's risk assessment
- ▶ A duty to take appropriate steps to keep a children's risk assessment up to date
 - a) When OFCOM make any significant change to a risk profile that relates to services of the kind in question.
 - b) Before making any significant change to any aspect of a service's design or operation, a duty to carry out a further suitable and sufficient children's risk assessment relating to the impacts of that proposed change
- ▶ Where a children's risk assessment of a service identifies the presence of non-designated content that is harmful to children, a duty to notify OFCOM of—
 - a) the kinds of such content identified, and
 - b) the incidence of those kinds of content on the service.

Services likely to be accessed by children: Required measures to implement duties, if proportionate



- ▶ What is proportionate?
 - a) Findings of the most recent children's risk assessment
 - b) the size and capacity of the provider of a service.



Category 1
sites

Category 1 Services: “adults’ risk assessment”

- ▶ the user base;
- ▶ the level of risk taking into account algorithms, and how easily, quickly and widely content may be disseminated by means of the service;
- ▶ content which particularly affects individuals with a certain characteristic or members of a certain group;
- ▶ functionalities of the service
- ▶ the nature, and severity, of the harm
- ▶ how the design and operation of the service may reduce or increase the risks identified, including
 - a) the business model
 - b) governance
 - c) use of proactive technology
 - d) measures to promote users’ media literacy and safe use of the service,

Category 1 Services: User empowerment duties

- ▶ A duty to include in a service features which adult users may use or apply if they wish to filter out non-verified users.
- ▶ These features are those which, if used or applied by a user, result in the use by the service of systems or processes designed to—
 - a) prevent non-verified users from interacting with content which that user generates, uploads or shares on the service, and
 - b) reduce the likelihood of that user encountering content which nonverified users generate, upload or share on the service.
- ▶ “Non-verified user” means a user who has not verified their identity to the provider of a service

Timetable: Duties and the first codes of practice

- ▶ The duties below apply to providers of Part 3 services from the day on which a code of practice that is the first code of practice relating to that duty comes into force

ILLEGAL CONTENT	CHILDREN'S ONLINE SAFETY	ADULTS' ONLINE SAFETY	USER EMPOWERMENT
CONTENT OF DEMOCRATIC IMPORTANCE	JOURNALISTIC CONTENT	CONTENT REPORTING	COMPLAINTS PROCEDURES



Enforcement

- ▶ Notices
- ▶ Financial penalties of whichever is the greater of—
 - a) £18 million, and
 - b) 10% of the person's qualifying worldwide revenue for the person's most recent complete accounting period
- ▶ Access restriction orders
- ▶ Service restriction orders

Electronic Identification and Trust Services for Children in Europe

Expected impact as in Work Programme

The pilot project is expected to demonstrate an **interoperable** technical **infrastructure** for child protection, including **age-verification** and **parental consent**, which should support the implementation of the child protection mechanisms derived from the requirements in the AVMSD and the GDPR

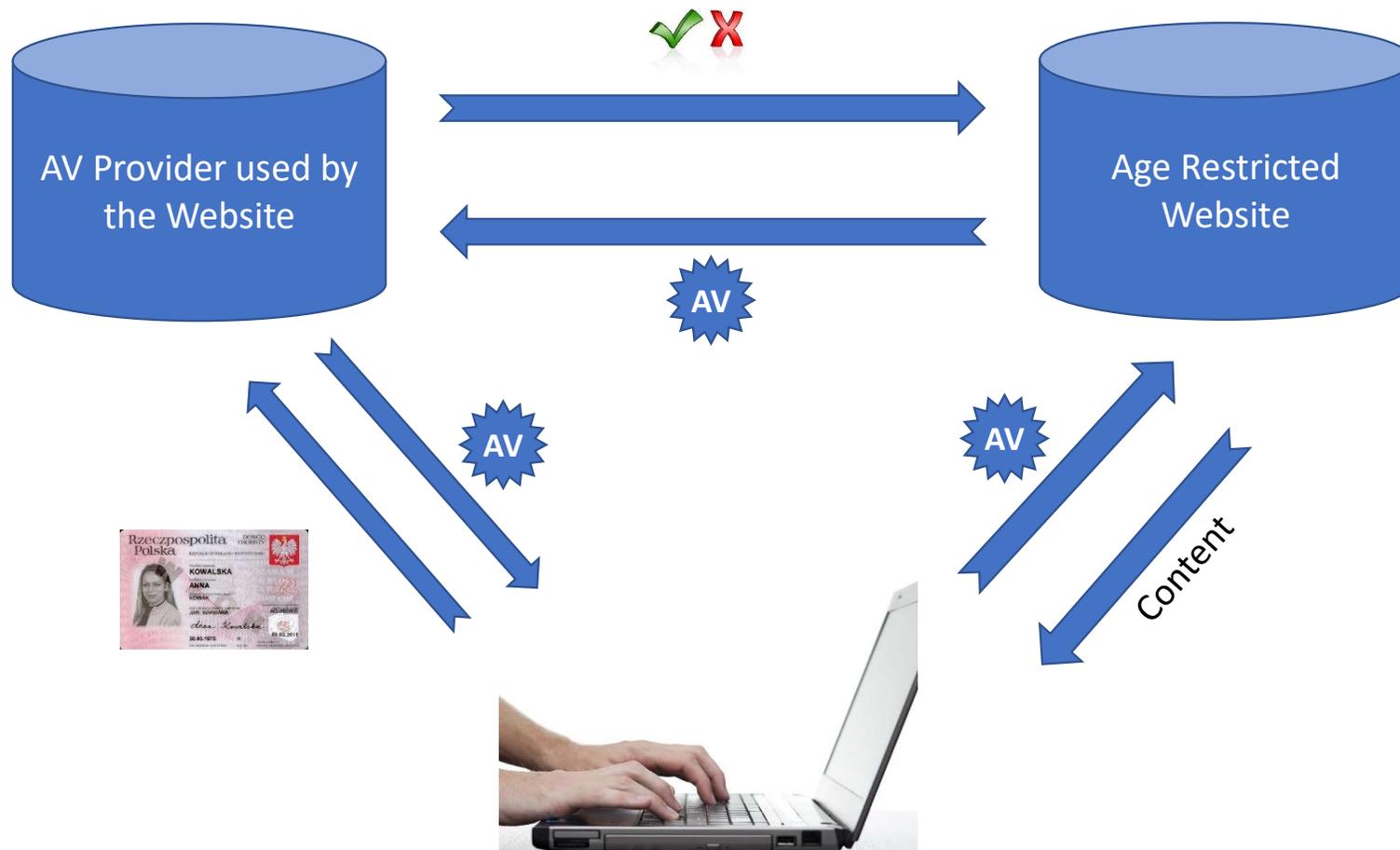
Project goals

- Define/deliver a solution that protects children **and their rights**
- Make sure that no-one is **excluded**
- Take a **risk-based approach**
- Define the framework but let **competition** thrive
- **Certify** providers and **standardize** the work
- Promote the technical feasibility to **all stakeholders**

Project objectives

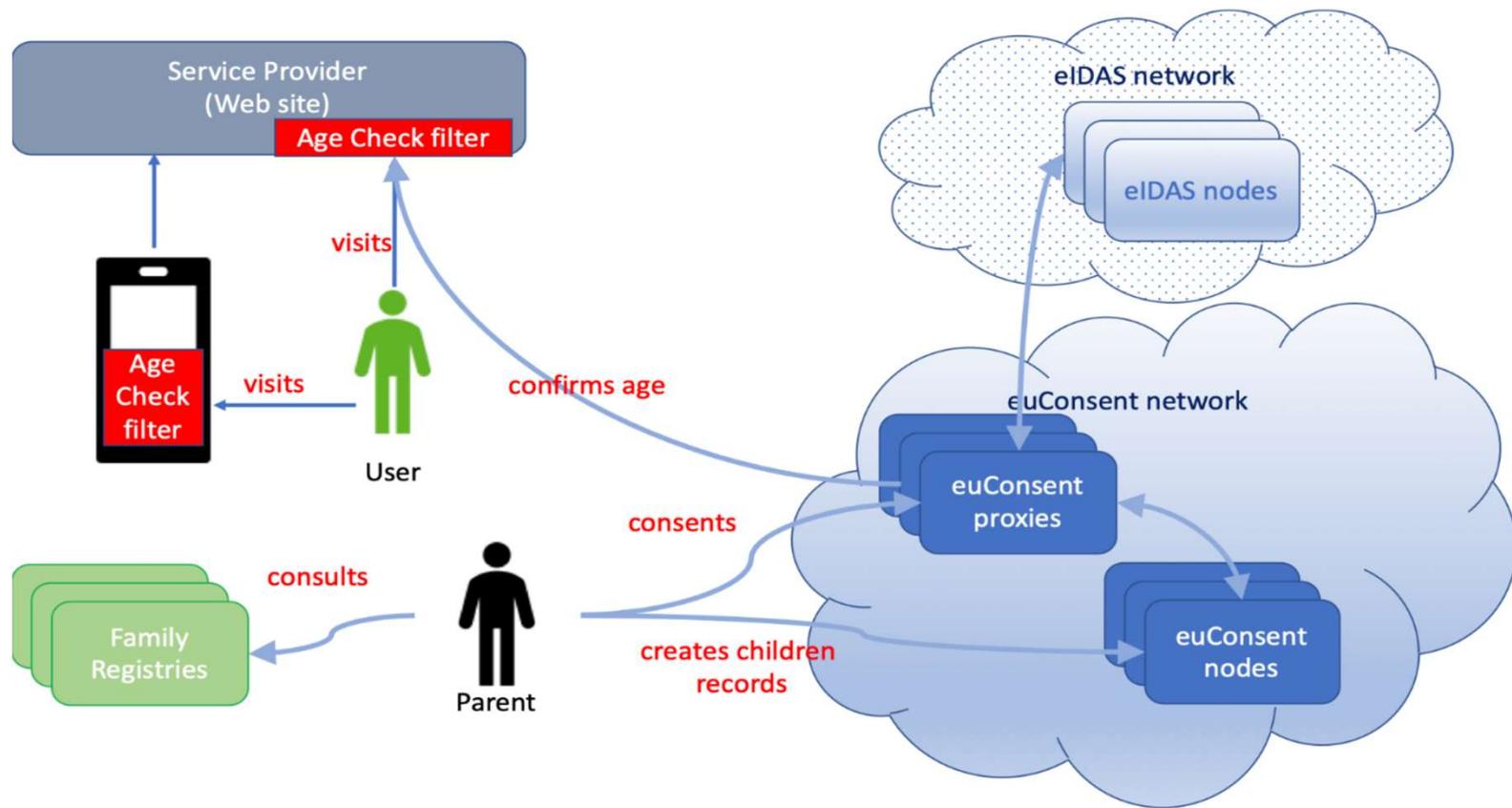
1. Undertake a large-scale mapping of existing methods of age-verification and obtaining parental consent ...
2. Design, implement and test an interoperable infrastructure for child online protection ...
3. ... the pilot project should involve relevant stakeholders ...
4. Engage with policy makers and the citizens in EU ...

How online age verification works today...



 Encrypted AV

How online age verification works tomorrow...



Key challenges

- Age Verification
 - Differing legal ages by jurisdiction and use-case
 - Shared devices
- Parental Consent
 - Connecting a child to the correct adult(s) with legal responsibility
 - Parents located in a different jurisdiction from the child
 - Two parents with different decisions about consent
 - Parents who are unwilling or unable to participate
 - Looked-after children

Wide scale pilot

- **Five countries:** Belgium, Cyprus, Germany, Greece and the UK
- **1.600 users** in total (400 from Belgium, 400 from Germany, 400 from UK, 400 from Greece and Cyprus)
- **Three user categories:** Adults, children over the digital age of consent, children under the digital age of consent (with their parents)
- **Three AV providers** (AgeChecked, AGEify, Yoti) and **two PC providers** (JustProg, UpcomPC)
- **Five dummy websites** in four languages: Best Booze (online alcohol store), Date Me (dating services), Knife Store (online knife store), SocialBook (social media platform), Chat Party (chat platform)

ALCOHOLIC BEVERAGES

Mission to complete: verify your age

This is a dummy alcohol sales website, built for the sole purpose of testing our pilot.

No products are sold, no information related to the topic of the website is real.

VERIFY YOUR AGE

How do you want to prove your age?

Select your preferred verification method from the 4 options below:



ID verification

Scan your ID document to verify your age.

- ✓ Age verification using your ID document
- ✓ Get verified in an instant
- ✓ Only share that you're over 18
- 📄 Verify once and re-use your **age token** to access services
- 🔒 Securely encrypted

SELECT

[How it works](#)



Age estimation

Scan your face to get your age estimated.

- ✓ No images are stored
- ✓ No ID document required
- 📄 Verify once and re-use your **age token** to access services
- 🔒 Securely encrypted

If you are over 18

SELECT

[How it works](#)



Yoti app

Use your phone to share only that you're 18.

- ✓ Instant verified age from your Yoti app
- ✓ A reusable digital ID you can use to prove your identity
- 📄 Verify once and re-use your **age token** to access services
- 🔒 Securely encrypted

SELECT

[How it works](#)



We need your biometric consent

- 🔒 Yoti's verification process uses your biometrics for extra security. You need to provide consent for your biometrics to Yoti and the organisation doing the check.
- 🗣️ The scan of your face is used to estimate your age and confirm you are a real person.
- 🗑️ Your scan will not be stored or seen by anyone and is immediately deleted once your age has been estimated.

I confirm I have read, understood and agree to continue

You will be asked to enable camera access

START AGE ESTIMATION



Your scan is private. No image is stored or shared.

Move closer



Powered by 

**Scan with Yoti
to prove your
age**



- ✓ One-time age verification using your ID document
- ✓ Secure SSL encryption
- ✓ Join over 10 million people who have downloaded the free Yoti app



**Thank you for providing
your age**

[CONTINUE TO WEBSITE](#)

YOU PROVED TO BE AN ADULT

Return to the survey

We've been able to verify your age so now we know that you are old enough to access the website.

[Return to survey](#)

MISSION: VERIFY YOUR AGE

This is a dummy dating website, built for the sole purpose of testing our pilot.
No products are sold, no information related to the topic of the website is real.

VERIFY YOUR AGE



please wait while we redirect you...





You proved to be an adult

We've been able to verify your age so now we know that you are old enough to access the website.

Well done at completing this mission.

[Return to survey](#)

Pilot results

- Mission completion rates: 80% two missions – 61% three missions
- Main problems
 - Some minor bugs to the AV/PC nodes, which appeared under specific conditions,
 - The UX aspect of the solutions needs to be improved,
 - Some flaws in the design of the missions
- Other findings
 - Parents have been very supportive of the mechanisms for age verification and parental consent, which they believe can vastly improve their children's online protection.
 - Interoperability amongst AV/PC nodes seems to be working as intended, with no special problems reported.
 - Users seem to appreciate having multiple alternatives for age assurance.
 - Suggestions for new age assurance methods (integration with web banking systems, integration with national registries, scanning of student cards / passes, etc.

1 Common Vocabulary

What we've done?

Exhaustive desk-based analysis of a wide range of terms – technical and non-technical

– provisions, descriptions and definitions

Range of sources, taking into account:

- EU law
- National law
- International standards
- National standards
- Journalistic sources
- Custom and Practice

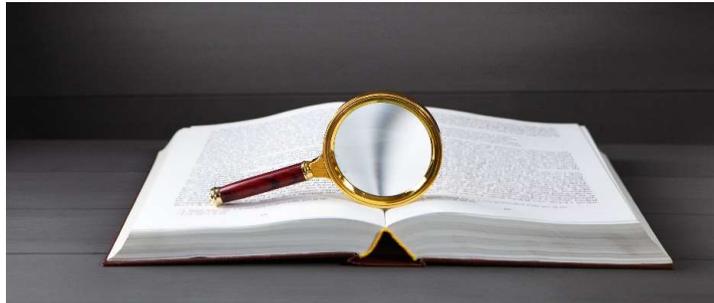
Allocation of source authority weighting and segmentation into priority according to euCONSENT project criticality.

Why it matters?

An early enabling deliverable to establish authoritative understanding across a multi-linguistic, multi-cultural project team.

52 Priority 1 terms published on the website.

Now forms the common linguistic understanding essential to paving the way to standards development.



2 Common Standards Framework

What we've done?

April 2021 An initial proposal put forward to develop 3 strands for Age Assurance Systems:

- Part 1: Framework, Levels of Assurance and Privacy Protection
- Part 2: Conformity Assessment
- Part 3: Interoperability

Considerable discussion with ETSI and BSI with consensus that drafting should be done to ISO protocols, thereby allowing an EU generated concept to shape the global solution.

July 2021 42 responses received to a Call for Contributions from the ISO Standards Development Community, with the majority supporting the proposal to move to the development of a single standard: **New Work Item Proposal (2654) Age Assurance Systems – Framework.**

October 2021 Working draft presented to the ISO / IEC, with approval to progress to the next stage.

Levels of Confidence

ZERO

- Based on self-asserted age attributes
- No validation or trust elevation deployed
- No attempt has been made to address contra-indicators
- Could be utilised in low risk or only where indicative age is required
- Unlikely to be satisfactory for legally defined age-related eligibility

BASIC

- Based on self-asserted age attributes with a single age assurance component that has low evaluation assurance level
- Partial or simple validation or trust elevation; contra-indicators may still be present
- Could be used for unregulated age gateways

STANDARD

- Based on at least one age assurance component with standard evaluation assurance levels
- Validated and all contra-indicators addressed
- Considered to be the minimum standard required for regulated age-related eligibility unless a higher level is specified

ENHANCED

- Based on two or more age assurance components with standard evaluation assurance levels
- Validated and all contra-indicators addressed
- Likely to be useful for enhanced risk goods, content or services age-related eligibility

STRICT

- Based on two or more age assurance components with higher evaluation assurance levels
- Validated and all contra-indicators addressed
- Likely to be useful where age-related eligibility is critical to safeguarding or protecting the rights or freedoms of individuals

3 GDPR Certification Scheme

What we've done?

Close engagement with the UK Information Commissioner's Office (ICO) to track the development of the ACCS approved certification criteria under Article 42 of UK GDPR, and initial discussions with the Irish Data Protection Commissioner with a view to replicating for EU GDPR.

Have also tracked the progress of ACCS gaining accreditation under ISO 17065:2012 through the UK Accreditation Scheme.

In December 2021, the European Co-operation for Accreditation (EA) published its revised Articles of Association and associated Rules of Procedure.

Why this matters?

Concerns had existed about whether accreditation gained in the UK would be recognised within the EU and its Member States, in light of the UK's departure. EA led a full review of its criteria for membership, and its recent revisions now allow UKAS to stay in membership with greater emphasis placed on geographic connectivity which is consistent with the approach long adopted by the Council of Europe.

What happens next?

The Irish Data Protection Commissioner is open to consideration of an Article 42 application, but not until later in Q1 2022 when it will have more capacity.

4 Legal Framework

What we've done?

On-going monitoring of the legal framework in collaboration with academic project partners.

No inconsistencies identified, so far, in the EU Acquis Communautaire and little expectation that any will emerge.

A register of legal and / or technical barriers in either EU or member state legislation which may hinder the effective operation of the single digital market is being developed for publication ahead of initial schedule.

Why it matters?

At this point, however, the most significant discussion point is whether it is possible to deliver the requirements of Article 8 of EU GDPR in relation to parental consent.



Questions?

