

A blueprint for age verification in online adult entertainment.

May 2021

Contents.

- 03.** Foreword
- 04.** State-of play in Europe
- 06.** Consumer concerns
- 08.** Content provider concerns
- 09.** The solution: technology and innovation
- 11.** Ensuring age verification that is fit-for-purpose:
Seven key considerations
- 13.** About VerifyMyAge

40%

... of consumers watch pornography at least once per month

55%

... of consumers would not use a website if they did not like the way it asked them to prove their age – a further 32% were unsure

14%

... said they would not care about the age verification method

Foreword.

It is no longer acceptable that children are able to access adult content online. The debate on online age verification has gone on for far too long and consumers and providers of content alike now need certainty.

Governments and regulators across Europe are still grappling with this issue, unsure how to deliver a regulatory regime that addresses the concerns of all involved in the debate: consumers, providers and privacy groups. But the reality today is that the technology exists to put in place a workable and commercially viable framework that addresses the concerns of all of these groups, and it is time they took action.

In Europe, the Audiovisual and Media Services Directive should have been implemented last September. While there has been a lack of action, it is inevitable that a swathe of both European and domestic initiatives make the adoption of age verification unavoidable, with providers unwilling to comply risking huge fines, site closure or even prison. Prudent operators are working with technology providers like us to get ahead of this and lead the way in ensuring an age verification system that is fit-for-purpose.

A regulatory regime that is fit-for-purpose

Any new regulation needs to be workable, prescriptive and enforced across the board. The argument that the protection of privacy makes achieving this impossible is eliminated by technology and innovation – there is no longer any excuse against regulation that protects minors from accessing harmful content online.

Governments across Europe have made much fanfare about the need to act in recent months and years, and while this has driven many headlines, what we now need is action. The industry and consumers alike need regulation now that sets out to deliver the protection of children, is workable and ensures a level playing field across the industry.

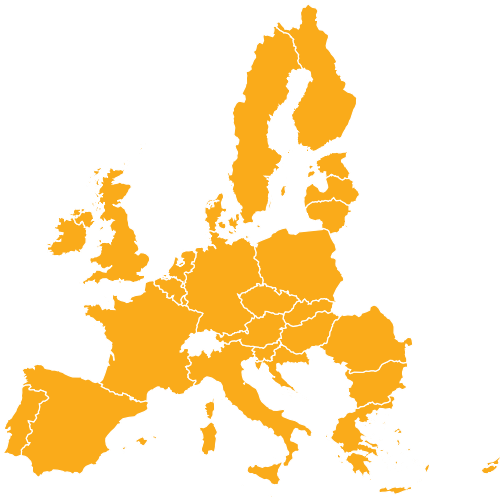
VerifyMyAge is a safeguarding tool, a partner of the industry and regulators, here to provide a solution that is not only ethical but commercially viable. We exist to ensure that 100% of 18+ consumers can seamlessly, securely and privately verify their age and access adult entertainment online, while guaranteeing children are protected from either viewing or producing such content.

We want to see a world where the same safeguards exist online as are available offline, and hope this report provides a useful framework to inform the debate around online age verification and, ultimately, drives action to deliver a system that works for all.

Andy Lulham
Chief Operating Officer



The state-of play in Europe.



European Union

At EU level, the Audiovisual Media Services Directive (AVMSD) should have been enforced across all member states by September 2020, and the European Commission is now taking action against all but four of the states which failed to do so. Thierry Breton, EU Commissioner for Internal Market, has called for all Member States to enact these changes to ensure the safety of minors and the most vulnerable online.

The AVMSD proposed measures that would require content producers to establish and operate age verification systems for users with respect to content which may impair the physical, mental or moral development of minors. For adult content sites, this means that once the EU state in which they operate implements this Directive, they will have to comply with the regulations specified in the AVMSD. Content providers who fail to comply are likely to face severe punitive measures, either in the form of large fines or site blocking.

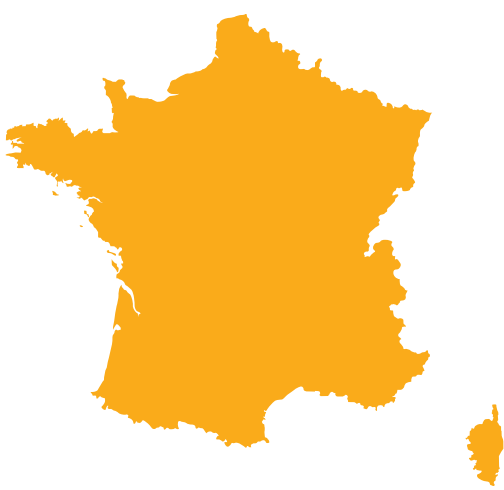


United Kingdom

The UK Government failed to implement Part 3 of the 2017 Digital Economy Act, which made provision for age verification for commercial, online pornography to be introduced. The plans were abandoned in 2019 in favour of an 'Online Harms White Paper', which only proposed to introduce weaker 'age assurance' controls.

The Government's Draft Online Safety Bill, announced in May 2021, will force social media sites to protect users, specifically children, from online harm – including pornographic content. Failure to comply will see them facing fines or criminal action from communications regulator Ofcom. The Bill seeks to ensure children under the age of 13 cannot sign up to popular social media apps at all, but it does not address underage access to commercial pornography sites. Culture Secretary Oliver Dowden has said that the Government is continuing to work through addressing an age verification system on commercial pornography sites. The UK Government is also currently facing a judicial review on the basis that they are breaking their legal duty to protect children by not enforcing age verification on pornographic sites.

The state-of play in Europe.



France

In July 2020, the French Parliament passed a law against domestic violence, which included provisions obliging adult entertainment websites to integrate age verification, after President Emmanuel Macron pledged to protect children from such content. However, the Bill did not specify what technical means they should take.

In March 2021, the French electronic media regulator, Conseil Supérieur de l'Audiovisuel (CSA), warned eight high traffic adult websites to install an age verification system that month. If they fail to comply, the sites could face being taken to administrative court, with measures stretching from fining executives to instructing the websites to be shut down in France.



Germany

In 2019, State Media Authority Director, Tobias Schmid, informed four major adult content providers that by providing pornographic video content in Germany without age verification they were breaching the Interstate Treaty on the Protection of Minors from Harmful Content.

In an attempt to prevent minors from accessing adult content, the German Government targeted the major providers by using DNS blocking – an approach that was heavily contested, not least because of the ease of circumventing this measure. Many factions of the German Government, including the Abuse Commissioner, Johannes-Wilhelm Rörig, are calling for more stringent policy measures such as the requirement for age verification systems (AVS). However, despite having support from Marc Jan Eumann, Chairman of the KJM, age verification is still not a requirement. The major barrier to implementation of AVS is the targeting of the four biggest providers, who raised concerns in opposition to age verification unless it is an industry-wide requirement as they believe it could drive consumers to non-AV sites.

Consumer concerns.

There are multiple consumer groups concerned with the issue of age verification – children, parents or legal guardians, campaigners against rape culture, educators, and government bodies with a duty of care. Concerns generally revolve around ensuring that children develop a healthy relationship towards sex and interpersonal connections, as well as ensuring the mental and physical safety of children.

81%

...of 16-17 years olds in the UK had seen sexually explicit pornographic videos or pictures – with 63% having seen it on social media and 47% on pornographic websites

City University, London survey – (1,001 consumers) May 2021

51%

...of 11-13 year olds in the UK reported that they had seen pornography at some point, rising to 66% of 14-15 year olds

BBFC survey – (1,142 parents, and 1,142 children 11- 17) September 2019

41%

...of young people in the UK (aged between 11 and 17) who knew about pornography agreed that watching pornography made people less respectful of the opposite sex

BBFC survey – (1,142 parents, and 1,142 children 11-17) September 2019

Today pornography can be accessed via multiple different mediums – making underage viewing harder to police. In the UK, the medium through which the highest percentage of 16-17 years olds had been exposed to porn was social media at 63%, followed by internet search engines at 51%. That said, minors most frequently viewed pornographic content via online commercial pornographic sites.

City University, London survey – (1,001 consumers) May 2021

Trust in the system

In the UK, the majority of parents surveyed believe there should be age verification controls in place for online pornography, with almost half of children between the ages of 11-17 feeling the same. However, Europe-wide, despite technological advances, there still exists deep-rooted scepticism around technology firms and their capabilities, the state, and personal data.

BBFC survey – (1,142 parents, and 1,142 children 11- 17) September 2019

69%

... of French adults distrust internet service providers to verify most people wishing to access adult content online

Statistica survey – 1,020 respondents, June 2020

87%

... distrust publishers of pornographic content to independently verify the majority of people trying to access pornographic content online

Statistica survey – 1,020 respondents, June 2020

56%

... of French people who identify as regular viewers of online adult content do not trust a private service approved by the state to verify age using identity documents (like identity cards or passports)

Statistica survey – 1,020 respondents, June 2020

38%

... of regular viewers of porn in France feel the opposite and trust a private service approved by the French Government to implement age verification systems

Statistica survey – 1,020 respondents, June 2020

Detrimental effects

A number of worries exist about the lack of regulation and the ability to block adult content from underage viewers, who are still maturing and developing social views. Girls in particular fear that aggressive portrayals of sex would be regarded as 'normal' by young male viewers of pornography, and therefore replicated in real-life sexual encounters – all leading to increasing consumer desire to ensure all viewers of adult content online are of legal age.



Content provider concerns.

Providers of content have two fundamental concerns. First, ensuring those under the legal age to produce or view adult content are unable to do so and, second, ensuring an age verification system that is commercially viable.

81%

... of businesses say their main priority for strengthening their age verification processes for online sales is brand reputation

VerifyMyAge research survey - (741 consumers) March 2021

79%

... of those working in eCommerce say they are concerned or very concerned about selling age restricted goods or services to minors – even with their current age verification methods in place

VerifyMyAge research survey - (741 consumers) March 2021

79%

... say they have plans to strengthen their age verification systems

VerifyMyAge research survey - (741 consumers) March 2021

Regulatory concerns: level playing field

Providers want regulation that delivers a level playing field across the industry and a landscape that is actively policed and enforced to ensure this is the case. Fines or potential criminal sanctions for non-compliance should be proportionally enforced no matter the size of the provider. Additionally, with reputational damage one of the major concerns for providers, those not complying should be called-out publicly as bad actors.

Commercial concerns

Providers want to minimise any friction for a consumer and make it as easy as possible for those of the legal age to continue to use their services, while ensuring underage children are unable to do so. To deliver this, providers need regulation that is both flexible and prescriptive – with the widest possible set of approved methods for consumers to age verify that are then clearly set out in regulation as acceptable.

Standards set independently

Standards for age verification should be set by policymakers and regulators, not by providers. These standards should be based on internationally recognised standards such as PAS1296, developed by the BSI, and a standard against which providers can be audited and certified.

The solution: Technology and innovation.

The technology exists today to implement age verification that delivers the same level of protection for children online as it does offline. VerifyMyAge provides robust, secure, privacy protected, and cost effective technology that safeguards minors and is commercially viable for the industry.

The six objectives of effective online age verification

There are six core principles of effective online age verification that meet the core objectives of being technically workable, frictionless for consumers and commercially viable for providers.



- 01 **Accessible:** there should be numerous ways for an individual to verify their age quickly and easily. Stipulating one or a limited number of acceptable processes restricts this and will result in a process that fails both consumers and providers.
- 02 **Automated:** wherever possible, verification should be automatic and require no additional effort from a consumer or provider at all.
- 03 **Fast:** the verification process must be as fast as possible and provide minimal barriers to completion. Where possible, the process should never take a consumer more than 60 seconds.
- 04 **Secure:** the process must be 100% secure and robust, ensuring data security for both users and providers alike.
- 05 **Privacy protected:** the privacy of an individual is paramount – any online age verification regime must focus solely on the verification and explicitly prohibit the storage of any additional data relating to a user's online activity. Technology makes this entirely deliverable today.
- 06 **Cost effective:** the systems in-place online must be commercially viable for the providers of adult content and ensure their business model remains sustainable. With VerifyMyAge, providers of content only pay for successful age verifications, not those that fail.

How does it work?

It is no longer the case that age verification is only possible with a passport or formal national identification card. Technology today provides a number of other ways to accurately, quickly and securely verify the age of a consumer online.

VerifyMyAge enables a consumer to accurately and quickly age verify using five different methods:

- 01 Credit card:** by validating and authenticating a user's credit card details we can verify their age without additional documentation.
- 02 AI-powered age estimation:** selfie videos and imagery can now effectively age verify a user remotely, accurate to within seven years. Therefore, if a user is the prescribed legal age limit plus seven – 25 or over – we can age verify without documentation.

- 03 Photo ID:** by taking a photo of a government identity document, we can verify age and authenticity.
- 04 Address:** we can accurately check and identify someone's age through credit bureaus or databases using their registered address.
- 05 Mobile phone:** by sending a text to a mobile telephone we can verify that the phone is authorised for use by a person over 18.

Ensuring age verification that is fit-for-purpose: seven key policy considerations.

It is beyond doubt that online age verification is both vital and technically possible to implement immediately.

But for an effective regulatory regime that delivers against the challenges outlined in this document – balancing the needs of consumers and providers, while ensuring the law is upheld and a level playing field put in place – there are seven core considerations policymakers and regulators must consider.

01 Deliver workable regulation by trusting in technology and innovation

The technology exists today to implement age verification that delivers the same level, or better, of protection for children online as it does offline. It is no longer the case that formal identification, such as a passport or national identity card, is required to verify age effectively.

02 Prescriptive and precise regulation will ensure uptake and compliance

Any legislation or regulation must be prescriptive so that content providers across the board – from the very largest to smallest operators in the space – have a clear set of unambiguous rules to follow. Those methods should be as wide as possible and take account of the range of technology available to age verify rigorously – but it must be absolutely clear what is and is not acceptable within a regulatory regime, with no room for interpretation.

Above all else, it should no longer be acceptable that a tacit commitment to self-verification is enough where there is risk of harm to a child, and this must be a consistent framework for all providers.

03 Ensure a regulatory framework that is built on delivering against privacy concerns

The argument that the protection of privacy makes achieving effective online age verification impossible is eliminated by technology and innovation. Our technology is independently certified to work in a way where we verify an individual but have no record of what they are doing, buying or viewing online. An individual may verify with VerifyMyAge to buy alcohol online, but then go on to view adult content later and would not need to re-verify. As such, we do not know what that individual is doing online – all we know is that they are age verified and, therefore, able to consume adult products as they see fit, in accordance with local laws.

Technology eliminates previous privacy concerns, which should no longer be an argument against delivering robust online age verification.





04 **Deliver a frictionless experience**

Consumers do not want to be constantly having to provide verification for every site they visit and, likewise, operators want to avoid barriers to use. Portability of age verification is therefore essential, whereby an individual is verified once with one operator and that verification then travels with them online and they are automatically verified on other age-restricted sites they visit that use the same verification system.

For a user's first verification, any regulatory system must ensure consumers are provided the widest possible choice to verify so that the entire experience is as frictionless as possible and gives the best chance of becoming a verified user.

05 **Ensure a level playing field for all online providers**

The impact of applying age restrictions needs to be felt equally across the online adult content industry. Specific providers should not be called out – the largest businesses should be subject to the same level of scrutiny as each other, and smaller firms must have an equal responsibility to deliver robust age verification to prevent a mass migration from high profile sites to less well-known and scrutinised alternatives.

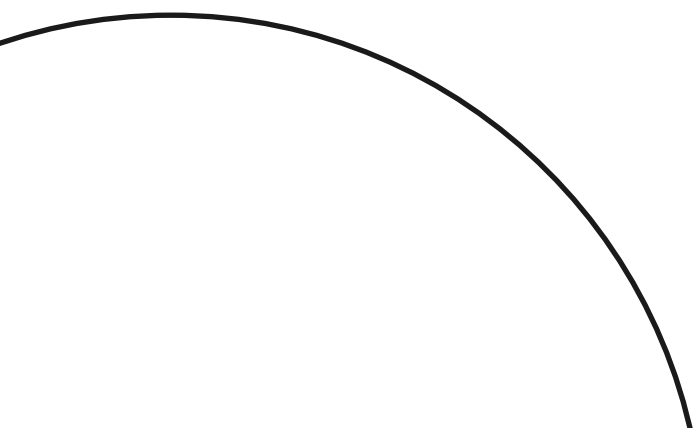
06 **Enforcement across the board is paramount**

Any regulatory framework then needs to be implemented and vigorously policed across the board. There should be no loopholes or room for smaller providers to evade the law and fail to ensure consumer safety.

The smallest providers must be held to the same levels of account as the largest, and enforcement fines or action should be both systematic and directly proportional.

07 **Take a collaborative approach**

The best solutions to this issue will be developed collaboratively, with the adult content industry, technology providers, regulators, policymakers, and consumer groups working together to ensure the ultimate end goal is delivered: the creation of a solution that is not only ethical and safeguards minors, but is commercially and technically viable. We can preserve the freedom and privacy of adults, while protecting the rights of children.



About VerifyMyAge.

VerifyMyAge was founded in 2019 by a team of eCommerce specialists that understand the importance of robust and effective age verification solutions.

As specialists in age verification and compliance, we utilise methodologies independently certified as meeting the requirements of PAS 1296:2018 – Code of Practice for Online Age Verification.

Since launch, we have successfully age verified more than five million people accessing age restricted goods or services online for more than 500 eCommerce clients.

We operate solely to verify the age of customers. We are impartial and have no hidden agenda. The privacy of individuals online is paramount.

Find out more at www.VerifyMyAge.co.uk