AGE ASSURANCE

- Self-Declaration
- Age Estimation / Inference
- Age Verification

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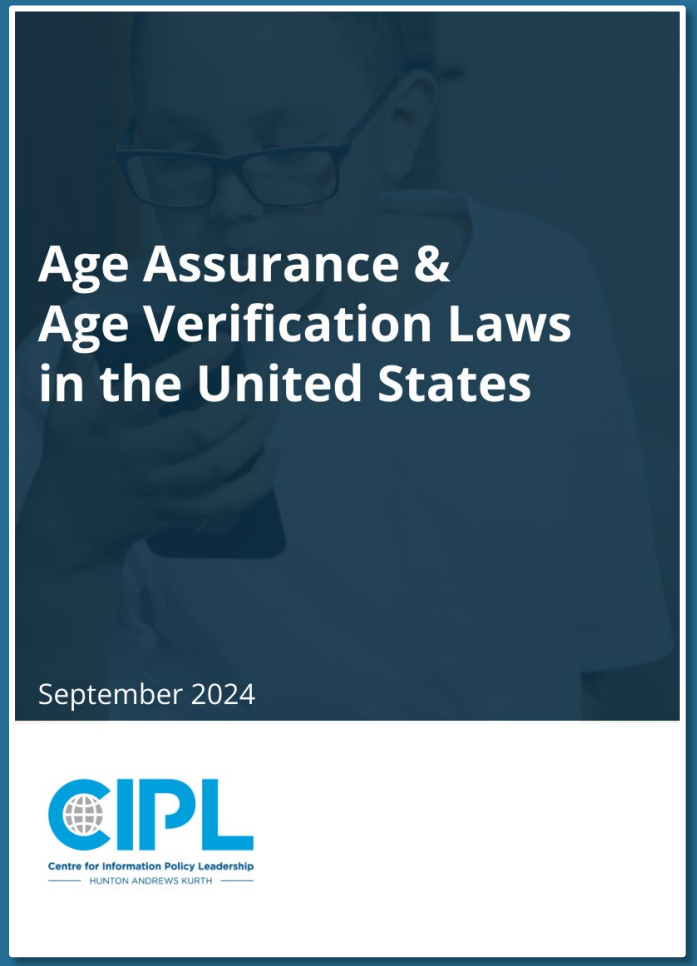
CIPL Discussion Draft

September 2024



- **Types of Age Assurance Laws**
- **Scope of Age Assurance Laws**
- **Legal Challenges to Age Assurance Laws**
- **Recommendations**

- **APPENDIX A:** U.S. State Laws Containing Age Verification Requirements
- **APPENDIX B:** 'Harmful To Minors' In U.S. State Age Verification Laws

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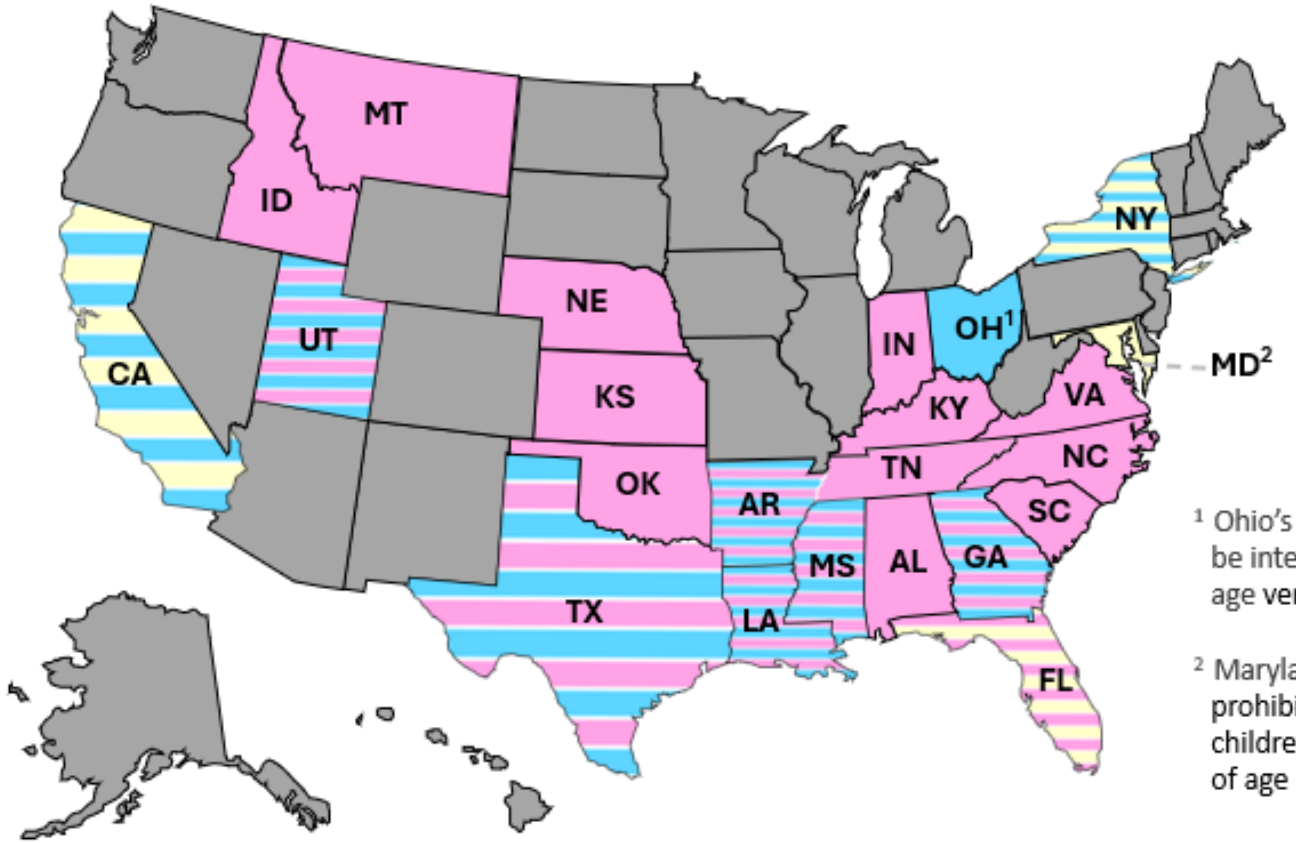
Types of Age Verification Laws

- 'Harmful to Minors'
- Social Media
- Likely Access or Actual Knowledge



[1] Ohio's law arguably could be interpreted to imply an age verification obligation.

[2] Maryland's law expressly prohibits any processing of children's data for purposes of age estimation.

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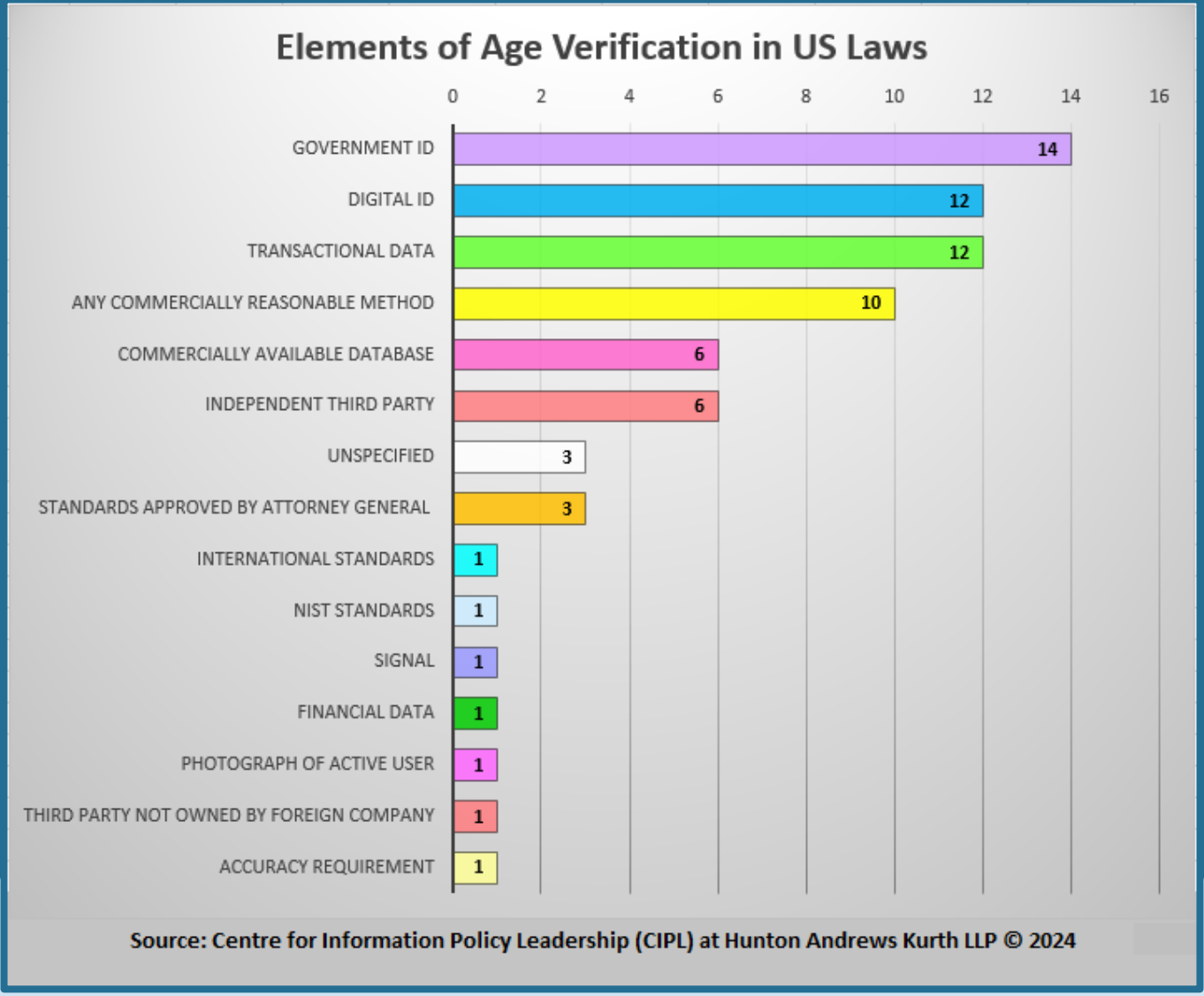
Elements of Age Verification laws



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Multistakeholder Dialogue on Age Assurance

weprotect Global Alliance

1. Promote a global dialogue on age assurance

2. Bring together experts from various sectors to understand the current state of play

3. Advance a holistic and principles-based approach to age assurance

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Multistakeholder Dialogue

Following the kick-off meeting in March 2024, smaller virtual **Working Groups** were launched, each producing insights based on expert discussions.

Law & Regulation	Risk Assessment	Regional & Global Perspectives
Focus on legal and regulatory frameworks in international settings	Explore how risk assessments can support balanced, rights-based approaches	Gather insights considering cultural, regional, and socioeconomic factors

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Multistakeholder Dialogue

1 Nature and Purpose

- Age assurance is a process, not a singular, one-off check.
- There is no "one-size-fits-all" solution.
- Age assurance should not divert attention from other necessary legal compliance and accountability measures for online safety and privacy.
- Beyond merely excluding children from inappropriate content, age assurance can also be used to provide tailored, age-appropriate online experiences.

2 Risk-Based Approach

- Robust, holistic risk assessments are crucial for determining if and how to implement age assurance.
- A clearer baseline for risk assessments is needed, focusing on 'risk of what, to whom, when' guided by BIC principle.
- Risk assessments need a cross-functional collaboration (legal, content, product, privacy and safety experts).
- Measures must be proportionate and adhered to data-minimization.

3 Balancing Safety and Privacy

- A careful balance between safety and privacy is critical when designing and deploying age assurance solutions.
- A "privacy by design" solution should balance data minimization, storage limitation, and security against the need to process data for safety.
- A "red teaming" approach (considering "what could go wrong") is vital for designing robust age assurance solutions.
- Internal privacy and safety teams should collaborate to ensure a holistic risk profile, recognizing that a single privacy concern might be weighed against multiple safety concerns.

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4 Regulatory Landscape and Cooperation

- Legal and regulatory fragmentation remains a significant challenge for companies operating globally.
- Need for cross-border regulatory cooperation to achieve consistent approaches to child protection online.
- Regulators expect companies to demonstrate the effectiveness of their age assurance solutions in mitigating identified risks.

5 Technical Solutions and Interoperability

- Defining a “state of the art” baseline for age assurance could provide consistency for regulators and organizations.
- Self-declaration is inadequate for high-risk services.
- New methods, such as voice age estimation, are developing and can become “state of the art.”
- Interoperability and the “reuse” of age signals present opportunities to streamline the process for users. Careful consideration of privacy, security, competition, costs, and liability is required.
- PETs hold future potential, and regulators should encourage their development and adoption.

6 User Experience, Education and Inclusivity

- Age assurance must be user-friendly and accessible to children, young people and parents
- Children's, parents' and caregivers' perspectives are vital for implementing appropriate and effective age assurance measures.
- Approaches should ensure equity by considering cultural differences and socio-economic status.
- Product developers need to stay informed about child rights frameworks, legal requirements, and child-friendly design.

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7 Roles, Responsibilities and Collaboration

- The online ecosystem is complex, with responsibilities potentially distributed among device providers, operating systems, app stores, and content providers.
- Clarity on the allocation of liability under different legal regimes is essential for shared understanding among the stakeholders.
- Collaboration among industry players is necessary to develop pragmatic solutions.
- Developing age assurance solutions can be particularly burdensome for SMEs.

8 Ethical Considerations and Children's Rights

- Ethical considerations include questions such as "should we do this?" and "what if we don't?", as benefits to many may outweigh risks to a few.
- In some jurisdictions age assurance may suppress certain types of speech (in the US), and parental controls could block minors from helpful content.
- Rethink the "magic number 13" by considering age bands related to children's developmental needs.

9 Key Challenges Identified

- Defining "harmful content" for children given varying social, cultural, and developmental contexts.
- Limited guidance on age-specific harm assessments, leading to inconsistent evaluations across platforms.
- Determining the appropriate risk threshold and acceptable risk levels (high, medium, low) for implementing age assurance measures.
- Ensuring age assurance measures remain effective against technical workarounds like Virtual Private Networks (VPNs).

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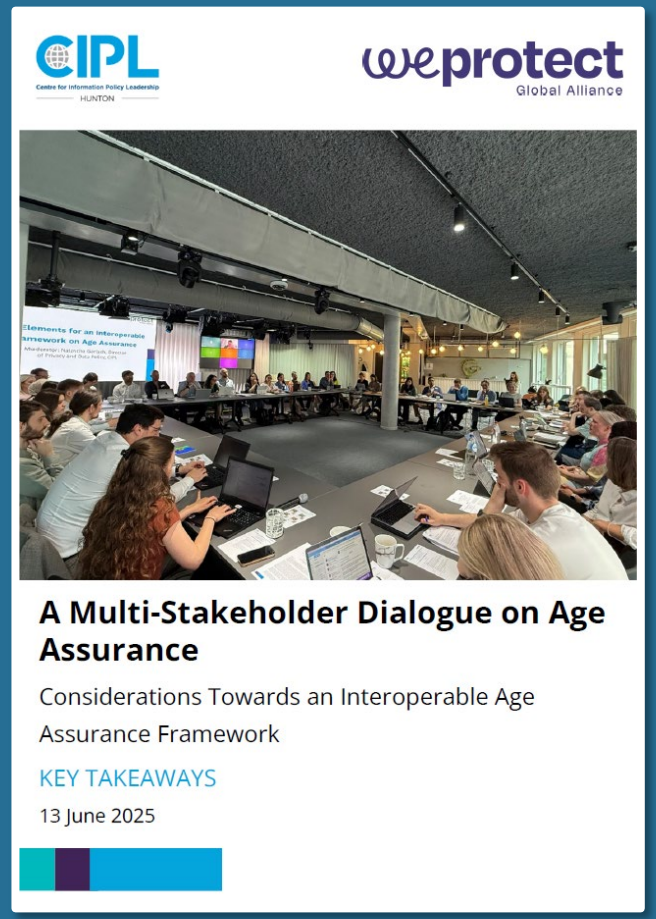
Draft Framework for Interoperable Age Assurance Solutions



BUILT ON FUNDAMENTAL PRINCIPLES

- **Risk-based and proportionate approach:** The method used for age assurance should be proportionate to the potential harm to minors and the specific risks posed by the service.
- **Privacy by Design:** The framework should be implemented with a paramount focus on safeguarding personal data, including data minimization, anonymization or pseudonymization, and the use of PETs like Zero-Knowledge Proof.
- **User Autonomy and Transparency:** It should provide users with clear information about age checks, available redress mechanisms, and control over the sharing of their age information.

TECHNOLOGICALLY NEUTRAL

- Supports various digital credential sources like government IDs or age estimation techniques, and a key benefit for users is reusability of verified age signals across different services, reducing friction

DEFINES THE ROLES AND LIABILITIES OF ALL PARTIES INVOLVED

- Age assurance providers
- API providers
- App/website providers