



REPORT

The Online Safety Bill.

What does it mean for
the adult sector?

April 2022

Introduction.

The United Kingdom government has presented to Parliament a revised draft of its trailblazing online safety legislation, which now begins the process of scrutiny by first the House of Commons and then the House of Lords before becoming law, probably early in 2023.

This new statute will have a **profound impact on the adult industry** because it revives previously abandoned **legal provisions to require age verification** before UK citizens are able to access pornography online.

The original plan for this new law was to target only services which included user generated content. This in effect limited the scope of the Bill to social media platforms. As a result, the first draft of the Bill mentioned “pornography” just once, and that was only in order to repeal the previous legislation, “Part 3” of the Digital Economy Act 2017. **The new version of the Bill has 86 references to “pornography”.**

The law creates a duty to ensure that children are “not normally able to encounter” pornographic content. It suggests this is achieved through age assurance, and specifies “age verification” because this provides the highest level of confidence about the user’s age.

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Data Privacy.

Perhaps in the light of the controversy around the previous attempt to introduce this legislation, there are also specific requirements to protect users from any breach of laws concerning privacy, including in respect of processing personal data. While GDPR already places **strong data protection requirements on organisations conducting age verification checks**, this is reiterated and underlined by the new law.

Strong data protection requirements

On The Fast Track.

It would also appear that these new provisions on adult content could be **fast tracked into force**. While many aspects of the wide ranging Bill require an extensive exercise in generating new regulations, most of which must be approved by both ministers and by Parliament itself, the guidance required to implement Part 5 (pornography) may be generated solely by the newly appointed regulator for online safety, Ofcom. Although a minister would still need to make the decision to commence the operation of this piece of the legislation, if they are minded to do so, this could be done **within weeks of the law being passed in Westminster**.



Enforcement.

Enforcement itself is achieved by giving the regulator powers to issue notices and, where services do not promptly comply, they may face **financial penalties of up to £18 million or 10% of their global turnover** (whichever is the higher). For those sites that hope to avoid such penalties by being based outside of the UK, Ofcom has further **powers to block access to both the sites and also to the services upon which they rely to make money**; for example, payment services, hosting services, search engine results and advertising networks.

Adult sites face the very real possibility of being effectively **turned off in the UK** and certainly being unable to raise any revenues from their UK-based users **early next year**. Rather than face this dramatic, overnight loss of business, such sites would be well advised to start now to build an audience which has already been verified as 18+ so that by the time the legislation comes into force, only a remaining proportion of their customers will need to prove their age to access the site.



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Risk.

The risk of not doing so, particularly for **higher profile sites that will be in the sights of the Regulator**, is that they will be targeted by Ofcom, required to implement age checks or face loss of access to the UK market, and may see their customers move to smaller sites not yet on Ofcom's radar. The best way to mitigate this commercial risk is to start building a verified adult audience today.

It is important to state that in order to verify a user's age, **an adult website does NOT need to mandate an Identity Document scan**, for example. A wide range of frictionless and privacy-preserving methods are available to users, including:



Facial age estimation (a simple selfie video)



Audio-based estimation (assessing the user's voice)



Email address



Mobile phone number



Identity document scan



Credit card



VerifyMyAge (VMA) works with a comprehensive range of technology partners to create an age assurance ecosystem of data, deep tech and artificial intelligence partners, resulting in the most comprehensive and effective age verification and estimation solution available.

For more information contact

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About VerifyMy.

We create safety tech solutions designed to make the internet a safer place, providing safety-tech that delivers the best consumer experience without compromising the needs of the business. We achieve this via a suite of tech solutions; VerifyMyAge & VerifyMyContent. They both utilise an ensemble of over 30 best-in-class AI, deep-tech and data partners such as Experian, Microsoft Azure, and Hive Moderation to form an ecosystem that is far greater than the sum of its parts.



VerifyMyAge (VMA) safeguards children by providing frictionless and secure age verification (AV) and age estimation solutions for online products and services as a global leader in age assurance technology.



VerifyMyContent (VMC) enables user-generated content platforms to provide a safe environment for creators, participants and consumers of adult content by utilising a complex ecosystem of technologies to prohibit the publication of harmful and illegal content.



Learn more about our
safety tech solutions at
verifymy.io