



REPORT

The Online Safety Bill.

The impact on *your* business

April 2022

Introduction.

Until now, the debate around the UK's Online Safety Bill and age verification has centred on the adult industry and the requirement to prevent children from accessing online pornography. However, whilst the recently-published revised draft certainly tackles this issue, it also has far more wide-ranging implications for websites across many other industries and sectors.

Fundamentally the Bill includes, amongst seven online safety objectives, a requirement to provide a higher standard of protection for children than for adults, and includes a further goal to **account for different needs of children at different ages**. So this goes beyond simply distinguishing between adults and children, but also targeting age-appropriate content and functionality at children in different age groups.

In this way, it mirrors provisions already in force as a result of the Information Commissioner's Children's Code which affects sites which process personal data. **The new Bill will apply to all websites which offer 'user-to-user services'** i.e. far wider than that derived from the Data Protection Act 2018.



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User-to-user services.

User-to-user services are those which allow someone to upload or generate **content that can be read, viewed, heard or experienced by another user**. It does not matter how much of such content is on a website, or whether users actually share the content, if there is the functionality in place to allow for this to happen.

Content that can be read, viewed, heard or experienced by another user

In fact data of any description and even private communications are in scope. Examples of such content include:

-  Written messages
-  Audio communications
-  Photographs
-  Videos
-  Animation
-  Music

Numerous sectors will be caught up by this new legislation, including:

- + **Social Media**
 - + **Video Sharing Sites**
 - + **Online Gaming**
 - + **Streaming**
 - + **Blogs**
 - + **Forums**
 - + **Listings Sites**
 - + **Aggregators**
- + **The Bill even extends to search engines**

Legal Obligation.

Impacted sites have to target UK users or have a significant number of UK users, even if they're not targeted. There is an exemption for intranets or for content that is limited to SMS or MMS messages, or one to one live aural communications. An exception is also made for sites which only host a provider's own content. This is designed to protect, for example, websites where small businesses sell their products, on which customers may leave feedback or commentary.

Sites which fall into the scope of the new Bill face a new legal obligation to comply with a range of new duties. These include completing a **risk assessment of the chances of them hosting illegal content**, such as child sexual abuse or terrorism-related material, as well as a **need to give users the opportunity to report content, and to make complaints**. All sites are required to protect freedom of expression and user privacy and to keep records of how they go about complying with the new law.

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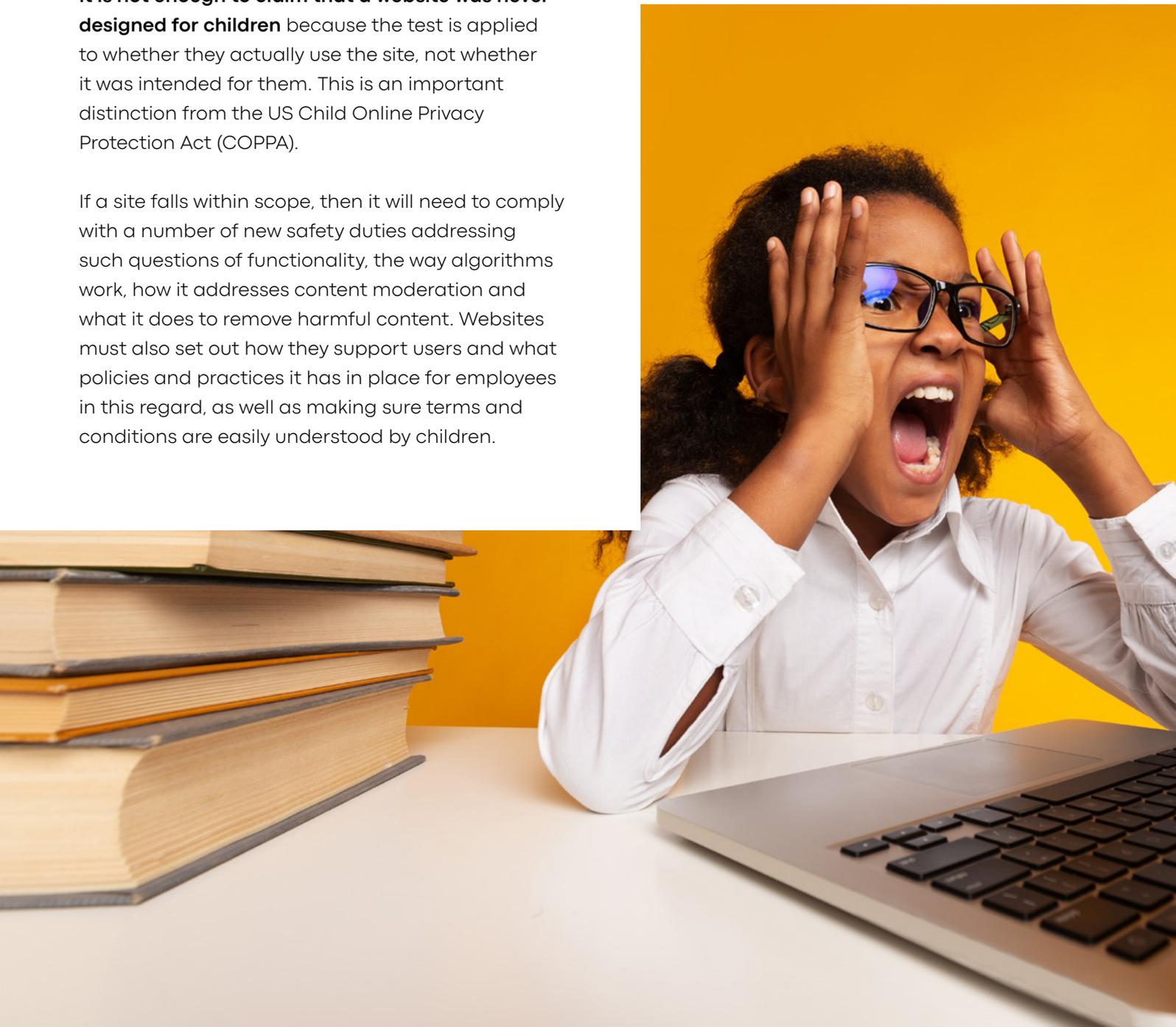


Risk Assessment.

There is an additional category of services which are those likely to be accessed by children, where sites will need to **conduct a “children’s risk assessment” and comply with a duty to protect the online safety of children.** This could be a very expansive definition, because it picks up any site where it is possible for a child to gain access, or when a significant number of children do so or if it is likely that the service will attract a large number of children.

It is not enough to claim that a website was never designed for children because the test is applied to whether they actually use the site, not whether it was intended for them. This is an important distinction from the US Child Online Privacy Protection Act (COPPA).

If a site falls within scope, then it will need to comply with a number of new safety duties addressing such questions of functionality, the way algorithms work, how it addresses content moderation and what it does to remove harmful content. Websites must also set out how they support users and what policies and practices it has in place for employees in this regard, as well as making sure terms and conditions are easily understood by children.



Age Assurance.

Many **businesses may decide they prefer to avoid these obligations altogether by ensuring that children cannot access them in the first place.** This is where age assurance comes into its own because, through a combination of age estimation and age verification techniques, services will be able to demonstrate that children are not normally able to access them, and they will be released from all these new legislative requirements.



In cases where the risk of harm is relatively low, VerifyMyAge's (VMA) age-estimation techniques based on cutting edge artificial intelligence technology will normally be sufficient to persuade regulators that the majority of users are in fact adults, and only a small proportion may be just below 18. Where the risk of harm is greater, age verification checks with a higher level of assurance would be required.

When considered alongside the work of the Information Commissioner, the latest Video-Sharing Platform rules, and ever-tightening regulations around advertising age-restricted goods and services, knowing the age or age-range of users is going to become a fairly standard business need for all but the most harmless of online services.

For more information visit www.verifymyage.com

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

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

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