

The regulation by the BBFC of pornography offline is well-established and largely effective, including, where necessary, through enforcement measures. But online, pornography is easily accessible for most UK children. It is for this reason, that the Government proposed the requirements in Part 3 of the Digital Economy Act (DEA) 2017 for the regulation of online pornography provided on a commercial basis.

Under the DEA, services providing pornographic content on a commercial basis must carry robust age-verification controls that ensure the material is not normally accessible to under 18s and must not contain 'extreme' pornography as defined by the Criminal Justice and Immigration Act 2008.

This new law will substantially reduce the risk of children accessing or stumbling across pornography and will set an international precedent in child protection online. The government will announce a date for entry into force soon.

WHAT WILL AGE-VERIFICATION LOOK LIKE?

Age-verification is simpler than you might think. When the law comes into force, adults wishing to access services providing online commercial pornography will be required to demonstrate they are over 18 over using age-verification solutions. If a child visits a service that has age-verification in place, they won't be able to see any pornographic content.

There will be a range of solutions available to consumers, normally provided by third party companies. These range from buying a card over the counter in a shop where the verification is face to face, like buying alcohol, to the more traditional use of ID documents online. There are also digital ID apps which are now available, or a consumer could age-verify using their mobile phone if the adult filters have been removed.

The BBFC has been designated as the age-verification regulator and will be responsible for ensuring services providing online commercial pornography comply with the law.

It is **common sense** to introduce the same protections online that exist offline. Children are not allowed to enter a sex shop on the high street, nor should they be able to see pornography online.

Research carried out on behalf of the NSPCC and Office of the Children's Commissioner shows **11-16 year olds are as likely to stumble across online pornography as to search for it.**

Age-verification is not a silver bullet. Determined teenagers will find ways to access pornography. However, it will mean young children can no longer stumble across porn on commercial pornographic websites.

Age-verification is going to work. We have spoken to the biggest pornographic companies and they have all said that they will comply. If they don't, the BBFC has effective powers to ensure that they do.

WHAT ABOUT DATA PROTECTION?

To ensure that age-verification providers maintain high standards, including on privacy and data security, the BBFC has developed a voluntary certification scheme. This involves a third party audit and includes an assessment of an age-verification solution's compliance with strict privacy and data security requirements. **We expect all the major providers to sign up to the scheme.**

- The framework will be transparent and published on the BBFC's age-verification website www.ageverificationregulator.com
- Certified providers will be awarded the BBFC Age-verification Certificate to reassure consumers that rigorous security checks have been made
- The results of the third party audit will be reported on the BBFC's age-verification website

The framework will involve privacy standards above and beyond the General Data Protection Regulation (GDPR). The BBFC's MoU with the Information Commissioner's Office (ICO) includes agreement that the BBFC will refer any non-certified age-verification solutions to the ICO. The Commissioner will then assess whether further investigation is required and take action accordingly.

Age-verification solutions and online pornography providers will still have a general obligation to comply with the GDPR enforced by the ICO.

AGE-VERIFICATION AND THE BBFC

WHY THE BBFC?

The Government designated the BBFC as the age-verification regulator because of our acknowledged expertise in regulating pornographic content and our longstanding experience of online regulation through online age ratings and setting standards for adult filters on websites accessed on all the UK's mobile networks.

WHAT POWERS DOES THE BBFC HAVE TO ENSURE COMPLIANCE?

If an online pornography service does not carry effective age-verification controls, or if they provide extreme pornography, the BBFC may instruct internet service providers and mobile network operators to block the site in the UK. The BBFC may also notify payment-services providers, and ancillary service providers such as social media and search engines to request that they withdraw services.

ARE EDUCATION AND PARENTING BETTER WAYS TO PROTECT CHILDREN ONLINE?

The BBFC agrees with the importance of parents talking to children about staying safe online, and age-verification works alongside education and digital tools to help make the internet a safer place for children. The BBFC is working with child protection charities to help educate parents and children about safe and secure use of the internet.

AGE-VERIFICATION WILL STOP CHILDREN FROM STUMBLING ACROSS PORNOGRAPHIC WEBSITES

62% of young people first saw pornography online when they weren't expecting to or because they were shown it by someone else (1). Age-verification will help to prevent this from happening.

In one month alone, 1.4 million children in the UK accessed a pornographic website (2). By focussing on high-traffic services we can make a big impact on children accessing online commercial pornography. The survey below demonstrates the current lack of controls online to protect children from pornographic content which is generally accepted to be potentially harmful to children.

We know that there is pornography on social media sites, but government has chosen the adult industry as the focus of the legislation. The BBFC will report to the Secretary of State for Digital, Culture, Media and Sport on the effectiveness of the regime a year after entry into force, including recommendations on alternative or additional means of achieving the objectives of the legislation.

(1)www.bbc.co.uk/mediacentre/latestnews/2014/porn-whats-the-harm
(2)assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/747187/Impact_Assessment_Age_Verification_FINA_L_20181009.pdf

THE BBFC ALSO HAS A RESEARCH REMIT AS THE AGE-VERIFICATION REGULATOR

In November 2018 the BBFC reviewed 200 of the most visited pornographic websites in the UK.

- 82% of sites reviewed offer no form of barrier whatsoever
- Of those sites that did ask users to confirm their age, 89% allowed this with just the click of a button, e.g. 'I am over 18 years old'. 16% of these had explicit images displayed alongside the age-verification gate, i.e. visible before users have confirmed age
- Of the 200 sites reviewed, only one asked users to enter a date of birth and three required users to sign up with an email address
- Of the 200 sites reviewed, not one would be compliant with the Digital Economy Act according to the standards set out in the BBFC's Guidance on Age-verification Arrangements. **The legislation will therefore have a significant child protection impact**

Research conducted in December 2018 by YouGov on behalf of the BBFC found that:

- 41% of adults say they have personally visited pornographic sites
- 73% are concerned about children accidentally seeing pornographic content online
- 82% agree there should be robust age-verification controls in place to stop children seeing pornography online
- 48% think the introduction of age-verification will be effective in reducing the likelihood of children seeing pornography online

For further information please visit www.ageverificationregulator.com or contact Amelia Erratt, Head of Age-verification - aerratt@bbfc.co.uk

