



## BRIEFING PAPER

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# Online pornography: age verification

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## Summary

Age verification (AV) for access to online pornography was due to come into force from 15 July 2019.

[Part 3](#) of the *Digital Economy Act 2017* sets out the framework for AV. According to the Government, AV would protect children from “distressing or unrealistic images of sex” that could harm their emotional and psychological development.

In June 2019, the Government [announced](#) that implementation would be delayed for about six months. This was because the European Commission hadn’t been notified about the UK’s guidance on AV arrangements.

On 16 October 2019, the Government [announced](#) that Part 3 of the 2017 Act would not be commenced. The objectives of the Act would instead be delivered through the Government’s [proposals](#) for tackling online harms.

### Comment

AV had been welcomed by organisations working to protect children, but critics raised concerns about:

- data security and privacy;
- freedom of expression;
- avoiding AV by using virtual private networks (VPNs) or the dark web.

**Related Library Briefing:** [Social media regulation](#) (CBP 8743)

# 1. Background to age verification (AV)

The 2015 Conservative Party Manifesto included a commitment to introduce AV to “stop children’s exposure to harmful sexualised content online”.<sup>1</sup>

## DCMS consultation (2016)

In February 2016, the Department for Digital, Culture, Media and Sport (DCMS) published a [consultation](#) on how to implement AV. This was another “strand” of the Government’s approach to protect children online:

(...) Offline, there are clear expectations that children will be protected from seeing pornographic material - sexually explicit magazines are put on the top shelf, and pornographic videos can only be sold to over-18s. It goes against these accepted values that children are able to see free-to-access ‘tube’ sites online, displaying very explicit, High Definition videos that are auto-played on landing pages. Pornography has never been more easily accessible online, and material that would previously have been considered extreme has become part of mainstream online pornography. When young people access this material it risks normalising behaviour that might be harmful to their future emotional and psychological development.

(...)

However children are accessing content, our objective is the same: to protect children from distressing or unrealistic images of sex. Clearly, these images risk harming their ability to develop healthy personal relationships based on respect and consent. This applies whether they are accidentally stumbling across content, or are deliberately seeking it out to help them understand sex and relationships. In the latter case, they may also be accessing content that they are not yet equipped to understand, or find it hard to pull away from.

(...) we are aware that there is no single solution here. Tech savvy young people determined to access pornography will always find ways to do so and the internet is only one of the routes via which children are exposed to pornography.

It is not unhealthy for teenagers to be interested in sex. But we can and should do more to ensure that children, particularly younger more vulnerable children, cannot easily access sexual content which will distress them or harm their development...

The focus of this proposed approach is on commercial pornography providers - we expect those profiting from the growth of online pornography to see the protection of children as a core responsibility of doing business...<sup>2</sup>

According to the consultation document, there was no “clear consensus” on how many children viewed pornography. However, a DCMS analysis of statistics from *comScore* indicated that 1.4 million

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<sup>1</sup> [Conservative Party Manifesto 2015](#), p35

<sup>2</sup> DCMS, [Child Safety Online: Age Verification for Pornography](#), February 2016, pp4-5

unique visitors aged under 18 accessed pornographic content from their desktop.<sup>3</sup> Annex 2 of the document gives an overview of research on the possible harms caused by children viewing pornography.

A DCMS commissioned [report](#) on how children view pornography was published alongside the consultation.<sup>4</sup>

### Government response

The Government's [response](#) (July 2016) to the consultation acknowledged that opinions on AV tended to be polarised, with strongly held views on either side (44% of respondents supported AV, while 48% didn't).<sup>5</sup> Responses from individuals made up the majority (94%) of those submitted via an online questionnaire.<sup>6</sup> According to the response:

- many organisations in the child protection sphere - children's charities, support and advice groups, the BBFC, ISPs, and payment service firms and credit card companies - supported the Government's proposals;
- pornography providers who responded supported the protection of children online, and (with caveats) the introduction of age verification controls;
- over a quarter (26%) of the individuals who responded indicated that they were parents or carers, and 23% of individuals said they worked with children (in the education and health sectors, working in or with churches, in voluntary roles, mentoring, and as researchers). In both groups, a majority supported the Government's approach.

Some respondents raised concerns about:

- the difficulties of enforcement, particularly taking action against non-UK companies;
- the potential for determined customers to get around any controls put in place;
- freedom of speech arguments over denying or restricting access to pornography which is legal for adults to view.<sup>7</sup>

However, the Government said that "doing nothing" was not an option.<sup>8</sup> Age verification, while "not a panacea", and not the limit of child online protection activity, would be introduced through the *Digital Economy Bill 2016/17*.<sup>9</sup>

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<sup>3</sup> Ibid, p14

<sup>4</sup> Victoria Nash et al, [Identifying the Routes by which Children View Pornography Online: Implications for Future Policy-makers Seeking to Limit Viewing Report of Expert Panel for DCMS](#), November 2015

<sup>5</sup> DCMS, [Child safety online: age verification for pornography – consultation response](#), July 2016, p4

<sup>6</sup> Ibid, p4

<sup>7</sup> Ibid, p4

<sup>8</sup> Ibid, p4

<sup>9</sup> Ibid, pp6-7

## 2. The Digital Economy Act 2017 and AV

The framework for AV is set out in [Part 3](#) of the *Digital Economy Act 2017*. [Section 14\(1\)](#) would require commercial providers of online pornography to have arrangements in place to make sure that users are aged 18 or over.

On 16 October 2019, the Secretary of State [announced](#) that Part 3 of the 2017 Act would not be commenced and that the objectives of the Act would instead be delivered through the Government's [proposed regulatory regime](#) for tackling online harms.

A variety of AV options would have been available including the use of credit cards, passports, or mobile phones where the adult filters had been removed. Other options included buying a card in a shop where verification would have been face to face.<sup>10</sup>

A brief overview of how the system would have worked is given in the following sections of this paper.

For discussion of AV as the *Digital Economy Bill 2016-17* progressed through its parliamentary stages, see:

- Library Briefing Paper [for second reading], [Digital Economy Bill](#), 9 September 2016, section 2
- Library Briefing Paper, [Digital Economy Bill - Committee Stage Report](#), 24 November 2016, section 6
- Library Briefing Paper, [Digital Economy Bill: Lords amendments](#), 24 April 2017, section 3

### Pornographic material

[Section 15](#) of the Act lists a range of content that would be considered “pornographic material”. This includes video works issued with an [R18 certificate](#) by the BBFC – works containing clear images of real sex, strong fetish material, sexually explicit animated images, or other very strong sexual material involving adults.

Section 15 also refers to other material that could reasonably be assumed from its nature to have been “produced solely or principally for the purposes of sexual arousal”.

“Extreme pornographic material” is not included in section 15 but is defined in [section 22](#). Possession of this category of material is illegal. For background see:

- Crown Prosecution Service [guidance](#) (undated)
- Library Briefing Paper, [Extreme pornography](#) (7 January 2016)

### Commercially available pornographic material

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<sup>10</sup> Ibid

The *Online Pornography (Commercial Basis) Regulations 2018* set out when pornographic material would have been regarded as made available on a commercial basis:

- when a person charged for access to it;<sup>11</sup>
- when a person made pornographic material available free of charge but expected to receive a payment or other commercial benefit (e.g. advertising revenue) in connection with making it available.<sup>12</sup>

In the case of pornographic material available free of charge, this would not be regarded as commercially available if it was “reasonable for the age-verification regulator to assume” that pornographic material made up less than one-third of the content available on or via the website.<sup>13</sup> However, this would not be the case if the website was marketed as a site by means of which pornographic material was made available.<sup>14</sup>

The House of Lords [approved](#) the Regulations on 11 December 2018. They were [approved](#) by the Commons on 17 December 2018.

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<sup>11</sup> Regulation 2(2)

<sup>12</sup> Regulation 2(3)

<sup>13</sup> Regulation 2(4)

<sup>14</sup> Regulation 2(5)

### 3. The BBFC's role

In February 2018, the Secretary of State designated the [British Board of Film Classification](#) (BBFC) as the Age-Verification Regulator.

The BBFC would have been responsible for determining whether an AV arrangement complied with section 14(1) of the Act.<sup>15</sup> In carrying out its duties, the BBFC would have been able to:

- issue notices requiring information from ISPs or any other person involved in making pornography available online in the UK;<sup>16</sup>
- issue enforcement notices where a person contravened section 14(1);
- issue notices to payment-services providers<sup>17</sup> and ancillary service providers<sup>18</sup> where a person had contravened section 14(1) or made “extreme pornographic material” available online in the UK;
- issue notices to ISPs requiring them to block access where a person had contravened section 14(1) or made “extreme pornographic material” available online in the UK;
- publish a report on the impact and effectiveness of AV;<sup>19</sup>
- publish guidance on AV arrangements.<sup>20</sup>

#### BBFC guidance

The BBFC published its [guidance](#) on AV in October 2018.<sup>21</sup> This set out the criteria by which the BBFC would assess whether arrangements met the requirements of section 14(1) of the 2017 Act. According to the guidance, the BBFC would take a “proportionate regulatory approach” consisting of:

- deciding which services providing online pornographic material on a commercial basis it would investigate;
- assessing whether an AV arrangement complied with section 14(1);
- assessing whether a service contained extreme pornography;
- determining the most effective course of enforcement action.<sup>22</sup>

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<sup>15</sup> See [DCMS letters](#) (February 2018); The House of Lords [debated](#) and approved the designation on 1 February 2018. A motion to approve the [designation](#) was formally approved by the Commons on 20 February 2018; In exercising its functions, the BBFC must take account of DCMS [guidance](#) (January 2018), issued under section 27 of the Act

<sup>16</sup> Section 18

<sup>17</sup> As defined in [section 21\(4\)](#)

<sup>18</sup> As defined in [section 21\(5\)](#)

<sup>19</sup> Section 29

<sup>20</sup> Section 25

<sup>21</sup> The publication of guidance is required under section 25 of the Act

<sup>22</sup> BBFC, [Guidance on Age-verification Arrangements](#), October 2018, p6

In deciding which services to investigate, and to allow it to prioritise protecting children, the BBFC would consider, among other things, services that:

- were most frequently visited, particularly by children, in the UK;
- were most likely to be sought out by children (e.g. because they have attracted media or social media attention or because they rank highly on search engine results);
- contained extreme pornography;
- contained potentially indecent images of children or raise other child protection concerns;
- were reported to the BBFC by stakeholders and the public.<sup>23</sup>

### **Age verification standards**

Section 3 of the BBFC guidance covered AV standards. As this pointed out, the use of AV in relation to the sale of age restricted goods and services online is well established:

(...) A range of solutions to age-verify online is currently available on UK-hosted pornography services. These solutions draw from numerous datasets including credit card, passport, driving licence and mobile phone age verification. Age-verification is most frequently supplied through third party providers.<sup>24</sup>

### **What criteria would the BBFC use to assess AV arrangements?**

The BBFC guidance acknowledged that AV is an “evolving and fast changing technology” and that “advances will improve the capability and variety of systems” that would become available. The BBFC would therefore “adopt a principle-based approach” to assess AV arrangements.<sup>25</sup> The following criteria would be used to assess whether an AV arrangement complied with the requirements of section 14(1):

- a. an effective control mechanism at the point of registration or access to pornographic content by the end-user which verifies that the user is aged 18 or over at the point of registration or access
- b. use of age-verification data that cannot be reasonably known by another person, without theft or fraudulent use of data or identification documents nor readily obtained or predicted by another person
- c. a requirement that either a user age-verify each visit or access is restricted by controls, manual or electronic, such as, but not limited to, password or personal identification numbers. A consumer must be logged out by default unless they positively opt-in for their log in information to be remembered
- d. the inclusion of measures which authenticate age-verification data and measures which are effective at preventing use by non-human operators including algorithms.<sup>26</sup>

The following features would not, in isolation, be considered compliant:

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<sup>23</sup> Ibid, p6

<sup>24</sup> Ibid, p9

<sup>25</sup> Ibid, p9

<sup>26</sup> Ibid, pp9-10

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- a. relying solely on the user to confirm their age with no cross-checking of information, for example by using a 'tick box' system or requiring the user to only input their date of birth
- b. using a general disclaimer such as 'anyone using this website will be deemed to be over 18'
- c. accepting age-verification through the use of online payment methods which may not require a user to be over 18. (For example, the BBFC will not regard confirmation of ownership of a Debit, Solo or Electron card or any other card where the card holder is not required to be 18 or over to be verification that a user of a service is aged 18 or over.)
- d. checking against publicly available or otherwise easily known information such as name, address and date of birth.<sup>27</sup>

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<sup>27</sup> Ibid, p10

## 4. AV: for and against

The Government's plans for AV were controversial. Organisations working to protect children were supportive, while noting that education and the role of parents and carers would remain important. For example, Carolyn Bunting, CEO of [Internet Matters](#), said:

We are delighted to see the government tackling the issue of online pornography - as children seeing content they're not emotionally ready for can be very damaging, especially if they don't speak out about it.

While our research shows that parents overwhelmingly support age-verification and are confident it will make a difference, we must recognise that digital solutions aren't the only answer and parents can't become complacent about their child's digital world.

There is no substitute to having regular and honest conversations with your child about what they're getting up to online, establishing an open dialogue about their digital life from a young age.<sup>28</sup>

Will Gardner, Chief Executive of Childnet, commented:

We hope that the introduction of this age-verification will help in protecting children, making it harder for young people to accidentally come across online pornography, as well as bringing in the same protections that we use offline to protect children from age-restricted goods or services.

Talking to children is vital and education has a major part to play here, and we need to ensure all young people are given a platform to discuss the pressures they face online and have the skills to spot and understand the gap between perception and reality...

We know that conversations with young people, parents and carers and teachers are paramount to giving children the information, support and skills that they need.<sup>29</sup>

Other commentators agreed that AV was "a good starting point" but was not a "silver bullet".<sup>30</sup>

Critics of AV raised concerns about AV and data security, freedom of expression, as well as whether it would be effective.

### Data security

Various commentators warned that AV could put users at risk of data leaks, hacking, credit card fraud, and compromise privacy.<sup>31</sup>

The [Open Rights Group](#) repeatedly argued that AV raises data security and privacy issues. Jim Killock, Executive Director of the Group, said:

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<sup>28</sup> ["Age-verification for online pornography to begin in July"](#), DCMS news release, 17 April 2019

<sup>29</sup> Ibid

<sup>30</sup> Andy Monaghan and DaYoung Yoo, ["Age Verification for Online Pornography – no silver bullet, but a good start"](#), LSE Blog, 26 April 2018

<sup>31</sup> See, for example, ["Privacy And Porn – The New Digital Laws Explained"](#), RightsInfo, 29 January 2018; ["Ineffective, insecure, overdue: the 'porn block' gets everything wrong"](#), *Guardian*, 2 April 2019

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It [AV] might lead to people being outed. It could also be you're a teacher with an unusual sexual preference and your pupils get to know that as a result of a leak. It won't get you sacked for viewing something legal but it could destroy your reputation.

Politicians don't understand that data about their porn preferences might end up in the hands of journalists or others.<sup>32</sup>

Myles Blackman, an obscenity lawyer, warned:

It is a challenge to try to find some genuine form of authentication that is also secure in privacy terms, great in security terms and reasonably achievable to the average person who simply wants to do something legal.<sup>33</sup>

Tom Gaffney of cyber security firm F-Secure commented:

Preventing kids from accessing certain types of online content, such as pornography, is in everyone's interest. But people who share personal details with third-party age verification platforms need to know that attackers actively target this type of data, and will likely find these databases very enticing.<sup>34</sup>

### What did the Government say?

An April 2019 DCMS [press release](#) said that AV arrangements "should only be concerned with verifying age, not identity" and would need to comply with data protection law. It also referred to an Age-verification Certificate (AVC) - a voluntary scheme to ensure AV providers maintained high standards of data security:<sup>35</sup>

(...) Government has listened carefully to privacy concerns and is clear that age-verification arrangements should only be concerned with verifying age, not identity. In addition to the requirement for all age-verification providers to comply with General Data Protection Regulation (GDPR) standards, the BBFC have created a voluntary certification scheme, the Age-verification Certificate (AVC), which will assess the data security standards of AV providers. The AVC has been developed in cooperation with industry, with input from government.

Certified age-verification solutions which offer these robust data protection conditions will be certified following an independent assessment and will carry the BBFC's new green 'AV' symbol...

The Notes to Editors explained the AVC:

The Age-verification Certificate (AVC) is a voluntary, non-statutory certification scheme to ensure age-verification providers maintain high standards of privacy and data security.

It has been developed by the BBFC and NCC Group in cooperation with industry and with the input of government. Under the AVC, age-verification providers may choose to be independently audited by NCC Group, who are experts in cyber

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<sup>32</sup> Quoted in "[UK online pornography age block triggers privacy fears](#)", Guardian, 16 March 2019; See also, Jim Killock, "[The government is acting negligently on privacy and porn AV](#)", Open Rights Group blog, 8 May 2018; The Open Rights Group website has a hub on the [Digital Economy Bill and age verification](#)

<sup>33</sup> Quoted in "[Politics, privacy and porn: the challenges of age-verification technology](#)", *Computer Weekly*, 8 April 2019

<sup>34</sup> Quoted in "[Planned UK age verification checks risky for internet users](#)", *Computer Weekly*, 21 May 2019

<sup>35</sup> "[Age-verification for online pornography to begin in July](#)", DCMS press release, 17 April 2019; See also [PQ 251217](#), answered 13 May 2019

security, and then certified by the BBFC. The third party audit by NCC Group will include an assessment of an age-verification provider's compliance with strict privacy and data security requirements.

The standard for the AVC can be found [here](#). Certified providers will carry the BBFC's new green 'AV' symbol to indicate that rigorous security checks have been met and the provider has a high standard of data protection. Certified providers will also be listed on the BBFC's age-verification website, alongside details of their assessment. The new 'AV' symbol can be found [here](#).<sup>36</sup>

On 14 June 2019, the Open Rights Group published a [report](#) on the AVC. An accompanying [press release](#) set out its main criticisms of the scheme:

- The Standard is voluntary, which means that age verification providers are under no obligation to apply it.
- There are no penalties for AV providers who sign up to the standard and then fail to meet its requirements.
- The Standard is very broadly drafted and there are not enough specific rules for providers to follow. Instead, providers must state they have considered problems and choose their own way to deal with them.
- Those providers that meet the Standard will have an identifier mark. However, because of the vague criteria and wording within the standard, consumers will have little idea about the level of data protection being applied.
- Age verification providers have not been given enough time to apply the Standard, which was only published in April.

### **What did the BBFC guidance say on privacy?**

Part 4 of the BBFC's [guidance](#) (October 2018) said that the "privacy of adult users of pornographic sites should be maintained and the potential for fraud or misuse of personal data should be safeguarded". It also set out what AV systems would have to do to comply with the GDPR.

### **Freedom of speech**

In January 2017, the United Nations special rapporteur for the protection of human rights and freedom of expression, David Kaye, [argued](#) that the Digital Economy Bill "unduly interferes with the rights of freedom of expression and privacy".

In its April 2017 [response](#), the Government said that it was "committed to a free, open and secure internet that supports freedom of views, economic prosperity and social well-being".

Critics continued to claim that AV would limit freedom of expression and "pushes censorship under the guise of 'protective measures'".<sup>37</sup>

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<sup>36</sup> ["Age-verification for online pornography to begin in July"](#), DCMS press release, 17 April 2019; See also [PQ 251217](#), answered 13 May 2019

<sup>37</sup> See, for example: ["The government's impending porn ID checks are a danger to us all – here's why"](#), *Independent*, 12 March 2019; Jim Killock, ["Formal Internet Censorship: BBFC pornography blocking"](#), Open Rights Group blog,

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In its July 2016 [response](#) to the consultation on AV, the Government said there was “no plausible moral or freedom of speech argument that can be made to say that pornography is appropriate for children and especially younger, more vulnerable children to see”.<sup>38</sup>

A Government [Impact Assessment](#) (June 2018) did, however, note the “reputational risk” of “Government censorship, over-regulation, freedom of speech and freedom of expression”.<sup>39</sup>

### Avoidance

Some commentators argued that it might be possible to avoid AV.<sup>40</sup>

The Government’s June 2018 [Impact Assessment](#) acknowledged the “potential ability of children, particularly older children, to bypass age verification controls”:

...However, whilst no system will be perfect, and alternative routes such as virtual private networks and peer-to-peer sharing of content may enable some under-18s to see this content, Ofcom research indicates that the numbers of children bypassing network level filters, for example, is very low (ca. 1%).<sup>41</sup>

The Impact Assessment also noted the risk of people turning to the dark web:

Adults (and some children) may be pushed towards using Tor (dark web) and related systems to avoid AV where they could be exposed to illegal and extreme material that they otherwise would never have come into contact with.<sup>42</sup>

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19 February 2019; [“Age verification won't block porn. But it will spell the end of ethical porn”](#), *Guardian*, 18 April 2019

<sup>38</sup> DCMS, [Child safety online: age verification for pornography – consultation response](#), July 2016, p13

<sup>39</sup> DCMS, [Impact Assessment on age verification for pornographic material online](#), 13 June 2018, p15

<sup>40</sup> [“UK porn ban: What is it, when does it come into effect and can I get around it?”](#), *Independent*, 17 April 2019; See also: [“UK’s porn age-verification rules can be circumvented in minutes”](#), *Guardian*, 19 April 2019; [“Ineffective, insecure, overdue: the ‘porn block’ gets everything wrong”](#), *Guardian*, 2 April 2019

<sup>41</sup> DCMS, [Impact Assessment on age verification for pornographic material online](#), 13 June 2018, p15

<sup>42</sup> *Ibid*, p15

## 5. AV delayed

AV was supposed to come into force on 15 July 2019.<sup>43</sup>

In a Commons Statement on 20 June 2019, Jeremy Wright, the then Secretary of State, [announced](#) that there would be a delay of around six months. This was because the Government hadn't notified the European Commission about guidance on AV arrangements:

(...) In autumn last year, we laid three instruments before the House for approval. One of them—the guidance on age verification arrangements—sets out standards that companies need to comply with. That should have been notified to the European Commission, in line with the technical standards and regulations directive, and it was not. Upon learning of that administrative oversight, I instructed my Department to notify this guidance to the EU and re-lay the guidance in Parliament as soon as possible. However, I expect that that will result in a delay in the region of six months...<sup>44</sup>

In response to a question from Diana Johnson, Mr Wright explained why a delay of six months was needed:

(...) we need to go back to the European Commission, and the rules under the relevant directive say that there must be a three-month standstill period after we have properly notified the regulations to the Commission. If it wishes to look into this in more detail—I hope that it will not—there could be a further month of standstill before we can take matters further, so that is four months. We will then need to re-lay the regulations before the House. As she knows, under the negative procedure, which is what these will be subject to, there is a period during which they can be prayed against, which accounts for roughly another 40 days. If we add all that together, we come to roughly six months...if we could proceed quicker than that, we would, but I do not believe that that will be feasible...<sup>45</sup>

The standstill period under the EU's technical services and regulations directive expired at midnight on 2 October 2019.<sup>46</sup>

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<sup>43</sup> ["Age-verification for online pornography to begin in July"](#), DCMS press release, 17 April 2019; [Written Ministerial Statement](#), 24 April 2019

<sup>44</sup> [HC Deb 20 June 2019 c367](#)

<sup>45</sup> [HC Deb 20 June 2019 c372](#)

<sup>46</sup> [HC Deb 3 October 2019 c1353](#)

## 6. AV through the 2017 Act not happening

In a Written Ministerial Statement of 16 October 2019, the Secretary of State [announced](#) that Part 3 of the 2017 Act would not be commenced. The objectives of the Act to protect children from online pornography would instead be delivered through the Government's proposed regulatory regime for tackling online harms:

(...)

The government published the Online Harms White Paper in April this year. It proposed the establishment of a duty of care on companies to improve online safety, overseen by an independent regulator with strong enforcement powers to deal with non-compliance. Since the White Paper's publication, the government's proposals have continued to develop at pace. The government announced as part of the Queen's Speech that we will publish draft legislation for pre-legislative scrutiny. It is important that our policy aims and our overall policy on protecting children from online harms are developed coherently in view of these developments with the aim of bringing forward the most comprehensive approach possible to protecting children.

The government has concluded that this objective of coherence will be best achieved through our wider online harms proposals and, as a consequence, will not be commencing Part 3 of the Digital Economy Act 2017 concerning age verification for online pornography. The Digital Economy Act objectives will therefore be delivered through our proposed online harms regulatory regime. This course of action will give the regulator discretion on the most effective means for companies to meet their duty of care. As currently drafted, the Digital Economy Act does not cover social media platforms.

The government's commitment to protecting children online is unwavering. Adult content is too easily accessed online and more needs to be done to protect children from harm. We want to deliver the most comprehensive approach to keeping children safe online and recognised in the Online Harms White Paper the role that technology can play in keeping all users, particularly children, safe. We are committed to the UK becoming a world-leader in the development of online safety technology and to ensure companies of all sizes have access to, and adopt, innovative solutions to improve the safety of their users. This includes age verification tools and we expect them to continue to play a key role in protecting children online.

(...)

Details of the [Online Harms White Paper](#) are available online.

### Reaction

On 17 October 2019, Margot James, former Minister for Digital and the Creative Industries, tabled an [Urgent Question](#) on the Government's decision. Matt Warman, Minister for Digital and Broadband, again said

that the Government's online harms proposals would provide a more coherent and comprehensive approach for protecting children.<sup>47</sup>

Margot James responded:

...The statement yesterday came as a shock to children's charities, the age verification industry, the regulator and the online pornography industry itself, all of which were ready for, and expecting, the age verification regulations to be brought into law by the end of this year.

(...)

No one is arguing that AV provides a panacea for the prevention of children accessing adult content—we know that there are ways to circumvent AV—but children's charities have provided evidence that too many children stumble across adult material accidentally and that this can have a damaging effect on them at a vulnerable age. It is likely that the regulations would raise the age at which young people are first exposed to pornography. The Secretary of State should not make the perfect the enemy of the good when it comes to child protection, especially after the Government have given so many assurances that once the privacy issues have been dealt with—they now have been—the regulations will be brought into law. For the Government to renege on their commitments in this important area is a very retrograde step...<sup>48</sup>

Tom Watson, the Shadow Secretary of State, asked whether AV had been abandoned and whether the BBFC would have any future role in protecting children.<sup>49</sup> Mr Warman replied:

... Age verification will be a key part of the online harms agenda. It will be a key tool in the box, but the toolbox will, through the online harms agenda, be bigger. I say honestly that the inclusion of the online harms Bill in the Queen's Speech is testament to the Government's commitment to delivering it, and we will be bringing it forward for pre-legislative scrutiny so that we can get it right. I hope that the BBFC will be a key part of the future of this process, because its expertise is in the classification of content...<sup>50</sup>

The NSPCA's head of child safety, Tony Stower, commented:

We know that viewing this explicit material can harm children's perceptions of sex, body image and healthy relationships.

This delay is disappointing, but it is also imperative that the vehicle used to achieve protection for children from pornography is robust and effective. The government cannot drag its feet on this.<sup>51</sup>

The Open Rights Group's Jim Killock said:

Age verification for porn as currently legislated would cause huge privacy problems if it went ahead. We are glad the government has stepped back from creating a privacy disaster, that would lead to blackmail scams and individuals being outed for the sexual preferences.

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<sup>47</sup> [HC Deb 17 October 2019 c453](#)

<sup>48</sup> [HC Deb 17 October 2019 c454](#)

<sup>49</sup> [HC Deb 17 October 2019 c455](#)

<sup>50</sup> [HC Deb 17 October 2019 c456](#)

<sup>51</sup> Quoted in "[UK 'porn block': Government drops plan to stop children watching sex videos online](#)", *Independent*, 16 October 2019

## 18 Online pornography: age verification

However it is still unclear what the government does intend to do, so we will remain vigilant to ensure that new proposals are not just as bad, or worse.<sup>52</sup>

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<sup>52</sup> Quoted in ["UK's controversial 'porn blocker' plan dropped"](#), BBC, 16 October 2019

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