

Market Analysis

Trusted Age



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1. Age Verification: A global look

In recent years, the demand for reliable and effective age verification solutions has increased, driven by stricter legal regulations and increased awareness of the need to protect minors from harmful products and content: Here is an overview of the legislation in the countries where the issue is being dealt with:¹

Australia:

- The Australian e-Safety Commissioner is progressing through a year-long road map towards the enforcement of age verification.
- In Australia, there's a law **safeguarding minors from gambling**. Operators typically employ various age verification techniques like document scanning, biometrics, document upload, manual data entry, fraud detection, and data matching.

Philippines:

- The Anti-Child Pornography Act mandates adult content providers to implement an **anonymous age verification process** (AVP) before allowing access to adult content.

India:

- The **Digital Personal Data Protection Act**, passed in August 2023, will take effect within 10 months. It defines a 'child' as under 18 and requires **parental consent** for their data processing. However, it allows the Central Government to lower the age requirement if data handlers prove safe processing for children.

Finland:

- Individuals **under 18 are banned from accessing pornography**. Pornography websites utilise age gates (tick boxes). Once checked, anyone, including children, can access the content.

¹ <https://avpassociation.com/map/?location=ca>

There are **no current plans** to introduce age verification measures.

European Union:

- **GDPR** mandates special care in processing children's data compared to adults. It also necessitates **parental consent** before children aged 13-16 (varies by Member States) can approve the processing of their personal data.
- The **Audio-Visual Media Services Directive** is being adopted into Member State laws, mandating Video Sharing Platforms to implement age verification or parental controls to safeguard children from harmful content.
- The **Digital Services Act** came into force for large platforms in September 2023 and outlaws the use of algorithms to target advertising at children under 18.

Canada:

- The Canadian Senate has passed **Act S-210** to limit young people's access to sexually explicit content online. It was introduced to the House of Commons in May 2023.
- The federal government oversees cannabis for medical use, while provinces handle non-medical sales, barring those under 19. However, online age checks to prevent underage sales, even on government sites, are **not widely used**.

USA:

- It's becoming clear that simple check boxes or entering a date of birth won't be enough much longer. In 2023, state legislatures considered 144 bills requiring some form of **online age assurance**.
- The **Children's Online Privacy Protection Act** mandates verified parental consent for online services aimed at kids.

Brasil:

- Under the **General Personal Data Protection** Law ('LGPD'), it's crucial to confirm valid consent from a minor's parent or legal guardian before processing their personal data.

Argentina:

- The **Personal Data Protection Act**, Act No. 25.326 of 2000, doesn't specifically address minors or outline conditions for valid consent from them. However, the Argentinian data protection authority ('AAIP') has set guidelines that assume minors under 18 lack the capacity to exercise their rights. However, it differentiates between those under 13, who are presumed to lack discernment, and those above 13, who may perform voluntary acts if mature enough. **Additional legislation is being considered.**

1.1 A closer look - Age verification in USA and Spain

Age verification is a pressing issue in both the United States and Spain, with a significant focus on safeguarding the mental health of teenagers. The discussion stems from growing concerns about underage access to age-restricted content, particularly online platforms hosting potentially harmful material like gambling websites, explicit content, and social media platforms where cyberbullying and predatory behaviour can occur. Ensuring robust age verification mechanisms is seen as crucial for protecting adolescents from exposure to content that could negatively impact their mental well-being.

Until now, both countries have approached the issue with varying degrees of regulation and enforcement. However, challenges

persist in effectively verifying the age of online users and enforcing age restrictions across a vast and diverse digital landscape. There is a growing recognition of the need for more stringent and technologically advanced age verification solutions to address the evolving online landscape and protect the mental well-being of teenagers. Governments, industry stakeholders, and advocacy groups are increasingly collaborating to develop and implement robust age verification measures that strike a balance between **protecting minors** and **respecting privacy rights**. Additionally, educating parents and guardians about the importance of monitoring their children's online activities and promoting digital literacy initiatives for young people are also vital components of addressing this multifaceted issue.

1.1.1 USA

In the United States, efforts to enforce stricter age verification measures on adult content websites are gaining momentum. These measures aim to limit access to adults only, with hefty fines for major porn providers that fail to accurately verify users' ages. **Seven states** implemented laws last year **mandating age verification** to ensure users are at least 18 before accessing **pornography websites**. In 2024, nearly a dozen additional states are contemplating similar legislation. If successful, this trend would establish a multi-state barrier preventing minors from accessing pornographic platforms, potentially bolstering efforts for federal regulation.

Defending these laws against formidable opponents is imperative. Organisations like the **Institute for Family Studies** and the **Ethics and Public Policy Center** have been instrumental in shaping policy nationwide. The urgency to implement age verification stems from the detrimental effects of pornography on children. Studies indicate that exposure to pornography at a young age can lead to mental health issues and impair social relationships. Moreover, pornography platforms often host morally reprehensible content, including instances of sexual violence and exploitation of minors. Despite claims of free speech, the primary motivation behind the

porn industry's resistance to age verification is financial gain. Addicting children to their platforms ensures continued revenue through ad impressions and site visits.

Challenges to these laws may arise, with opponents arguing their unconstitutionality. However, **technological advancements** have rendered previous legal precedents obsolete, paving the way for **anonymous and efficient age verification** methods.

The battle for age verification laws represents a critical juncture in safeguarding the well-being of America's youth. Despite potential legal hurdles, lawmakers remain committed to enacting measures that prioritise child safety online. In the face of escalating stakes, age verification laws emerge as a crucial safeguard for the next generation.² Various states, including **Louisiana, Oklahoma** and **Utah**, have implemented laws requiring age verification for accessing pornography sites.³⁴⁵⁶

Also, Florida Governor Ron DeSantis recently signed **HB 3**, granting parents of children under 16 more control over their social media use and implementing age verification on various websites. The law requires social media platforms to prevent kids under 14 from creating accounts and mandates parental consent for 14- and 15-year-olds. Companies failing to comply may face **lawsuits and fines** up to **\$50,000 per violation**. The legislation also mandates age verification for porn websites, though it offers an option for **anonymous verification** to address **privacy concerns**. This move reflects DeSantis's focus on parental rights and regulating social

² <https://ifstudies.org/blog/online-age-verification-laws-are-a-bet-worth-making>

³ <https://www.newsweek.com/online-age-verification-laws-are-bet-worth-making-opinion-1874764>

⁴ route-fifty.com/emerging-tech/2024/03/americans-are-skeptical-online-age-verification-even-its-use-grows-abroad/394798/

⁵ <https://eu.oklahoman.com/story/news/2024/03/16/oklahoma-porn-age-verification-senate-bill-after-pornhub-bans-texas/72868646007/>

⁶ <https://www.biometricupdate.com/202403/wave-of-age-verification-laws-sweeps-the-us-bringing-opportunity-for-biometrics>

media. While aimed at safeguarding young users, such legislation has **raised free speech concerns** and faces legal scrutiny. Legislation targeting social media platforms to safeguard young users has gained traction, with proposals like the ***Kids Online Safety Act*** and the ***Protecting Kids on Social Media Act*** garnering support in the US Senate.⁷

Texas Attorney General Ken Paxton leads the push for age verification legislation, securing legal victories like the affirmation of Texas' age verification law, ***House Bill 1181***, which permits **biometric age estimation** based on facial images. Paxton is taking legal action against Aylo, the parent company of Pornhub, for allegedly failing to comply with Texas' new age verification law. and is accusing Aylo of not implementing adequate age verification measures mandated by the state, aiming to enforce these requirements through the lawsuit. The lawsuit seeks substantial financial penalties against Aylo, including damages of up to **\$1.6 million** and ongoing fines.⁸

Furthermore, the disparity in age verification standards between **purchasing rifle ammunition online** and other age-restricted items like **alcohol** has been underscored by recent investigations. These inquiries exposed how minors can easily obtain rifle ammunition through popular e-commerce platforms **due to lax age verification** processes. While federal law outlines age limits for ammunition purchases, it lacks specificity on age verification methods, placing the onus on sellers to determine if buyers are minors. Incidents involving minors accessing ammunition online and using it in violent acts have prompted **calls for stricter regulations**, reminiscent of industries like alcohol delivery and

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<https://www.theverge.com/2024/3/25/24087979/florida-desantis-social-media-age-verification-parental-consent-law>

⁸
<https://thehill.com/homenews/state-watch/4491169-paxton-porn-giant-texas-age-verification-law/>

online gambling, which have implemented robust age verification systems.⁹

However, opposition to age verification laws arises, with the ACLU challenging their constitutionality, citing concerns about free expression and data security. Big Tech leaders like Meta CEO Mark Zuckerberg deflect responsibility for age verification onto tech giants like Apple and Google. Amidst these debates, the efficacy and broader implications of age verification laws remain contentious, with differing views on how to balance **online safety, privacy, and freedom of expression**.¹⁰

Conclusion

In summary, the United States is witnessing a surge in efforts to enforce stricter age verification measures on adult content websites, driven by concerns about the detrimental effects of pornography on children. With several states implementing laws and others contemplating similar legislation, the momentum for age verification is gaining traction. Key figures like Texas Attorney General Ken Paxton are leading the charge, securing legal victories and taking action against major porn providers for non-compliance. Additionally, recent investigations have highlighted the need for stricter age verification standards, particularly in industries like online ammunition sales. Despite opposition and debates surrounding free speech and data security, the push for age verification laws remains vital for safeguarding youth online while navigating complex issues of privacy and freedom of expression.

1.1.2 Spain

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<https://eu.usatoday.com/story/news/investigations/2024/03/20/online-ammo-for-sale-no-age-verification/73026726007/>

¹⁰

<https://www.biometricupdate.com/202403/wave-of-age-verification-laws-sweeps-the-us-bringing-opportunity-for-biometrics>

Spain is pressing tech companies with a **pioneering solution** that blocks minors' access to violent websites. The **Spanish Data Protection Agency** (AEPD) is developing an age verification tool for the internet, set to **launch in 2025** in response to platforms' reluctance to implement these controls. This move comes amidst growing concerns over the impact of violent content on teenagers' mental health and distorted sexual behaviours.

Current age verification systems employed by online platforms are often lax and rely on user-filled spaces during registration, lacking mechanisms to verify the authenticity of the provided information. Such systems, based on self-declarations, pose clear **risks**, including **minors' exploitation** for **commercial** or **sexual purposes**, identity exposure, and **unnecessary data collection** and **processing**.

The **AEPD's** project involves collaboration with the **National Mint and Stamp Factory**, with the format of the tool yet to be determined (whether it will be an **app**, **QR code**, or **digital certificate**). According to *Mar España*, the agency's director, the solution is practical, respectful, and **pioneering in Europe**, allowing content blocking based on age **without disclosing** users' **identities** to the content provider. It is not about content providers or third parties knowing that the accessing person is a minor (which would expose or label a user as a minor, multiplying risks), but rather ensuring that the accessing person has demonstrated their status as an "**authorised person to access**" the content.

Experts anticipate a surge in age verification tools in the coming months, prompting platforms to either adopt existing solutions or develop their own. The goal of the **AEPD's** age verification system is to protect minors from accessing adult content while ensuring that authorised users can access such content **without revealing their identity**.

It would function as a **third-party age certificate**, essentially a digital permit issued by the government, **protecting user data**.

The final functionality and effectiveness of the tool need to be verified, but the initiative should be welcomed: it puts an end to tech companies' excuses for not regulating access when there is societal alarm about the adverse effects of internet misuse on minors.¹¹

The **AEPD** recently fined two Spanish online pornography distribution companies for inaccuracies in age verification and privacy shortcomings. Various national and European regulations have long required platforms to implement age verification mechanisms, which have been repeatedly flouted.

Current age verification systems used online (self-declaration, sharing credentials with the content provider, allowing the provider to estimate age, or involving an intermediary entity between the user and the provider) have demonstrated **clear risks: locating minors online, uncertainty** about the declared age, **exposure of identity** to multiple online entities, **mass profiling**, or **unnecessary data collection and processing**, among others.

The Spanish Data Protection Agency (AEPD) has introduced a practical and effective proposal for an age verification and protection system for minors on the internet concerning access to adult content. The system presented by the Agency consists of **three concepts** demonstrating how the system operates on different devices, with various operating systems, and utilising multiple identity providers. Based on this Decalogue, the Agency has conducted a series of tests to demonstrate that child protection can be implemented practically and concretely:

The **first** proof of concept deals with accessing content from devices like **computers** or **game consoles**. Users require an age verification app installed on the device, filtering adult content by default. A QR code, like those provided by FNMT for the Ministry of Interior, verifies the user's age on their mobile phone.

¹¹ <https://elpais.com/opinion/2023-12-18/cuidar-a-los-menores-online.html>

In the **second** scenario, content access is through an **Android** phone. Users install the age verification app and need an **eWallet** app, compatible with European **eIDAS2** regulation, such as the one soon to be provided by the **General Secretariat for Digital Administration**. The verification app uses **identity data** from this wallet to ensure the user meets the age requirement.

The **third** test involves accessing content via **iOS** on a mobile phone. Users install the age verification app and a content access app compatible with it, like those for social networks or online shops. User age data is extracted from official identity documents like ID cards or passports using a dedicated app, which verifies ownership through **biometrics** or **digital signature**.¹²

The Decalogue of principles for age verification and protection of minors against adult content on the internet by the Agency establishes the minimum conditions that must be met to establish suitable systems that generate trust and protect the best interests of the child and the fundamental rights of all citizens. These systems must prevent minors from being located online, ensure the anonymity of adult users, minimise data shared with third parties, and involve families in criteria for protecting minors. Additionally, these systems must align with the principles and solutions of national and European regulations that guarantee identity as a right, particularly with **eIDAS2** regulation and the **European digital wallet**. Here is an overview on the exact principles of the **Spanish Data Protection Agency**¹³:

Principle 1

The system for the protection of minors from inappropriate content must ensure that it is **not possible** to **identify, track** or **trace minors** to the Internet, tracking or tracing of minors via the Internet is not possible.

¹²

<https://www.aepd.es/prensa-y-comunicacion/notas-de-prensa/aepd-presenta-sistema-verificacion-edad-para-proteger-a-menores-de-edad>

¹³ <https://www.aepd.es/infografias/infografia-riesgos-sistemas-verificacion-edad.pdf>

Principle 2

Age verification should be targeted at persons of appropriate age to prove their status as a 'person authorised to access', and **not allow proof of 'under-age' status**.

Principle 3

The accreditation for accessing inappropriate content should be **anonymous** to Internet service providers and third parties.

Principle 4

The obligation to prove "person authorised to access" status shall be **limited to inappropriate content** only.

Principle 5

Age verification must be carried out in a certain way and age categorised to "**person authorised to access**".

Principle 6

The system must ensure that individuals **cannot be profiled** on the basis of their navigation.

Principle 7

The system must ensure that a person's **activity** is **not linked** between different services.

Principle 8

The system must guarantee the exercise of **parental authority** by the parents.

Principle 9

Any system for protecting minors from inappropriate content must **guarantee** the **fundamental rights** of all persons in their access to the Internet.

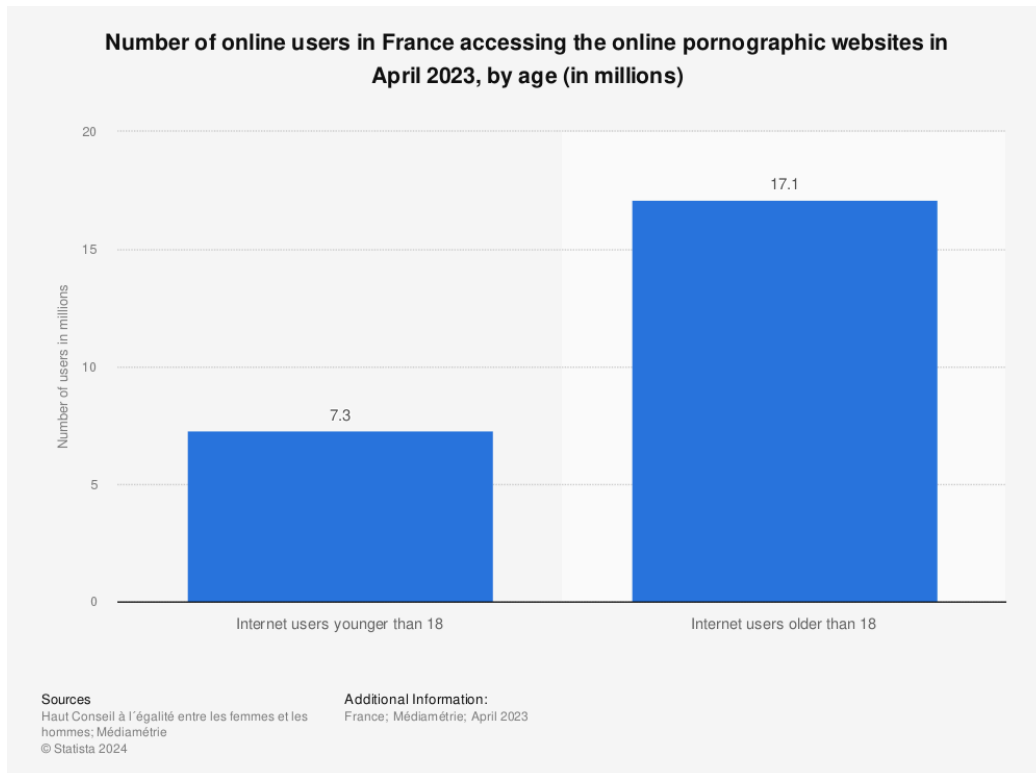
Principle 10

Any system for protecting minors from inappropriate content should have a **defined governance framework**.

Conclusion

In conclusion, Spain's innovative approach to age verification aims to protect minors from accessing violent websites while preserving user privacy and anonymity. The initiative by the Spanish Data Protection Agency (AEPD) involves the development of a practical age verification tool set to launch in 2025. This tool, collaboratively developed with the National Mint and Stamp Factory, seeks to block inappropriate content based on age without disclosing users' identities. Despite previous lax age verification methods online, the AEPD's proposal introduces a robust system that ensures user privacy and compliance with national and European regulations. By establishing clear principles and conducting rigorous testing, the AEPD's initiative sets a precedent for effective age verification and protection of minors online, emphasising the importance of user trust and fundamental rights preservation.

1.2 Public opinions and statistics



¹⁴ The bar graph illustrates the number of online users in France who visited pornographic websites in April 2023, segmented by age. It shows that 17.1 million users over 18 and 7.3 million users under 18 accessed such content. This raises questions about the effectiveness of age restrictions and the need for improved regulatory or educational measures to address the exposure of minors to sensitive content.

Canada's Prime Minister Justin Trudeau stated that adults should not be required to **disclose personal information** to access pornography online. This statement came amid discussions about Conservative Leader Pierre Poilievre's endorsement of an age-verification system for pornographic websites, a measure opposed by Trudeau's party.

Trudeau accused Poilievre of advocating for adults to provide identification and personal details to dubious websites or to create a digital ID for browsing the web freely, a stance the Prime Minister opposes.

¹⁴ <https://www.statista.com/statistics/1445162/france-top-porn-websites-users-by-age/>

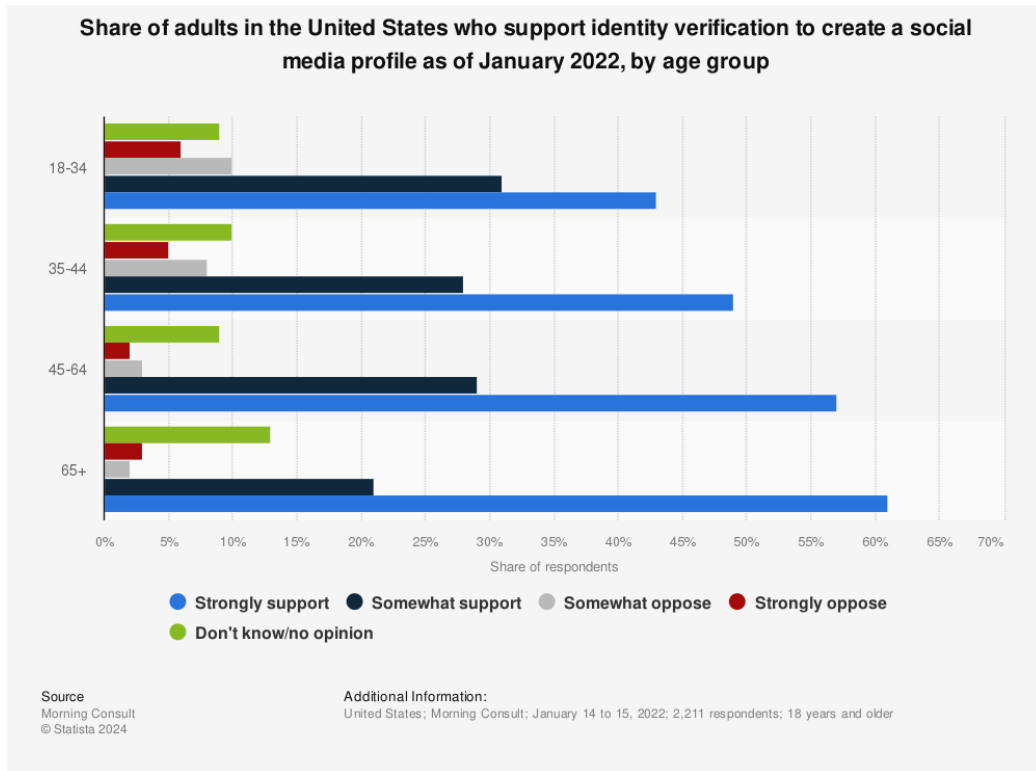
The dispute over pornographic content revolves around Senate **Bill S-210**, which would hold porn sites liable for failing to verify users' ages before allowing access to explicit material. The bill does not specify the method for age verification, but it **suggests** a **government-endorsed digital ID** as an option.

Independent Quebec Senator Julie Miville-Dechéne, who introduced the bill, argued that age verification for online porn is **essential to protect children** and teenagers from harmful content. She emphasised that the legislation is not a partisan issue, citing similar efforts in the U.S., Germany, France, and the U.K.

Opponents of formal age verification processes, as always, raise concerns about privacy violations and suppression of legitimate sexual activity. However, supporters argue that such measures are necessary to shield minors from graphic and violent sexual material widely available on pornographic websites.¹⁵

An **expert** in cybersecurity has **raised concerns** about the potential security risks associated with implementing age verification measures for accessing explicit websites like Pornhub: According to technology expert Ritesh Kotak, while the intent behind the Senate bill to protect young individuals from explicit online content is commendable, the methods used for implementation could lead to more problems than solutions in the future.

¹⁵ <https://www.cbc.ca/news/politics/trudeau-poilievre-porn-age-verification-1.7122645>



¹⁶ The bar graph in the image depicts the attitudes of American adults towards the requirement of identity verification for creating social media profiles as of January 2022. It shows that the highest support comes from the 65+ age group, with a significant majority favouring the measure. Support decreases with younger age groups, but a considerable number of individuals across all ages show some level of agreement.

The proposed legislation does not specify the methods for age verification, but options include using a digital ID system or facial recognition software. Kotak highlighted the importance of balancing access to content with privacy concerns, especially regarding age verification, where individuals visiting such sites may desire a level of anonymity.

However, Kotak warned against the potential risks of uploading government-issued IDs onto third-party sites for verification, citing the possibility of data breaches. He suggested exploring alternative authentication mechanisms, such as those used by

¹⁶ <https://www.statista.com/statistics/1295139/us-adults-social-media-identity-verification-to-creat-e-account/>

government and banking sites, although he acknowledged the complexity of implementing such measures in this context.¹⁷

Regarding the status of the bill in Canada, it currently addresses concerns about minors accessing sexually explicit material, proposing fines for companies hosting such content if they fail to prevent underage access. The bill is undergoing review by a committee in the House of Commons.

In response to the bill, Pornhub is contemplating blocking access for Canadians of all ages, citing concerns about the safety of collecting significant amounts of sensitive personal information required by regulations.

The ***Computer & Communications Industry Association (CCIA)*** has expressed opposition to Florida's HB 1, a bill mandating age verification for online users, ahead of the Florida Senate's upcoming vote on the legislation.

While CCIA acknowledges the importance of enhanced online protections for children and teens, it has raised concerns about the provisions of HB 1, believing that the bill may not achieve its intended goals and could lead to unintended consequences. Specifically, the legislation's restrictions on internet access for users under 16 could potentially infringe upon their First Amendment rights to access information and supportive online communities. Similar provisions in other jurisdictions have faced legal challenges, with judges recently placing such laws on hold due to **First Amendment concerns**. Additionally, the requirement for companies to collect additional information for age verification purposes may conflict with principles of data

¹⁷

<https://www.ctvnews.ca/politics/age-verification-for-sites-like-pornhub-comes-with-security-risk-expert-says-1.6777710>

minimization and compromise the privacy of younger users by necessitating the collection of more sensitive personal data.¹⁸

Conclusion

In conclusion, the debate over age verification for accessing pornographic content highlights the tension between **protecting minors** and **safeguarding privacy rights**. While proposed legislation aims to shield young individuals from harmful material, concerns persist regarding the methods and potential risks associated with age verification measures. The bill under review in Canada seeks to address these concerns by imposing fines on websites failing to prevent underage access, but opposition from industry associations and potential implications for privacy and freedom of speech warrant careful consideration moving forward.

2. Studies

Age verification has **demonstrated effectiveness** in **reducing underage access to pornography**. Following Louisiana's implementation of age restrictions, Pornhub reported a significant decline in traffic from the state. Pornhub's admission that Louisiana's age limit reduced site traffic by 80% demonstrates the effectiveness of such measures.¹⁹ While no system is foolproof, age verification remains a critical step in protecting children from harmful content online.²⁰

Despite legislative efforts in various states, challenges persist in balancing the need for age verification with **concerns over data privacy** and Americans' trust in tech companies. While some

¹⁸ <https://ccianet.org/news/2024/02/ccia-offers-comments-in-opposition-to-floridas-online-age-verification-bill/>

¹⁹ <https://www.newsweek.com/online-age-verification-laws-are-bet-worth-making-opinion-1874764>

²⁰ <https://ifstudies.org/blog/online-age-verification-laws-are-a-bet-worth-making>

states have passed laws mandating age verification for accessing adult websites, legal scrutiny and technological limitations remain prevalent. Age verification methods range from document checks to facial estimation using AI, with companies striving to enhance accuracy and address emerging threats. The role of regulation is pivotal in fostering an environment conducive to effective age verification, alongside the continuous improvement of technology to stay ahead of circumvention attempts and ensure robustness against evolving challenges.²¹

There is a correlation between the instant access to infinite digital content over the last decade and issues such as a **significant increase** in **teenage suicides** and **depression**, or the **rise in sexual assaults** committed by minors. The latest data from the Ministry of the Interior reveals an annual **18% increase** in the number of minors detained or investigated for sexual offences in Spain. A study by the Government of Catalonia **directly links social networks** to the disturbing trend of **group rapes** by minors and against minors.

The **harmful effects** of **Instagram** on teenage girls are starkly described in the lawsuit filed by the attorneys general of 41 US states against Meta (Facebook, Instagram, and WhatsApp) last October. Correlation does not imply causation, but the societal concern is intense, and suspicions are reinforced by evidence such as internal documents from Meta showing the company's awareness of the harm caused by its content.²²

The latest report from the **Attorney General's Office** highlights a worrying increase in **sexual assaults** committed by minors, with a **116% rise** since 2017. In 2022 alone, 1,973 sexual abuses committed by minors were investigated. According to the Attorney General's Office, the reasons for this increase are complex, with inappropriate and premature **viewing of violent pornography**

²¹ route-fifty.com/emerging-tech/2024/03/americans-are-skeptical-online-age-verification-even-its-use-grows-abroad/394798/

²² <https://elpais.com/opinion/2023-12-18/cuidar-a-los-menores-online.html>

being highlighted among them. Additionally, according to a survey by the NGO Save The Children, **over half of minors have accessed pornography before the age of 13**, with 8.7% doing so before the age of 10, with an average age of 12. The same survey reflects that nearly half of adolescents have imitated something they have seen in pornography, not always consensually.²³

Conclusion

In conclusion, age verification measures have shown effectiveness in reducing underage access to harmful online content, as evidenced by Louisiana's implementation resulting in a significant decline in traffic on platforms like Pornhub. However, challenges persist in balancing the need for verification with concerns over data privacy and trust in tech companies. The correlation between digital content accessibility and societal issues like teenage suicides and sexual assaults by minors underscores the urgency of addressing these concerns. The role of regulation is pivotal in fostering effective age verification, with continuous improvements in technology necessary to stay ahead of evolving challenges.

3. Changes to the legislation

Age verification is increasingly crucial, particularly in discussions concerning minor protection. Consequently, it will hold significant importance in the future as more countries adapt their laws to address issues stemming from an unregulated internet. Below are the key laws in this regard:

General Data Protection Regulation (GDPR)

The EU **General Data Protection Regulation (GDPR)** has changed the way in which personal data may be collected and processed in Europe. Companies offering age verification services must ensure

²³

<https://www.aepd.es/prensa-y-comunicacion/notas-de-prensa/aepd-presenta-sistema-verificacion-edad-para-proteger-a-menores-de-edad>

that their processes comply with the **strict data protection guidelines** of the **GDPR**.

The **GDPR** requires the use of verification with regard to age and parental consent. Likewise, the **Audiovisual Media Services Directive (AVMSD)** requires the adoption of appropriate measures to protect children from online harmful content, including through age verification.²⁴

Digital Services Act

The Digital Services Act (DSA)²⁵ is a European Commission regulation on the regulation of digital services. The DSA affects various types of online services, including social media platforms and search engines. With the DSA, the EU aims to **prevent illegal or harmful online activities** and the spread of **disinformation**. With regard to the protection of children and young people in the media, the **DSA** contains specific **regulations for online services**. Until now, the common solution for age verification on such platforms has been a simple **check box**, where people declared to be older than 18. Of course, this has proven to be **insufficient** to protect minors from explicit adult content.²⁶ Also, Age verification should not lead to excessive data processing. The mechanism chosen to verify the age of a data subject should involve an assessment of the risk of the proposed processing.²⁷

The Better Internet for Kids (BIK) contract

The EU - member states were afforded the opportunity to outline their respective national strategies for age verification and engage in discussions regarding the overall responsibilities of the Task Force. The Commission has established a task force on age

²⁴ [https://www.europarl.europa.eu/RegData/etudes/ATAG/2023/739350/EPRS_ATA\(2023\)739350_EN.pdf](https://www.europarl.europa.eu/RegData/etudes/ATAG/2023/739350/EPRS_ATA(2023)739350_EN.pdf)

²⁵ <https://digital-strategy.ec.europa.eu/en/policies/digital-services-act-package>

²⁶ <https://iapp.org/news/a/age-verification-and-data-protection-far-more-difficult-than-it-looks/>

²⁷

https://www.edpb.europa.eu/sites/default/files/files/file1/edpb_guidelines_202005_consent_en.pdf

verification in collaboration with Member States to facilitate the implementation of the DSA. The aim is to cultivate collaboration with national authorities possessing expertise in this domain to **identify optimal practices** and **standards in age verification**. This collaboration will build upon existing national measures, including those stemming from the transposition of Directive (EU) 2018/1808 (the Audiovisual Media Services Directive), while considering pertinent ongoing initiatives and prevailing market practices.²⁸

Overall, legislation targeting social media platforms to safeguard young users has gained traction, with proposals like the **Kids Online Safety Act** and the **Protecting Kids on Social Media Act** garnering support in the US Senate.

These systems would use a trusted middleman that keeps both the website or app and users anonymous. This trusted third party must follow all the rules about protecting data, especially making sure users know about any risks or rights related to their information.²⁹

Conclusion

In summary, the importance of age verification in safeguarding minors online is becoming increasingly evident, with significant legislative developments occurring globally. In Europe, laws such as the General Data Protection Regulation (GDPR), Audiovisual Media Services Directive (AVMSD), and Digital Services Act (DSA) are reshaping the landscape for online platforms, emphasizing the need for robust age verification processes. The Better Internet for Kids (BIK) contract further reinforces collaboration among EU member states to implement effective age verification measures. Similarly, proposals like the Kids Online Safety Act and Protecting Kids on Social Media Act in the US Senate indicate a growing

²⁸ <https://digital-strategy.ec.europa.eu/en/news/digital-services-act-task-force-age-verification-0>

²⁹ <https://iapp.org/news/a/age-verification-and-data-protection-far-more-difficult-than-it-looks/>

recognition of the need for enhanced protection of young users. These legislative efforts aim to ensure that age verification systems prioritize user privacy and data protection while effectively safeguarding minors from harmful online content.

4. Market participants and solutions

The market for age verification services is diverse and includes a number of providers that use different technologies and methods to verify the age of customers. **Common solutions** include:

Self-declaration

This most common of all methods has been shown to be easily bypassed by children. Examples include self-declaring one's date of birth.

Credit card verification

Users often confirm card validity through small transactions, like paying €0.01. This method is common on e-commerce platforms, especially for adult-oriented products. However, it poses phishing risks and doesn't guarantee the card user's identity. Additionally, the legal age for owning a credit card varies worldwide.

Biometrics, powered by AI

Biometrics, powered by AI, utilises facial recognition to confirm age, often through a selfie, to ensure users are over 18. However, accurately determining age this way can be error-prone, and minors may use older individuals' faces to gain access. Additionally, biometric authentication raises privacy concerns due to the use of sensitive personal data. Estimating a child's age with such apps can result in excessive data processing and profiling.

Analysing online behaviour patterns

This includes inferring age through methods like importing browsing history or assessing maturity via questionnaires, user-generated content, or purchases.

Offline verification

This is done using scratch cards or offline in-situ age checks by means of documents.

Parental consent

Some apps and services ask for parental consent to register children, but confirming parental authority is often incomplete and might involve checking traditional ID documents and family records.

Vouching

This involves asking users other than the parents to vouch online as confirmation that a child seeking online access is of the right age.

Digital ID, provided by the government

Digital ID, provided by the government, verifies people's identity and age for accessing digital services. China, Canada, and Australia have implemented this, and some EU countries are adopting it too, with a proposal for a European digital identity wallet.

App-based age verification

App-based age verification is specific to certain purposes. In France, users will soon need to install a government-licensed digital certification app to access online pornography.³⁰

³⁰
[https://www.europarl.europa.eu/RegData/etudes/ATAG/2023/739350/EPRS_ATA\(2023\)739350_EN.pdf](https://www.europarl.europa.eu/RegData/etudes/ATAG/2023/739350/EPRS_ATA(2023)739350_EN.pdf)

The U.S. Court of Appeals for the Fifth Circuit has ruled that digital facial images can be used for age verification purposes, aligning with Texas law. The appeals court concluded that **age verification requirements** for accessing pornography **do not infringe** upon the First Amendment and can be considered a legitimate governmental interest in **restricting minors' access to such content**.³¹

Furthermore, the court affirmed the **legality of biometric age estimation** based on facial images, stating that it does not pose greater privacy risks than in-person age verification methods. **Trust Stamp**, a provider of AI-based identity services, welcomed the decision, emphasizing the importance of privacy protection and the potential for their technology to meet age verification needs without storing biometric data. **Trust Stamp** anticipates increased compliance with the law and sees numerous opportunities for its privacy-centric AI-powered solutions in various online and offline settings, including limiting minors' access to certain content and safeguarding platforms designed for use by minors.

Trust Stamp, known as the Privacy-First Identity Company™, offers AI-powered identity services across various sectors globally. Their technology aims to combat fraud, enhance data privacy, improve operational efficiency, and expand user outreach. Established in 2016 by Gareth Genner and Andrew Gowasack, Trust Stamp trades on the Nasdaq Capital Market (Nasdaq: IDAI).³²

Match, the company behind popular dating apps like Tinder and OkCupid, contends that Apple should shoulder the responsibility of age verification for smartphone users. Yoel Roth, Match's new head of trust and safety, echoes sentiments previously expressed

³¹ <https://finance.yahoo.com/news/u-court-appeals-fifth-circuit-140000328.html>

³² <https://9to5mac.com/2024/03/11/age-verification-should-be-apples-job/>

by Meta CEO Mark Zuckerberg. Roth, previously of Twitter, argues that Apple and Google possess better resources to accurately determine user ages.

In an interview with Wired, Roth stressed the importance of preventing underage users from accessing their platforms, suggesting that **app stores** could play a pivotal role. He emphasised the necessity for improved tools to identify underage users, proposing that companies like Match could benefit from interventions by **Apple** and **Google**.

Roth clarified that this perspective isn't about shifting responsibility but determining which entity is best suited for age verification. He noted that app stores have access to valuable data like **payment card details** and **device information**, offering more reliable age signals than individual apps.

Furthermore, Roth highlighted the advantages of **consolidating sensitive data**, such as users' dates of birth, **with a single trusted entity** rather than dispersing it among numerous developers. He expressed confidence in Apple and Google's ability to safeguard user privacy, suggesting that entrusting them with age verification could be the most effective solution.

Conclusion

In summary, the market for age verification services encompasses a variety of methods, ranging from self-declaration to biometrics and digital IDs. Each method presents unique challenges and considerations, such as privacy concerns and accuracy issues. Recent legal rulings, like the one by the U.S. Court of Appeals for the Fifth Circuit, have provided clarity on the use of digital facial images for age verification, opening opportunities for providers like Trust Stamp. However, debates continue over who bears the responsibility for age verification, with companies like Match advocating for app stores like Apple and Google to take a more active role. Centralizing age verification data with trusted entities

is seen as a potential solution to enhance accuracy and privacy protection.

5. Future developments

Increasing digitalisation and the growing e-commerce sector are expected to lead to an increased demand for efficient and user-friendly age verification solutions. Companies will endeavour to further integrate technologies such as biometrics and artificial intelligence to improve the accuracy and security of age verification.

Additionally, legislation in Europe and the US is expected to continue to prioritise the protection of minors from harmful products and content, further emphasising the **need for reliable age verification services**.

Overall, the market for age verification services offers a lot of **potential for growth** and **innovation**, while at the same time stricter legal requirements must be met. Companies operating in this space have the opportunity to add significant value by providing **effective solutions** to comply with **regulations** and **protect customers** and **minors**.

In the US, states are increasingly embracing technological solutions to verify users' ages before granting access to social media and other online content. However, this approach faces significant challenges in the absence of a comprehensive national data privacy law that addresses Americans' concerns regarding the security of their personal information.

While online age verification is relatively novel in the United States, it is already utilized in other parts of the world, including on social media platforms such as **Instagram** and the **French app Yubo**, particularly in regions with stronger data privacy regulations like the ***European Union's General Data Protection Regulation (GDPR)***.

The Age Verification Providers Association, led by Executive Director Iain Corby, has provided testimony in multiple cases assessing the constitutionality of age verification laws. The association has also offered **guidelines** for state legislators in drafting such laws, emphasizing the importance of specificity in identifying the scope of sites covered while avoiding excessive prescription regarding verification methods. Additionally, **promoting competition among verification providers** can help mitigate implementation costs, according to Corby, as concerns persist regarding the financial implications of adopting this technology.³³

Conclusion

In short, we see an increasing demand for efficient age verification solutions driven by digitalization and e-commerce growth. It discusses the integration of biometrics and AI technologies to enhance accuracy and security. Legal priorities in Europe and the US focus on protecting minors, fostering the need for **reliable verification services**. While the market offers growth potential, meeting stricter legal requirements is essential. In the US, states are adopting technological solutions, but face challenges due to the lack of comprehensive national data privacy laws. Despite being relatively new in the US, online age verification is already utilised elsewhere, especially in regions with robust data privacy regulations like the EU. The Age Verification Providers

³³

[route-fifty.com/emerging-tech/2024/03/americans-are-skeptical-online-age-verification-even-its-use-grows-abroad/394798/](https://www.route-fifty.com/emerging-tech/2024/03/americans-are-skeptical-online-age-verification-even-its-use-grows-abroad/394798/)

Association advocates for **legislative clarity** and **competition** among providers to mitigate implementation costs.

6. Key findings

The market analysis reveals a global trend towards stricter age verification measures, particularly in the United States and Europe, driven by concerns about youth exposure to harmful online content:

United States

Momentum is building for age verification laws, led by figures like Texas Attorney General Ken Paxton. Legal victories and actions against major porn providers underscore the importance of compliance. Challenges remain regarding free speech and data security.

Louisiana

Implementation of age verification measures resulted in a significant decline in traffic on platforms like Pornhub, demonstrating effectiveness in reducing underage access to harmful content.

Spain

The Spanish Data Protection Agency's innovative age verification tool prioritizes user privacy and anonymity while blocking inappropriate content. The initiative sets a precedent for effective age verification and protection of minors online.

Canada

Debate persists over proposed legislation to prevent underage access to pornographic content, balancing concerns over privacy and freedom of speech with the need for protection.

Global Legislative Developments

Stricter laws in Europe and the US emphasize the importance of robust age verification processes. Collaboration among EU member states and proposed legislation in the US Senate aim to prioritize user privacy while safeguarding minors.

Market Trends

The demand for efficient age verification solutions is growing, driven by digitalization and e-commerce expansion. Integration of biometrics and AI technologies is enhancing accuracy and security. Regulatory priorities focus on protecting minors, necessitating compliance with stricter legal requirements.

Overall

While challenges such as privacy concerns and legal ambiguities persist, the market for age verification services offers significant growth potential, particularly with increased legislative clarity and technological advancements.