

## Consultation response form

Please complete this form in full and return to [vspregulation@ofcom.org.uk](mailto:vspregulation@ofcom.org.uk)

<b>Consultation title</b>	Guidance for VSP providers on measures to protect users from harmful material
<b>Full name</b>	Tony Allen (CEO)
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<b>Representing (delete as appropriate)</b>	Age Check Certification Scheme (ACCS)
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## Confidentiality

We ask for your contact details along with your response so that we can engage with you on this consultation. For further information about how Ofcom handles your personal information and your corresponding rights, see [Ofcom's General Privacy Statement](#).

<b>Your details: We will keep your contact number and email address confidential. Is there anything else you want to keep confidential? Delete as appropriate.</b>	Tony Allen (CEO) <a href="mailto:tony.allen@accscheme.com">tony.allen@accscheme.com</a> 0345 257 0018   07802 978749
<b>Your response: Please indicate how much of your response you want to keep confidential. Delete as appropriate.</b>	None / Whole response / Part of the response (you will need to indicate below which question responses are confidential)
<b>For confidential responses, can Ofcom publish a reference to the contents of your response?</b>	Yes

## Your response

Question	Your response
<b>Question 1: Do you have any comments on Section 3 of the draft guidance on harmful material and related definitions?</b>	Confidential? – Y / N  Not Applicable
<b>Question 2: Do you have any comments on the draft guidance about measures which relate to terms and conditions, including how they can be implemented?</b>	Confidential? – Y / N  Not Applicable
<b>Question 3: Regarding terms and conditions which prohibit relevant harmful material, do you have any comments on Ofcom’s view that effective protection of users is unlikely to be achieved without having this measure in place and it being implemented effectively?</b>	Confidential? – Y / N  Not Applicable
<b>Question 4: Do you have any comments on Ofcom’s view that, where providers have terms and conditions requiring uploaders to notify them if a video contains restricted material, additional steps will need be taken in response to this notification to achieve effective protection of under-18s, such as applying a rating or restricting access?</b>	Confidential? – Y / N  Not Applicable
<b>Question 5: Do you have any comments on the draft guidance about reporting or flagging mechanisms, including on Ofcom’s view that reports and flagging mechanisms are central to protecting users?</b>	Confidential? – Y / N
<b>Question 6: Do you have any comments on the draft guidance about systems for viewers to</b>	Confidential? – Y / N

rate harmful material, or on other tagging or rating mechanisms?

**Question 7: Do you have any comments on the draft guidance about age assurance and age verification, including Ofcom's interpretation of the VSP Framework that VSPs containing pornographic material and material unsuitable for classification must have robust age verification in place?**

Confidential? – N

ACCS welcomes Ofcom's position in the guidance that a robust age verification framework needs to be in place for the VSP regime to achieve one of its principle aims of protecting under 18s from harmful content.

Industry practice and research already illustrates that current age assurance practices have not been effective or consistent across platforms/providers and are often easily circumvented. Therefore, to ensure there is a clear consistent standard across all providers, a stringent age assurance requirement which delineates what the minimum threshold of age assurance or verification should be for certain content should emanate from the guidance.

The guidance should also distinguish on what level of age assurance is required for specific types of restricted content such as pornographic material and what level of age assurance is required e.g. age estimation, verification, or a combination of age

	<p>assurance methods that go beyond current age-gating to higher levels such as age verification via the provision of a harms risk rating/matrix from ofcom.</p> <p>The guidance should give providers more clarity on what is required for material that is deemed unsuitable for classification but still has concerning or some pornographic content rather than leaving providers to determine this on their own as this will lead to differentiating levels of assurances and no improved standard threshold.</p> <p>The robustness of the framework should support emerging technological advances and practices such as independent certification and earned recognition from conformity assessment bodies and independent third-party age assurance providers.</p>
<p><b>Question 8: Do you have any views on the practicalities or costs relating to the implementation of robust age verification systems to prevent under-18s from accessing pornographic material and material unsuitable for classification? Please provide evidence to support your answer wherever possible.</b></p>	<p>Confidential? – N</p> <p>The UK is currently considered a world leader in online safety technologies that aim to address online harms and therefore cost</p>

	<p>should not be a barrier. Ofcom should provide and lead engagement opportunities between VSPs, the UK's emerging Safety Tech sector, Age Verification providers and their Associations/Trade Unions via a potential regulatory sandbox.</p> <p>Ofcom should also consider the inclusion of independent Assurance Certification by Age Check and Verification Providers with relevant earned recognition to assist Providers in terms of assisting and augmenting their product and performance and demonstrating compliance.</p>
<b>Question 9: Do you have any comments on the draft guidance about parental control systems?</b>	<p>Confidential? – Y / N</p> <p>Parental controls have not proved effective as a protective measure for preventing and protecting under 18s from accessing or being exposed to harmful or unsuitable content.</p> <p>Parental controls should be an additional layer of protection however wholesale reliance should not be placed on it as an effective protective measure.</p>

	<p>It is also not an inclusive measure as it does not consider differences in socio-economic differences, language barriers, levels of digital literacy amongst parents as well as children in care.</p>
<p><b>Question 10: Do you have any comments on the draft guidance about the measure regarding complaints processes or on the regulatory requirement to provide for an impartial dispute resolution procedure?</b></p>	<p>Confidential? – Y / N</p> <p>Not applicable</p>
<p><b>Question 11: Do you have any comments on the draft guidance about media literacy tools and information?</b></p>	<p>Confidential? – Y / N</p> <p>Not applicable</p>
<p><b>Question 12: Do you have any comments on the with the draft guidance provided about the practicable and proportionate criteria VSP providers must have regard to when determining which measures are appropriate to take to protect users from harm?</b></p>	<p>Confidential? – Y / N</p> <p>Not applicable</p>
<p><b>Question 13: Do you have any comments on the draft guidance about assessing and managing risk?</b></p>	<p>Confidential? – Y / N</p> <p>Not applicable</p>
<p><b>Question 14: Do you have any comments on the impact assessment in Annex 1, including the potential impacts to VSPs outlined in tables 1 and 2, and any of the potential costs</b></p>	<p>Confidential? – Y / N</p> <p>Not applicable</p>

<b>incurred (including any we have not identified)?</b>	
<b>Question 15: Do you have any comments on our provisional assessment that the potential costs for providers are proportionate to achieve the regulatory requirements of the regime?</b>	Confidential? – Y / N  Not applicable
<b>Question 16: Do you have any comments on any other part of the draft guidance?</b>	Confidential? – Y / N

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