

Consultation response form

Consultation title	Guidance for service providers publishing pornographic content
Organisation name	Equifax

Your response

Question	Your response
<p>Question 1: Do you agree with our proposed guidance on scope? If not, please provide any information or evidence in support of your views, including descriptions of services or content where you consider it is unclear whether they fall within the scope of Part 5.</p>	Confidential? – N
<p>Question 2: Do you have any comments on how our proposed guidance applies in respect of pornographic content created by generative-AI services within the scope of Part 5? Please provide any information or evidence in support of your views.</p>	Confidential? – N
<p>Question 3: Do you have any comments on our proposed guidance in respect of the kinds of age assurance which could be highly effective? If you consider there are other kinds of age assurance which have not been listed that you</p>	<p>Confidential? – N</p> <p>We agree open banking meets all the criteria to be a highly effective check. It is also a fast, familiar and simple user experience for consumers that undergo checks. There are over 7 million users of open banking already in the UK. In Equifax’s experience the great majority of users who start an open banking journey</p>

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<p>consider could fulfil the proposed criteria, please identify these with any supporting information or evidence.</p>	<p>complete it - more than 80% of customers that provide consent then authenticate at their bank complete the open banking journey.</p> <p>We would also emphasise that third parties that carry out open banking checks for service providers can confirm that the consumer is aged 18 or over without sharing any other personal data (such as bank account transaction data) with the service provider. This further protects consumers' privacy.</p> <p>We recommend Ofcom add credit reference agency (CRA) checks to the list of highly effective kinds of age assurance. CRA checks are widely used in other regulated markets. They offer consumers a familiar, simple and safe user experience and outperform other types of assurance listed in the guidance on the criteria for highly effective checks.</p> <p>For background, CRAs are authorised and regulated by the Financial Conduct Authority. As the Information Commissioner's Office (ICO) explains, CRAs:</p> <ul style="list-style-type: none"> - "hold certain information about most adults in the UK" - "Most of the information held by the CRAs relates to how you have maintained your credit and service/utility accounts. It also includes details of your previous addresses and information from public sources such as the electoral roll, public records including county court judgments, and bankruptcy and insolvency data" - "The information held by the CRAs is also used to verify the identity, age and residency of individuals". <p>CRAs can verify the age of consumers by matching the consumer's name, date of birth and address to the data on their credit file. The CRA can then confirm to the service provider if the consumer is age 18 or over.</p> <p>CRA checks have a very high degree of technical accuracy, robustness and reliability. They are widely used and proven in other regulated markets. As inputs, they use trustworthy, reliable data from government sources and from providers of financial services and utilities. For</p>

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	<p>example, Equifax may hold data confirming a consumer's age and identity from all of these sources:</p> <ul style="list-style-type: none"> - banks that provide the consumer's mortgage, credit card, bank account and car loan. - the electoral roll. - gas, water and telecoms providers. <p>This robustness is confirmed by external sources. The Age Check Certification Scheme (ACCS) is an accredited conformity assessment body that the government has appointed to operate its Digital ID Trust Framework. In a report for the ICO in 2023, ACCS gave CRA data and electoral registration high ratings for "general recognition" and for being "proven in practice" for age verification. It rated CRA checks and electoral registration more highly than these checks listed as highly effective in Ofcom's draft guidance: facial analysis, age estimation, credit card holder checks and open banking. ACCS concluded that, "electoral registration lookup or credit reference agency checks have formed the bedrock of long-standing age-related eligibility requirements such as gambling, credit, or access to licensed premises".</p> <p>CRA checks are accessible. As the ICO noted, CRAs hold data on most adults. The coverage of CRA checks is greater than credit card checks and digital identity wallets.</p> <p>Including CRA checks in the list of highly effective kinds of age assurance would be in line with wider policy developments. The government cites CRA data and checks a number of times in its <i>UK digital identity and attributes trust framework beta version (0.3)</i>. The framework will be "a set of rules for organisations to follow if they want to provide secure and trustworthy digital identity and/or attribute solutions".</p> <p>CRA checks are fair for consumers. They are trained on datasets that cover most adults in the UK and come from a wide range of trusted public and private sources. In addition, consumers can access CRAs' data for free to check if their data is accurate and to request corrections. FCA regulation ensures CRAs that provide the checks treat consumers fairly and act to deliver good outcomes for them. Consumers can see in their credit data if a</p>

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	<p>service provider has used their credit file to verify their age - known as a soft search. Finally, age verification checks do not have any impact on a consumer's credit file, credit score or ability to access credit. Only the consumer can see a soft search on their credit file; creditors cannot.</p> <p>Finally, we would add that CRA checks can be combined with open banking checks to further improve the user experience, robustness and coverage of the population. Adding CRA checks to the list of highly effective kinds of age assurance will protect consumers and give providers confidence to adopt these proven, market leading solutions.</p> <p>References:</p> <p>https://ico.org.uk/for-the-public/credit/</p> <p>https://www.drcf.org.uk/_data/assets/pdf_file/0029/266618/Measurement-of-Age-Assurance-Technologies-Part-2-Analysis.pdf, pg 22.</p>
<p>Question 4: Do you agree that service providers should use the proposed criteria to determine whether the age assurance they implement which is highly effective at correctly determining whether or not a user is a child? Please provide any information or evidence in support of your views.</p>	<p>Confidential? – N</p>
<p>Question 5: Do you have any information or evidence on the extent of circumvention risk affecting different age assurance methods and/or on any steps that providers might take to manage different circumvention risks for different methods?</p>	<p>Confidential? – N</p>

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<p>Question 6: Do you agree with our proposed guidance that providers should consider accessibility and interoperability when implementing age assurance? Please provide any information or evidence in support of your views.</p>	<p>Confidential? – N</p>
<p>Question 7: Do you have comments on the illustrative case study we have set out in the guidance? Do you have any supporting information or evidence relating to additional examples of how the criteria and principles might apply to different age assurance processes?</p>	<p>Confidential? – N</p>
<p>Question 8: Do you agree with our proposed guidance on the record-keeping duties? Please provide any information or evidence in support of your views.</p>	<p>Confidential? – N</p>
<p>Question 9: Do you have any comments on our proposed approach to assessing compliance with the duties on service providers who publish or display pornographic content, including on the proposed examples of non-compliance? Please provide any information or evidence in support of your views.</p>	<p>Confidential? – N</p>
<p>Question 10: Do you have any comments on the impact assessment set out in Annex 1? Please provide any information or evidence in support of your views</p>	<p>Confidential? – N</p>

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<p>Question 11: Do you agree that our proposed guidance is likely to have positive effects on opportunities to use Welsh and treating Welsh no less favourably than English?</p> <p>If you disagree, please explain why, including how you consider the proposed guidance could be revised to have positive effects or more positive effects, or no adverse effects or fewer adverse effects on opportunities to use Welsh and treating Welsh no less favourably than English.</p>	Confidential? – N

Please complete this form in full and return to Part5Guidance@ofcom.org.uk.