Self-assessment tool on age assurance: questionnaire

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Better Internet for Kids

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1. Introduction

1.1 Background

Age assurance has been considered by policymakers, civil society groups and other organisations as one of the solutions for the protection of children online, in view of which digital service providers may need to make decisions related to implementing age assurance. These decisions can pertain to various aspects concerning age assurance, such as the requirement for age assurance, the method(s) of age assurance to be employed, and the factors to be considered while implementing age assurance.

Thus, the present self-assessment tool seeks to provide guidance to digital service providers on making decisions related to age assurance so that they can have a robust age assurance process in place.

This self-assessment tool should be viewed as guidance and not as a legal compliance mechanism, including as implying compliance under the Audiovisual Media Services Directive (AVMSD), the Digital Services Act (DSA) or the General Data Protection Regulation (GDPR). This self-assessment tool should be used in a context-specific manner regarding the particularities associated with a given digital service.

This self-assessment tool comprises two parts:

(i) an age assurance questionnaire (Questionnaire – this document), and

(ii) an age assurance manual (Manual).

The questionnaire can be used by digital service providers to answer certain questions so that they can make considered and context-specific decisions regarding age assurance. The questions are to be answered with due heed to all relevant factors and in a descriptive manner. The manual can be used by digital service providers to understand, in more detail, the relevant concepts related to age assurance and as guidance on how to navigate the questionnaire. The section

numbers of the questionnaire correspond to the section numbers of the manual for ease of reference.

> For more **detailed background** on age assurance, please see **Section 1.1** of the manual.
>
> For the **relevant terminology** relating to age assurance, please see **Section 1.2** of the manual.

This questionnaire is structured as follows: after the present background section (Section 1.1), Section 2 contains the substantive questions to be answered regarding age assurance. Section 2 consists of questions regarding five steps to be taken concerning age assurance and certain cross-cutting considerations.

2. Questions relating to age assurance

For an outline of navigating the questions in Section 2, please see the **introduction of Section 2** of the manual.

Step 1 – Ascertaining the need for age assurance

The preliminary stage when it comes to age assurance involves an assessment of whether age assurance is to be implemented by the digital service provider. The preliminary questions 1.1 to 1.2 below help the digital service provider document and elaborate on the functioning of its digital service. This can, in turn, aid the digital service provider in ascertaining the requirement for age assurance and answering the subsequent questions in this self-assessment tool.

For explanations of the questions under Step 1, please see **Step 1, Section 2** of the manual.

Q1.1 What is the nature of the digital service?

...

Q1.2 What are the (potential) risks posed by the digital service to children, and what are the levels of these risks?

Type of risk and description	Probability of risk	Impact of risk	Risk assessment
(e.g., content risk, conduct risk, etc. as a risk type and the description)	*(e.g., Low)*	*(e.g., Medium)*	*(e.g., Low)*
…			
…			

Q1.3 Is there a legal obligation that *requires* age assurance to be implemented?
(If yes, proceed to Step 2)

…

Q1.4 Is there a legal duty of care for the online protection of children that *may* mandate the implementation of age assurance?
(If yes, proceed to Step 2)

…

Q1.5 Is there any other reason for the implementation of age assurance? (If yes, proceed to Step 2)

...

Step 2 – Determining the level of assurance

Once it is determined under Step 1 that age assurance is to be implemented, the next determination is as to what assurance level is required for the age assurance process of the digital service. Without sufficient assurance levels, age assurance will not effectively mitigate the risks posed to children. The more accurate the age assurance process is, the lesser the likelihood for children to access and use (parts of) digital services that may be harmful to them, or for users from not being granted access to a digital service despite having met the minimum age requirement.

> For explanations of the question under Step 2, please see **Step 2, Section 2** of the manual.

Q2. What level of assurance does the age assurance process to be implemented need to provide?

...

Step 3 – Formulating a proportionate age assurance process

Once it is determined that age assurance of an identified assurance level is necessary (Steps 1 and 2), it must be determined which age assurance tool(s) is (are) to be employed as part of the age assurance process. There are several methods of age assurance that are present today, and still more that may come to fruition in the near future.

Within each of the methods, there are various age assurance tools. The actual characteristics and issues of particular age assurance tools would depend on the context of deployment and the specific design of these tools. It is also worth mentioning that digital service providers may use a combination of age assurance tools instead of relying on any one of them.

> For explanations of the questions under Step 3, please see **Step 3, Section 2** of the manual.

Q3.1 Which age assurance tool(s) provide(s) the required level of assurance?

…

Q3.2 What are the advantages and disadvantages associated with the identified age assurance tool(s)?

…

Q3.2.1 How does the age assurance tool perform with respect to privacy and data protection requirements?

...

Q3.2.2 How does the age assurance tool perform with respect to security requirements?

...

Q3.2.3 Is the age assurance tool functional and easy to use?

...

Q3.2.4 Is the age assurance tool inclusive, and does it not unfairly exclude users?

...

Q3.2.5 Does the age assurance tool further user participation and access to the digital service?

...

Q3.3 What are the (potential) risks posed by the identified age assurance tool(s)?

Type of risk and description	Probability of risk	Impact of risk	Risk assessment
(e.g., privacy risk, security risk etc. as a type and the description)	*(e.g., Medium)*	*(e.g., High)*	*(e.g., High)*
…			
…			

Q3.4 Are there mitigation measures to combat the (potential) risks from the identified age assurance tool(s)?

Type of risk and description	Risk assessment	Measures	Residual risk
(e.g., privacy risk, security risk etc. as a type and the description)	*(e.g., High)*	*(e.g., Immediate data deletion)*	*(e.g., Low)*
…			
…			

Q3.5 Which identified age assurance tool(s) is (are) the proportionate solution for the age assurance process to be implemented?

…

Step 4 – Implementing the age assurance process

Step 4 helps a digital service provider in implementing age assurance in a more effective and rights-respecting manner. The aspects to be considered in Step 4 are not hierarchical, and it is possible that some of them have already been considered in the analysis under Step 3. It is also possible that some of these aspects are not applicable in a given situation and that other aspects not mentioned in Step 4 need to be considered instead or in addition, as the age assurance technologies and initiatives relating to it further develop.

> For explanations of the questions under Step 4, please see **Step 4, Section 2** of the manual.

While implementing the age assurance process, the digital service provider should ascertain whether the following aspects are paid due consideration:

Q4.1 What is the stage at which age assurance is conducted?

...

Q4.2 What is the duration for the validity of age assurance decisions, and how often is age assurance to be repeated?

...

Q4.3 What is the specified age format?

...

Q4.4 What is the level of authentication required?

...

Q4.5 Have circumvention techniques been addressed?

...

Q4.6 Have contra-indicators been addressed?

...

Q4.7 Should interoperable age assurance solutions be provided?

...

Q4.8 Is only personal data processed that is necessary to perform age assurance?

...

Q4.9 Have the users received transparent information on the age assurance process implemented?

...

Q4.10 Have the users been provided sufficient avenues against incorrect age assurance decisions?

...

Q4.11 Are third-party age assurance providers engaged and have they been made adequately aware of the age assurance requirements?

...

Step 5 – Monitoring the adequate performance of the age assurance process

In Step 5, the digital service provider reviews both the digital service and the age assurance process that has been implemented and assesses whether the performance of the process is as required and anticipated.

> For explanations of the questions under Step 5, please see **Step 5, Section 2** of the manual.

Q5.1 Is the age assurance process performing as expected?

...

Q5.2 Is there any other factor that requires revisiting the age assurance choices?

...

Q5.3 Are records and documentation relating to the implementation of the age assurance process complete and up-to-date?

...

Relevant cross-cutting considerations

The questions below address cross-cutting aspects that should be kept in mind throughout the age assurance process.

> For explanations of the questions under cross-cutting considerations, please see the **last part of Section 2** of the manual.

A. Have children and other relevant stakeholders been sufficiently consulted regarding the implementation of the age assurance process?

...

B. Is age assurance compliant with relevant legislation in relation to data protection and privacy, harmful content, platform regulation, and so on?

...

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