Centre for Information Policy Leadership
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The State of Play in Age Assurance in the United States

Key Takeaways from CIPL Roundtable

Held 25 September 2024 | San Francisco, California

Published October 2024

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Legislation requiring the use of age assurance or age verification measures to prevent minors from accessing inappropriate or otherwise harmful content is gaining traction in the United States, especially at the state level. The Centre for Information Policy Leadership (CIPL) has analyzed these developments in a Discussion Paper entitled "Age Assurance & Age Verification Laws in the United States," which is intended to serve as a starting point for understanding the challenges and exploring the opportunities to address the privacy and safety concerns at stake.

To coincide with the publication of our paper, CIPL hosted an in-person, invitation-only roundtable in San Francisco on September 25, 2024. The roundtable brought together representatives from government, industry, academia, and civil society to get a better understanding of the age assurance methods currently available and to address the challenges raised by recent legislative and regulatory activity.

To encourage open discussion, the roundtable was conducted under the Chatham House Rule.

CIPL is pleased to share the following takeaways.

Attendees identified the following as priorities:

- **Educate stakeholders about what age assurance measures can and cannot do.** Attendees opened the discussion with a focus on defining key concepts and differences among them, including age assurance, verification, and estimation. In many contexts, the overarching objective of age assurance is to verify or estimate whether an individual is above or below a given age threshold. Many age assurance solutions do not ask for the context of a given query (e.g., whether an individual is seeking to view porn or purchase alcohol), and they are not intended to disclose or prove an individual's identity. As such, they are designed to be privacy-preserving and privacy-protective. At the same time, there may be privacy risks associated with the collection and processing of data that must be managed carefully.

- **Focus on context-specific use cases to clarify the harms to be mitigated.** Risk factors vary widely depending on the context. For example, the risks arising from minors' use of social media differ from the risks arising in gaming. Developing a consensus around the harms to be mitigated in certain situations should be a focal point of discussion, as should the development of context-specific risk taxonomies. In all cases, the measures employed should be proportionate to the risk. Stakeholders must also agree on what constitutes a tolerable level of error in a given context. When assessing risks associated with age-gating, policymakers should consider carefully the potential risks and benefits of children *not* accessing age-gated content and services.

- **Factor in perspectives from parents and child development experts.** Developmental stages of children should inform the policy discussion. Moreover, the maturity levels of specific individuals may not necessarily correspond to a given age. Parental control features should permit flexibility around age-gates and content otherwise deemed "age appropriate." Relatedly, stakeholders will need to design and employ controls to prevent "parent spoofing."

There is a need for approaches that foster age-appropriate design from the ground up, as well as approaches that consider the burden on parents, who may feel overwhelmed by tasks created by parental management tools for devices and online services.

➔ **Educate children about online harms.** Schools and communities should develop programs to educate children (as well as parents) about online dangers and the vulnerabilities of an individual's digital footprint. Policymakers should ensure that such education reaches all end users in an equitable manner.

➔ **Promote industry standards and certifications to level the playing field.** If state legislation and regulation can coalesce around industry standards and certifications, smaller businesses will have an easier path to compliance.

➔ **Develop multi-stakeholder, multi-layered solutions.** Promoting the safety of minors, while facilitating their online engagement, will not be addressed by a single solution. Actors across the online spectrum will need to work together to devise a combination of measures to achieve beneficial outcomes. Age-appropriate design, parent-friendly controls, and the use of tokens were among the ideas surfaced.

➔ **Act now.** Online safety of minors is a high-priority, bipartisan issue; both parents and legislators are expecting industry to act now. Doing nothing is not an option.

NEXT STEPS: CIPL looks forward to continuing the discussion with a variety of stakeholders at future events, both in-person and virtual, and producing research and recommendations to inform policymaking. If you would like to contribute to future discussions, please contact us with a short statement describing the perspective you can bring to our ongoing dialogue.