

Grŵp y Prif Swyddog Gweithredu
Chief Operating Officer's Group



Llywodraeth Cymru
Welsh Government

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March 2024

Guidance for providers publishing pornographic content – Welsh Government consultation response

The purpose of this letter is to provide comments on behalf of Welsh Government in response to the consultation setting out Ofcom's draft guidance to assist providers of online services that publish pornographic content, in complying with their age assurance and record-keeping duties under the Online Safety Act.

This letter sets out our combined response, with our primary area of interest relating to education.

I can confirm that none of this response is confidential.

Guidance on scope

Question 2

We strongly support AI-created material being in scope. It is highly likely that such material will become more widespread, and it is important that Ofcom's guidance is sufficiently futureproofed to take account of this.

Guidance on age assurance duties

Question 3

We support any efforts to develop highly effective age assurance for children and young people. We recognise each method has limitations and that it is likely that some children and young people will find workarounds for many of these options.

We also recognise that the speed at which technology changes may mean some options become more or less useful over time. Therefore, we strongly support the list being under ongoing review.

Rydym yn croesawu derbyn gohebiaeth yn Gymraeg. Byddwn yn ateb gohebiaeth a dderbynnir yn Gymraeg yn Gymraeg ac ni fydd gohebu yn Gymraeg yn arwain at oedi.

We welcome receiving correspondence in Welsh. Any correspondence received in Welsh will be answered in Welsh and corresponding in Welsh will not lead to a delay in responding.

Question 4

We agree that providers should use the proposed criteria and particularly support the points raised in 4.13.

We would ask how Ofcom/the service provider/others will find out that a method previously thought to be highly effective, is no longer effective? If a provider has put measures in place which seem to be correct, how will they know if they are not? It is unlikely that children and young people will report that they've accessed material they shouldn't. Will methods be regularly tested/verified independently?

Question 5

We agree, particularly with the points made under 'Robustness' and agree that each method is likely to be circumvented. Therefore, we are supportive of the request for suggestions for practical steps that service providers can take to mitigate these risks.

Question 6

As set out in our response to Question 3, we support keeping this section of guidance under review to allow for any technological developments in this area.

Question 7

This provides a good practice example of how a provider can implement age assurance, without being too prescriptive.

Guidance on the record-keeping duties

Question 8

We support the use of a transparent, easy-to-understand written record (public statement) outlining how a provider meets age verification requirements.

Assessing compliance with age assurance and record-keeping duties

Question 9

We strongly support the new emphasis on a higher level of protection for children and the risk of harm to them being a significant factor in the prioritisation framework.

Please get in touch if you would like to discuss any of these comments further.

Yours Sincerely

Digital Regulation Branch
Digital, Data and Technology Directorate

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