

## Clarifying eSafety's views on the Australian Government's digital identity system – following InnovationAus article

- The eSafety Commissioner's comments in the InnovationAus article published on 16 September 2021 related to the use of the Australian Government's *mygovID*, rather than the Digital Transformation Agency's (DTA) broader digital identity program.
- eSafety is keeping an open mind on what an AV regime in Australia could look like as it moves into its roadmap consultation phase. Privacy-preserving and security enhancing design and consumer choice are seen as imperative for ensuring the roadmap delivers a regime which is proportionate, feasible and importantly, effective.
- The DTA has a *Trusted Digital Identity Framework (TDIF)* which includes an identity exchange. An exchange conveys, manages and coordinates the flow of identity attributes and assertions between its members. It is not a digital ID tool itself.
- The *TDIF* takes a market-based approach to digital identity services, which has seen the accreditation of both public and private digital identity providers (e.g. Australia Post and OCR Labs). eSafety sees great value and potential in the TDIF and its approach.
- The *Protecting the age of innocence* report recommended that the DTA establish an age verification exchange, separate to its digital identity exchange. It also recommended the DTA develop standards for online age verification for age restricted products and services. The government agreed in principle to both of these recommendations.
- Standards will be a critical component of eSafety's implementation roadmap, and the roadmap consultations will include discussions on minimum requirements for privacy, safety, security, data handling, usability, accessibility, and auditing standards in age verification. We look forward to engaging with the DTA for their expertise on these matters.
- eSafety has a good relationship with the DTA which enables open communication on the role that digital identity and information exchange systems could play in relation to age verification (AV).
- eSafety's research has demonstrated low-moderate public awareness of age verification and digital identity systems. In addition, respondents raised concerns with the government's ability to implement and operationalise an age verification regime.
- eSafety knows it is critical to raise public awareness, trust and capability in AV tools for any implementation roadmap to be viable.

- eSafety is undertaking a multi-pronged approach to public engagement and awareness to ensure an Australian AV regime for online pornography clearly demonstrates how it will respect user privacy and data security.
- eSafety's public call for evidence has just closed and is to be followed by a consultation process that will engage the adult industry, age verification providers, platforms and services and the public.
- eSafety's roadmap will also include broader education and awareness raising measures that help to ensure people understand how any technological tools work, and that parents and young people were equipped to understand and discussion respectful relationships and harmful sexual behaviours.

### **Rectifying points made regarding the UK's age verification scheme**

- The UK's scheme faced challenges due to:
  - the legislation not being clear enough on how citizens' privacy and data would be secured and protected
  - the UK scheme was not proposing that pornography websites manage AV systems. Decisions on which AV tools to license would be left as business decisions for pornography websites. Credit cards and tokens were flagged as possible AV tools
  - the lack of public consultation which played a large role in public concern and discontent with the scheme
  - the UK Government was delayed in implementation due to non-compliance with EU law requirements which require governments to notify the EU of legislative reform
- The UK is implementing an age-appropriate design code and is still improving regulatory measures regarding the duty of care of online platforms. eSafety is in consultation with the UK government, OFCOM, and BBFC on these matters.