[GB] Ofcom opens investigation into breaches in OnlyFans' age estimation measure for users

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On 1 May 2024, Ofcom announced that it had opened an investigation into Fenix International Limited, in its capacity as provider of the video-sharing platform (VSP) OnlyFans. The goal of the investigation is to determine whether OnlyFans is doing enough to prevent children from accessing pornography on the platform. OnlyFans, a VSP under the jurisdiction of Ofcom allows content creators to share videos with their communities. While it is open to all types of creators, it is widely used by adult-content creators, leading to a large proportion of the content available on the platform to be of pornographic nature. Under the UK's Communications Act 2003 (the Act), VSPs established in the UK are required to take appropriate measures to prevent under-18s from accessing pornographic material, as well as to cooperate with Ofcom and provide the regulator with information regarding the service. OnlyFans, as one such VSP, has been using age verification measures to prevent minors from accessing content that might impair their physical, mental or moral development.

OnlyFans had spontaneously raised Ofcom's attention to the fact that a flaw in their age implementation of an estimation measure might have allowed minors to access the platform and be exposed to pornographic material. In the opening text of Ofcom's investigation, the regulator notes that the investigation also concerns OnlyFans' requirement to "comply with two information request notices issues on 6 June 2022 and 23 June 2023 under section 368Z10 of the Act." The notices requested information to understand and monitor the measures OnlyFans has in place, including measures to assure the age of its users, and how they were implemented to help ensure under-18 users were protected from restricted material, including pornography, and enable Ofcom to publish a report highlighting how OnlyFans and other VSPs are protecting minors from restricted material.

According to information given by an OnlyFans spokesperson to online media outlet TechCrunch, the problem came from an incorrect parameter in setting the threshold of its age estimation tool, Yoti. Yoti, an age estimation provider, approximates a user's age by scanning their face. However, the service also recommends setting a threshold higher than the platform's exact age threshold, to account for mistakes in estimation. The OnlyFans spokesperson suggested that a coding error caused the threshold for age estimation to 20 years of age, rather

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than a more prudent 23, which would have mitigated the risks of an underaged user being wrongly considered as being above 18, given the tool margin of error of 2 to 3 years.

It is worth noting that the issue only concerns “fans” – the terms used on the platform to refer to users who do not create and disseminate content – as content-creators on OnlyFans must provide formal identification to verify their account upon creation.

An update on the investigation is expected by August 2024.

Ofcom investigates OnlyFans' age verification measures - Press release

https://www.ofcom.org.uk/news-centre/2024/ofcom-investigates-onlyfans-age-verification-measures

OnlyFans' investigated over claim children accessed pornography

https://www.theguardian.com/technology/2024/may/01/onlyfans-investigated-over-claim-children-accessed-pornography

OnlyFans hits UK regulator's radar for age-verification failures around porn access

https://techcrunch.com/2024/05/01/uk-regulator-investigates-onlyfans-for-age-verification-failures-around-porn-access/?guccounter=1&guce_referrer=aHR0cHM6Ly93d3cuZ29vZ2xlLmNvbS8&guce_referrer_sig=AQAAAFqNnp5-o_c48o6ztExE1QpEEgr1FN0raGhf9fmPQwqMcWA2gVs9butams69l5GGF5sj6siwUFExA9sndvUBqjWm9kk71amoAEHZoUgXpOSC5JI0uCsmuN3z7d-GXoMkd_v2HUFI45HkEqXz6mVAQ6fVku8DzmuePQyqkzJKztTR

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