[IT] AGCOM Technical Board for the Protection of Minors in on Demand Services

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Following the amendments to the Italian AVMS Code introduced in July 2012 by the Legislative Decree no. 120/2012 (see IRIS 2012-8/32) and pursuant to the new Article 34 of the Code, regarding the protection of minors, Agcom adopted on 4 October 2012 a deliberation establishing a technical board to adopt, through co-regulation procedures, the technical measures regarding the protection of minors on VOD services, to prevent them from viewing content that "might seriously impair" the physical, mental or moral development of minors; these are considered to be, in particular, programmes that involve pornography or programmes with scenes of gratuitous, insistent or brutal violence, including cinematographic works classified as unsuitable for minors under 18.

Among the measures technically feasible, Article 34, para 5, of the Code envisages the employment of a personal identification number (PIN) to be applied by default, but which can be deactivated by the use of a secret code. The technical measures need to be implemented according to the following general criteria:

a) adult content may be offered with a parental control feature that prevents access to the content. The user may disable the parental control by entering a special secret code;

b) the secret code must be communicated confidentially to the adult signing the contract for receiving the content or the service, along with a warning about its responsible use and storage.

The aim of the technical board is to detect the possible procedures to communicate personal identification numbers (PIN) and to use filtering or identification systems, in order to agree upon solutions involving all interested stakeholders (e.g. industry, audiovisual media services providers, associations of citizens, and associations for children rights).

The technical board should conclude its work and adopt a definitive regulation within 30 days starting from the publication of the aforementioned deliberation no. 224/12/CSP on the Italian Official Journal.

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Delibera n. 224/12/CSP "Costituzione del Tavolo tecnico per l'adozione della disciplina di dettaglio sugli accorgimenti tecnici da adottare per l'esclusione della visione e dell'ascolto da parte dei minori di trasmissioni rese disponibili dai fornitori di servizi di media audiovisivi a richiesta che possono nuocere gravemente al loro sviluppo fisico, mentale o morale ai sensi dell'articolo 34 del Decreto legislativo 31 luglio 2005, n. 177, come modificato e integrato in particolare dal Decreto legislativo 15 marzo 2010, n. 44, come modificato dal Decreto legislativo 28 giugno 2012, n. 120"

http://www.agcom.it/default.aspx?DocID=9559

Deliberation no. 224/12/CSP "Establishment of a technical board for the adoption of the implementation rules on the technical measures to be adopted in order to prevent minors from viewing and listening to adult content made available over on-demand audiovisual media services providers, pursuant to Article no 34, legislative decree no. 177/2005, as amended by legislative decrees no. 44/2010 and no. 120/2012"

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