

CONFIDENTIAL

Anna Lucas  
Supervision Director, Online Safety

17 January 2025

Dear Sir / Madam,

**\*\*ACTION REQUIRED BY 3 MARCH 2025\*\***

[Online Safety Act 2023 – Mandatory age assurance requirements for services that publish or display pornographic content.](#)

The Online Safety Act 2023 ('the Act') creates a new regulatory framework designed to make regulated internet services safer for users in the UK, especially for children.

Ofcom is responsible for ensuring regulated online services comply with their duties. The Online Safety Supervision team lead Ofcom's engagement with all regulated services, both large and small, to ensure they understand and can comply with the new regulations. Ofcom also **has powers to take enforcement action, including imposing financial penalties and other sanctions for non-compliance with these and other duties.**

Under Part 5 of the Act, **services where the provider publishes or displays pornographic content are required to introduce age assurance to ensure that children are not normally able to encounter such content.** The age assurance must be implemented and used in a way that is '**highly effective**' at correctly determining whether a particular user is a child (under 18).

These duties came into effect on 17 January 2025 and we have opened a dedicated [programme](#) which will monitor and enforce compliance with Part 5 of the Act. Ofcom has also published [guidance](#) to assist services with their compliance.

**Your Duties Under the Act**

We are writing in respect of your service which we understand to contain pornographic content. We consider that your service is likely to be caught by the requirements imposed by Part 5 of the Act and, as such, **you may be required to take immediate action to implement age verification or age estimation methods on your service to ensure you are complying with these duties.**

Once your service has implemented this duty you must **maintain a written record** detailing the age verification or estimation methods you have decided to use, and the decision-making process behind their implementation. **You will also need to publish a summary of these records as a publicly available statement to ensure transparency regarding your compliance efforts.** For more details, please refer to section 5 of the guidance.

## **Action required**

***If you are in scope of Part 5 of the Act, you must act now to implement the new rules.***

To ensure compliance with the duties, you should now take the following steps:

### **1. Read Ofcom's Guidance on Age Assurance and other Part 5 Duties.**

You should read Ofcom's guidance on highly effective age assurance and other part 5 duties and consider what age assurance solution is appropriate for your service. You should then take immediate steps to implement this on your service to ensure that children are unable to encounter pornographic material. You should seek independent legal advice if you do not understand your duties.

### **2. Provide Ofcom with a named contact for your service.**

Please provide us with contact details of a senior manager who is responsible for managing your platform's compliance. Please provide their name, position, and direct contact details.

### **3. Explain to Ofcom what actions you are taking to meet your duties**

Please contact Ofcom to tell us what you are intending to do to meet your duties in order to implement highly effective age assurance by 5:00pm (GMT) on 3 March 2025. This should include:

- The age verification or estimation methods you will implement (or have already implemented), including how you will ensure the chosen solution is highly effective at accurately identifying children.
- A timeline for the deployment of these methods (including its roll out to existing users).
- Procedures to maintain and review these methods for ongoing compliance.

If you do not consider that your service is within scope of the duties contained in Part 5 of the Act, please explain the nature of your service and how pornographic content is shared on the service, if appropriate.

## Failure to Act

We strongly advise you to prioritise this matter and take immediate steps to bring your service into full compliance with the requirements of the Act. Failure to implement the necessary age assurances may result in Ofcom referring your platform to our Enforcement team, who may take one or more of the following actions:

- **Statutory information Request (Section 100 of the Act):** We may issue a formal request for information, to which you are legally obliged to respond, requiring you to provide specific information necessary for assessing compliance.
- **Investigations and Interviews (Section 105 and 106 of the Act):** We have the powers to conduct investigations into whether a service provider has failed to comply with their regulatory duties. As part of our investigations, we can also require certain individuals to attend an interview.
- **Financial penalties (Sections 133, 139 and 140 of the Act):** Where we determine that a service has failed to comply with its regulatory duties, we have the power to impose penalties of up to 10% of a service's turnover, or £18 million, whichever is greater. We can also issue formal enforcement notices requiring services to take steps to come into compliance.
- **Business disruption measures (Sections 144 to 148 of the Act):** In the case of continued non-compliance, Ofcom may apply to the court for an order which would require third parties to take action to disrupt the provision of a non-compliant regulated service - either by restricting the supply of services to the service provider (such as advertising or payment services) or by restricting access to the service itself.

For further information, please refer to our [dedicated webpage for the adult sector](#). If you have any questions, please contact us at [AAprogramme@ofcom.org.uk](mailto:AAprogramme@ofcom.org.uk). We look forward to hearing from you.

Yours faithfully,

Anna Lucas  
Supervision Director