



GOVERNMENT WHIPS' OFFICE

HOUSE OF LORDS

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FROM THE LORD LEONG

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Dear Baron,

I am writing to provide additional information following my appearance at the Lords Oral Question on virtual private networks (VPNs) held on Monday 15 September. During that session, you asked the following question: *How many services have been referred by Ofcom to the ICO for failing to uphold user's privacy rights while performing age checks?* You subsequently contacted me via email to seek further clarification. I would like to thank you for raising this important issue and for your longstanding commitment to ensuring the effective implementation of the Online Safety Act (the 'Act').

Firstly, I would like to correct the record by stating that the figures presented to the Lords regarding convictions for false communications offences and threatening communications offences are criminal justice statistics and should not be attributed to Ofcom.

In response to your specific question, Ofcom has confirmed that since the child safety duties came into effect on 25 July, they have not referred any online service providers to the Information Commissioner's Office (ICO). However, Ofcom are clear that services must comply with both their duties under the Act and their legal obligations under the UK's data protection regime, and where Ofcom has concerns that a provider has not complied with its obligations under data protection law, it may refer the matter to the ICO.

As you know, the Act has cross-cutting duties to ensure that users' rights to freedom of expression and privacy are protected. All providers are required to give particular regard to the importance of protecting users' freedom of expression and privacy rights when implementing measures to comply with their new safety duties, including age assurance technologies.

The Baroness Kidron OBE
House of Lords

As you are aware, the Act sets out principles that Ofcom must have regard to when recommending age assurance technologies. These include having regard to the relevant standards set out in latest version of the code of practice under Section 123 (age-appropriate design code) of the Data Protection Act 2018. Ofcom have worked closely with the ICO in developing their guidance on highly effective age assurance and the ICO have published their expectations for age assurance and data protection compliance.

I hope this information is helpful. I will place a copy of this letter in the House Library.

Yours sincerely,

A handwritten signature in black ink, consisting of a large, stylized 'L' followed by a series of loops and a final horizontal stroke.

LORD LEONG CBE