

Equality Impact Assessment (EqIA)

This document fulfils the ICO's requirements to conduct Equality Impact Assessments, as a requirement to have due regard under the Equality Act 2010, S75 of the Northern Ireland Act 1998 and the public sector equality duty. This document helps you to assess the equality relevance of a policy or procedure on one or more groups of people with protected characteristics. Guidance is also available for Equality Impact Assessments (EqIAs), along with a glossary of issues to consider. The purpose of an EqIA is to ensure that equality issues are identified and mitigated. The guidance and 'issues to consider' documents are intended to assist with this, but they are not a substitute for consultation with people with lived experience of any of the protected characteristics. Therefore, you should, wherever appropriate, consult with the relevant EDI staff networks or other colleagues to discuss potential impacts.

You must read the [guidance](#) and [glossary of issues to consider](#) before completing the document.

Completed EqIAs will be published [on the ICO's website](#).

Summary

Prepared by: RN

What is the title of this piece of work? The 2024 update to the Commissioner's Opinion on Age Assurance

Briefly describe the overall purpose of this work.

The Commissioner's Opinion on Age Assurance was first published in October 2021. The opinion is aimed at ISS and age assurance providers to explain how they can use the technology in compliance with data protection law in a risk-based and proportionate way. Alongside the Opinion, we completed an Equality Impact Assessment (EqIA). The Opinion was updated in 2024, and the EqIA has also been updated.

Initial screening questions

Q1. Does this work relate to an ICO policy, procedure, working practice or anything broadly similar? This includes both current policies and new policies under development.

Please answer Yes

*If you answer **No** to this question, you may not need to complete a EqIA.*

Q2. Is this work about the explanation of the laws which the ICO regulates, or about decisions to use or not use any of our regulatory powers (eg monetary penalties, enforcement notices, information notices etc)?

Please answer Yes

*If you answer **No** to this question, you may not need to complete a EqIA.*

If you answered no to both Q1 and Q2, it is best practice to rationalise why there are no negative impacts to each protected characteristic in the table below.

Impact on people with protected characteristics

Q3. For each of the protected characteristics, you should consider whether there are any **positive impacts** for people with each characteristic and set those out in the table below. If you think there are any **negative impacts**, set those out in the table below **and** explain how you will fully mitigate those impacts. It is best practice to include three mitigations per negative impact. Sign off can only be done with a minimum of two mitigations. If you think there is no impact, please explain why you think that is the case.

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Religion or belief	Our evidence gathering to date has not identified specific evidence relating to risk, but we will continue to be aware of developments that may be relevant to this protected characteristic.	<p>Some age assurance methods may have the potential to have an impact on people as a result of their religion or belief. For example:</p> <ul style="list-style-type: none"> • Organisations using verification methods that rely on a photographic image will have to consider any possible impact on users who ordinarily wear a face covering. • Where the age assurance method includes profiling or behavioural analysis, there is also a potential risk that 	<p>The opinion makes a number of recommendations to help address the potential risks and harms:</p> <ul style="list-style-type: none"> • It highlights the importance of fairness, accuracy, data minimisation, purpose limitation, technical accuracy and reliability. • The opinion advises that action should be taken to scrutinise and minimise any potential bias in the approach to age assurance. • Data protection legislation provides individuals with rights, including the right to rectification. Individuals can exercise these rights, and this can act, in some cases, to

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		<p>organisations may be able to identify or infer information relating to a person based on the data they collect.</p>	<p>mitigate the impact of a processing decision.</p> <ul style="list-style-type: none"> • The use of technologies such as behavioural analysis and profiling are evolving. Although it may be possible to identify or infer information relating to a person based on the data they collect, the focus of this activity is to specifically identify age. Therefore, other information relating to the person may be out of scope. We will continue to monitor the development of these technologies to ensure we can fully understand their impact. • The opinion states that where possible organisations should consider offering a range of age assurance methods, appropriate

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			<p>to the needs of their service and users. Further, it advises that organisations should consider how to minimise exclusion risks associated with 'hard' identifiers in a way that is appropriate to the risks.</p> <ul style="list-style-type: none"> • New methods such as email age estimation or hand movement age estimation may overcome any issues experienced by users with face coverings.
Race, nationality or cultural background	There are a range of age assurance methods that may be used, and those that rely on 'hard' identifiers, such as driving licences or	The opinion acknowledges how people from disadvantaged backgrounds (in which disabled people or those from ethnic minority backgrounds are over	The opinion notes the potential for age assurance to result in exclusion or discrimination of already marginalised groups due to bias, inaccuracy or

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	<p>passports, will impact on access to services for individuals that do not have these forms of ID. For example, official data on driving licence identifies a difference in the number of adults with a full driving licence across different ethnic groups.¹</p> <p>There has been little change when comparing the 2021 figures to the previous data set collected in 2019.</p>	<p>represented) may have lower rates of access to a driver's licence or passport and this would impact on their access to services using these forms of ID to verify age.</p> <p>The use of age assurance may impact on how people access online services as they may need to undergo further checks or processes to access a service.</p>	<p>requirements for official documentation.</p> <p>The opinion makes a number of recommendations to address the potential risks and harms:</p> <ul style="list-style-type: none"> • It also advises that a combined approach may often be appropriate eg two or three approaches that do not use hard identifiers rather than one approach of hard identifiers. • When discussing the implications of AI, the opinion states that organisations must address bias, not be discriminatory and that methods should be statistically accurate.

¹ [Driving licenses and access to vehicles - GOV.UK Ethnicity facts and figures \(ethnicity-facts-figures.service.gov.uk\)](https://ethnicity-facts-figures.service.gov.uk/)

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	<p>Age estimation methods which rely on training data to make an estimation of user's age have, in the past, been shown to perform differently across different groups".²</p> <p>Following Buolamwini and Gebru's research in 2018, there have been further assessments of the performance and accuracy of the technology.</p> <ul style="list-style-type: none"> • For example Yoti's age estimation 	<p>Where the age assurance method includes profiling or behavioural analysis, there is also a potential that organisations may be able to identify or infer information relating to a person based on the data they collect.</p>	<ul style="list-style-type: none"> • The section on age estimation has been expanded to provide more up to date details on possible methods. This outlines a broad range of approaches that may be considered, including the waterfall technique which builds on the output of successive age assurance approaches to provide choice or a cumulative result with a greater level of confidence than any of these approaches in isolation. • The opinion addresses the risks that age assurance may produce discriminatory outcomes and advises that the risk of discrimination may be

² [Gender shades: Intersectional Accuracy Disparities in Commercial Gender Classification , Buolamwini J and Gebru, T](#)

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	<p>paper outlining the performance of their facial age estimation technology stated, "...there is no discernible bias across genders or skin tones" when measuring true positive rates for 13 – 17 year olds correctly estimated as being under the age of 25.</p> <ul style="list-style-type: none"> • They also state that there is no material bias across gender or "skin tones" for the true positive rates for 6 to 12 		<p>heightened for people with protected characteristics such as age, race and disability in a way that would impact the fairness of the processing. Organisations are advised that failure to address bias may result in a breach of the fairness principle.</p> <ul style="list-style-type: none"> • The mitigation outlined earlier relating to people's information rights will also apply to this characteristic. • The mitigations outlined earlier in relation to monitoring the development and impact technology also applies to this characteristic. • The mitigation outlined earlier in relation to 'hard' identifiers also applies to this characteristic.

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	<p>year olds estimated to be under 13.³</p> <ul style="list-style-type: none"> • They also note that it is their belief that "...the differing mean absolute error shown for different groups (age, gender, skin tone) correlates strongly with how well-represented those groups are in the training data set."⁴ • The NIST Face Analysis Technology Evaluation: Age 		<ul style="list-style-type: none"> • The mitigations outlined earlier related to alternative forms of age estimation also applies to this characteristic.

³ Page 2 - [Yoti Age Estimation Paper - December 2023](#)

⁴ Page 35 [Yoti Age Estimation Paper - December 2023](#)

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	<p>Estimation and Verification concludes that age estimation accuracy has improved since they first measured it in 2014. They note for both age estimation and metrics appropriate to Challenge 25 like applications, accuracy is “strongly influenced by algorithm, sex, image quality, region-of-birth, age itself and interactions between those factors.” No</p>		

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	<p>algorithm has superior performance and algorithm rankings vary across these factors.⁵</p> <ul style="list-style-type: none"> • We recognise that this is an evolving area. In addition to the areas noted there are other developments, for example the work undertaken by Sony AI on hue angle and the development of "skin tone scales".⁶ <p>We have considered</p>		

⁵ [Face Analysis Technology Evaluation: Age Estimation and Verification \(nist.gov\)](https://www.nist.gov/face-analysis-technology-evaluation)

⁶ [Beyond Skin Tone: A Multidimensional Measure of Apparent Skin Color – Sony AI](#)

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	<p>potential impacts and mitigations as part of the equality impact assessment.</p> <p>Ofcom research "Online Nation 2022" summarises the experience of users based on categorising different groups and comparing their feedback. Their findings were that on average, people from ethnic minority backgrounds were more likely to agree with statements that they are more free to be themselves online and</p>		

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	<p>can share their opinion and have a voice⁷.</p> <p>There is a risk that the use of age assurance introduces more friction into the process of accessing a service and impacts on access to forums where users feel more able to share their opinions and have a voice.</p>		
Disabled people	<p>There are a range of age assurance methods that may be used, and those that rely on 'hard' identifiers, such as</p>	<p>Organisations have obligations under equality legislation regarding the</p>	<p>The opinion makes a number of recommendations to address the potential risks and harms:</p>

⁷ Page 57 Ofcom Online Nation 2022 Report - [Online Nation 2022 Report \(ofcom.org.uk\)](https://www.ofcom.org.uk/consult/condocs/online-nation/online-nation-2022/)

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	<p>driving licences, will impact on access to services for individuals that do not have these forms of ID. For example, some disabled people are not able to obtain a driving licence.</p> <p>There are also considerations around the accessibility of age assurance measures for users that rely on assistive technology to access services.</p> <p>Measures dependent on behavioural analytics or</p>	<p>accessibility of their services.</p> <p>Where the age assurance method includes profiling or behavioural analysis, there is the potential that organisations may be able to identify or infer information relating to a person based on the data they collect.</p>	<ul style="list-style-type: none"> • The opinion highlights that discriminatory outcomes may also be in breach of equality legislation and UK GDPR since processing with discriminatory outcomes is unlikely to be fair. Organisations are advised they must consider how to mitigate these risks and ensure that age assurance solutions incorporate reasonable adjustments for disabled people, such as offering an alternative method of age assurance. • The mitigation outlined earlier relating to people's information rights will also apply to this characteristic. The opinion states that tools to challenge inaccurate age assurance decisions should be accessible.

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	<p>profiling for age estimation have the potential to misidentify individuals as the time it takes, and pattern of usage may differ from the expected profile for a range of reasons including how assistive technology interacts with the service.</p> <p>Where the age assurance method includes profiling or behavioural analysis, there is also a potential risk that organisations may be able to identify or infer information relating</p>		<ul style="list-style-type: none"> • The opinion states that organisations must review the efficacy and accuracy rates of age assurance. • The mitigations outlined earlier in relation to monitoring the development and impact of technology also applies to this characteristic. • The mitigation outlined earlier in relation to 'hard' identifiers also applies to this characteristic.

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	to a person based on the data they collect.		
Sexual orientation	Ofcom's research, Online Nation 2022, states "...some groups of people benefit particularly from the self-expression enabled by being online. For example, the proportion of users agreeing that they "feel more free to be myself online" is significantly higher amongst gay, lesbian and bisexual users than heterosexual users. Similarly, bisexual,	One of the potential implications of the use of age assurance is that it may impact on how people access online services as they may need to undergo further checks or processes to access a service. There is a potential impact for users of services where only parts of the service are suitable for certain age groups. Organisations who appeal to a range of age groups will need to consider	The opinion makes a number of recommendations to address these potential impacts: <ul style="list-style-type: none"> • It outlines the importance of fairness, accuracy, data minimisation, purpose limitation, technical accuracy and reliability. • The mitigation outlined earlier relating to people's information rights will also apply to this characteristic.

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	<p>gay and lesbian users are more likely to agree that being online allows them to “share my opinions and have a voice...”⁸</p> <p>The Children’s code evaluation found that LGBTQ+ children are much more likely to lie about their age to access web sites. As a result, this may create heightened exposure to data privacy harms.⁹</p> <p>They are also more likely make greater use of online services, highlighting the</p>	<p>their approach to enable all users appropriate access to services.</p> <p>Where the age assurance method includes profiling or behavioural analysis, there is also the potential that organisations may be able to identify or infer information relating to a person based on the data they collect.</p>	<ul style="list-style-type: none"> • The mitigations outlined earlier in relation to monitoring the development and impact technology also applies to this characteristic. • The mitigation outlined earlier in relation to ‘hard’ identifiers also applies to this characteristic. • The opinion notes that if an ISS is in scope of the code, organisations should either establish the age of users to comply with the code or apply all standards of the code to all users in a risk-based and proportionate way.

⁸ Page 57 - [Online Nation 2022 Report \(ofcom.org.uk\)](https://www.ofcom.org.uk/consult/condocs/online-nation-2022/online-nation-2022-report/)

⁹ Page 49 and page 53 [childrens-code-evaluation-report.pdf](https://www.ofcom.org.uk/consult/condocs/childrens-code-evaluation-report/childrens-code-evaluation-report.pdf)

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	<p>importance of these services to this group.¹⁰</p> <p>There is a risk that the use of age assurance introduces more friction into the process of accessing a service and impacts on access to forums where users feel more able to share their opinions and have a voice.</p>		
Sex (see note 1)	The considerations for age estimation methods summarised in the NIST	One of the potential implications of the use of age assurance is that it may	The opinion makes a number of recommendations to address these potential impacts:

¹⁰ Page 53 [childrens-code-evaluation-report.pdf](#)

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	<p>and Yoti reports outlined in the section on race, nationality or cultural background also apply to this characteristic.</p> <p>The use of 'hard' identifiers has the potential to impact on access to service where access to the documents vary across different groups. Government data on driving licences show that in 2022 71% of women and 81% of men over the age of 17 held a full driving licence.¹¹</p>	<p>impact on how people access online services as they may need to undergo further checks or processes to access a service.</p>	<ul style="list-style-type: none"> • The section on age estimation has been expanded to provide more up to date details on possible methods. This outlines a broad range of approaches that may be considered, including the waterfall technique which builds on the output of successive age assurance approaches to provide choice or a cumulative result with a greater level of confidence than any of these approaches in isolation. • The mitigation outlined earlier relating to people's information rights will also apply to this characteristic. Tools to challenge

¹¹ [Driving licence holding and vehicle availability - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/statistics/driving-licence-holding-and-vehicle-availability)

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			<p>inaccurate age assurance decisions should be both prominent and accessible.</p> <ul style="list-style-type: none"> • The mitigations outlined earlier in relation to monitoring the development and impact technology also applies to this characteristic. • The mitigation outlined earlier in relation to 'hard' identifiers also applies to this characteristic.
Age	Following clarification of our position on 'likely to be accessed' in September 2022, we have explained how services aimed at adults that are accessed by a	Not all of the services in scope of the children's code will be required to implement age assurance methods. However, as noted in the impact section of the 'sexual orientation'	<p>The opinion makes a number of recommendations to address the potential impacts identified:</p> <ul style="list-style-type: none"> • The opinion is technology agnostic and focuses on considerations for organisations when they are determining the

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	<p>significant number of children need to either comply with the code standards or, where it is not appropriate for a child to access a service, restrict access with a measure appropriate to the level of data processing risk.</p> <p>The potential impact of age assurance may vary depending on the age range of users of a service. For example, official statistics on the use of social networking sites such as Facebook noted that 97% of 16-24</p>	<p>characteristic, organisations in scope of the code should establish either the age of users to comply with the code; or apply all standards of the code to all users in a risk-based and proportionate way.</p> <p>In addition to this, there are some standards where organisations will need to consider the age of the user, for example when providing transparency information.</p>	<p>most suitable approach for their service.</p> <ul style="list-style-type: none"> • It outlines the importance of fairness, accuracy, data minimisation, purpose limitation, technical accuracy and reliability. • The section on age estimation has been expanded to provide more up to date details on possible methods. This outlines a broad range of approaches that may be considered, including the waterfall technique which builds on the output of successive age assurance approaches to provide choice or a cumulative result with a greater level of confidence than any of these approaches in isolation.

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	<p>year olds used the sites compared with 34% of over 65s. 63% of 16-24 year olds played or downloaded online games compared to 17% of over 65s.¹²</p> <p>For some forms of age assurance, age buffers may be introduced to ensure accuracy for users close to the minimum age (both above and below this). In this situation, users within a certain age range will undergo further checks to ensure that an</p>		<ul style="list-style-type: none"> • The mitigation outlined earlier relating to people's information rights will also apply to this characteristic. Tools to challenge inaccurate age assurance decisions should be both prominent and accessible. • The mitigation outlined earlier in relation to 'hard' identifiers also applies to this characteristic.

¹² [Internet access - households and individuals - Office for National Statistics \(ons.gov.uk\)](https://ons.gov.uk)

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	<p>accurate age verification decision is made.</p> <p>For some services, age checks will determine the scope of service the user can access as some areas may only be suitable for specific age groups.</p> <p>There is a risk individuals who lack relevant documentation will be unable to access services that rely on 'hard' identifiers. Users under the age of 17 and 18 will not have access to driving licences and credit cards,</p>		

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	<p>as in the UK these are only available to those over the age of 17 and 18 respectively.</p> <p>If only one form of age verification is offered, for example use of a 'hard' identifier, this may impact on individuals beings able to prove they meet the criteria to access the service.</p> <p>In addition to the information on age estimation technologies summarised in the race, nationality or cultural</p>		

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	<p>background section of this report, we have considered the potential impacts of using this technology for different age groups.</p> <p>For example, as noted earlier in this document, Yoti's paper on age estimation provides information on the performance of their system for 6 to 12 year olds.</p> <p>However, we also note that within the NIST</p>		

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	<p>evaluation report, while the impact of things like challenge 25 for the 18+ use case is well covered, for other use cases (such as 0-13) the NIST study is currently not as comprehensive. We have considered potential impacts and mitigations as part of the equality impact assessment.</p> <p>Some services may choose to adopt the use of account confirmation whereby a person with parental responsibility confirms the age of a child. During this process</p>		

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	<p>the adult would have knowledge of the service the child wishes to access.</p> <p>Some methods of age assurance may track behaviour to estimate age, flagging accounts where the behaviour is not commensurate with the expected age. There is the potential for errors which lead to a person old enough to be on the service being wrongly identified as being too young and vice versa.</p>		

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Gender reassignment (see note 2)	As noted earlier, there are potential impacts for a range of protected characteristics where 'hard' identifiers are used to verify age. This includes the risk of using a name attributed to a person at birth, where a 'hard' identifier is still in the person's birth name. In addition to this, some 'hard' identifiers list gender information ¹³ . In order for a person to change this information, they will need to complete a specific	<p>Services wishing to use parental confirmation whereby an adult with parental responsibility verifies a child's age, will need to consider the type of service they are providing and the information that may be available if they use this method of age assurance to confirm a child's age.</p> <p>Where the age assurance method includes profiling or behavioural analysis, there is also the potential that</p>	<p>The opinion makes a number of recommendations to address these potential impacts:</p> <ul style="list-style-type: none"> • It highlights the importance of fairness, accuracy, data minimisation and purpose limitation. • The mitigation outlined earlier relating to people's information rights will also apply to this characteristic. Tools to challenge inaccurate age assurance decisions should be both prominent and accessible. • The mitigations outlined earlier in relation to monitoring the

¹³ [Change the name or gender on your driving licence - GOV.UK \(www.gov.uk\)](https://www.gov.uk/change-name-or-gender-driving-licence) and [Applying for a passport additional information.PDF \(publishing.service.gov.uk\)](https://publishing.service.gov.uk/applied-for-a-passport-additional-information)

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	<p>process.¹⁴ In some instances, where both adult and child users are subject to age assurance, a person may not yet have been able to complete that process.</p> <p>In instances where account confirmation is provided by an adult with parental responsibility, there is a risk that a child that has created the account using their preferred name and affirmed gender has this information disclosed</p>	<p>organisations may be able to identify or infer information relating to a person based on the data they collect.</p>	<p>development and impact technology also applies to this characteristic.</p> <ul style="list-style-type: none"> • The mitigation outlined earlier in relation to 'hard' identifiers also applies to this characteristic.

¹⁴ Page 3 - [Applying for a passport additional information.PDF \(publishing.service.gov.uk\)](#)

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	during the account confirmation process. The child may not wish to share this information with that person.		
Marital status	Our evidence gathering to date has not identified specific evidence relating to risk, but we will continue to be aware of developments that may	Where the age assurance method is applied to both adult and child users and includes profiling or behavioural analysis, there is also the potential that organisations may be able to	Organisations are required to ensure their processing is fair and limited to what is necessary for their purposes. The opinion outlines how data collected for age assurance must not be re-used for incompatible purposes and states the importance of

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	be relevant to this protected characteristic.	identify or infer information relating to a person based on the data they collect.	<p>processing people's personal information securely.</p> <p>The mitigations outlined earlier in relation to monitoring the development and impact technology also applies to this characteristic.</p>
Pregnancy and maternity	Our evidence gathering to date has not identified specific evidence relating to risk, but we will continue to be aware of developments that may be relevant to this protected characteristic.	Where the age assurance method includes profiling or behavioural analysis, there is also the potential that organisations may be able to identify or infer information relating to a person based on the data they collect.	Organisations are required to ensure their processing is fair and limited to what is necessary for their purposes. The opinion also outlines how data collected for age assurance must not be re-used for incompatible purposes and states the importance of processing people's personal information securely.

Protected characteristic	Evidence of potential risks and harms faced by people with this characteristic	Is there likely to be a specific impact on people with this characteristic?	List the mitigations proposed for each impact, stating whether the impact will be reduced or removed. Please state proposed timescale for mitigations.
			The mitigations outlined earlier in relation to monitoring the development and impact technology also applies to this characteristic.
Political opinions	Our evidence gathering to date has not identified specific evidence relating to risk, but we will continue to be aware of developments that may be relevant to this protected characteristic.	Where the age assurance method includes profiling or behavioural analysis, there is also the potential that organisations may be able to identify or infer information relating to a person based on the data they collect.	Organisations are required to ensure their processing is fair and limited to what is necessary for their purposes. The opinion also outlines how data collected for age assurance must not be re-used for incompatible purposes and states the importance of processing people's personal information securely. The mitigations outlined earlier in relation to monitoring the

Protected characteristic	Evidence of potential risks and harms faced by people with this characteristic	Is there likely to be a specific impact on people with this characteristic?	List the mitigations proposed for each impact, stating whether the impact will be reduced or removed. Please state proposed timescale for mitigations.
			development and impact technology also applies to this characteristic.
People with dependants	The opinion explains that parental confirmation involves someone with parental responsibility confirming the age of a child through an online account. During this process, those with dependents may have their data processed as part of age assurance process.	Where the age assurance method includes profiling or behavioural analysis, there is the potential that organisations may be able to identify or infer information relating to a person based on the data they collect.	<p>The opinion contains the following guidance which will help manage these potential impacts:</p> <ul style="list-style-type: none"> • Organisations are required to ensure their processing is fair and limited to what is necessary for their purposes. • The opinion also outlines how data collected for age assurance must not be re-used for incompatible purposes and states the importance of processing people's personal information securely.

Protected characteristic	Evidence of potential risks and harms faced by people with this characteristic	Is there likely to be a specific impact on people with this characteristic?	List the mitigations proposed for each impact, stating whether the impact will be reduced or removed. Please state proposed timescale for mitigations.
			<ul style="list-style-type: none"> The mitigations outlined earlier in relation to monitoring the development and impact technology also applies to this characteristic.
People without dependants	No specific risks unique to people with this characteristic identified at present as result of the use of an age assurance method.	The only potential impact is identification that a user does not have dependents.	The mitigations outlined in the EqIA apply to this characteristic and will help ensure that people with this protected characteristic have their data processed fairly and securely.
Socio-economic groups or social classes (see note 3)	As noted above, there are a range of age assurance methods, some of which will require the use of 'hard' identifiers such as driving licences or passports. Some	If a service only allows the use of one method to verify age, such as a 'hard identifiers' this could impact on access to services for people who do not have	The following points outlined in the opinion will help to mitigate potential impacts:

Protected characteristic	Evidence of potential risks and harms faced by people with this characteristic	Is there likely to be a specific impact on people with this characteristic?	List the mitigations proposed for each impact, stating whether the impact will be reduced or removed. Please state proposed timescale for mitigations.
	processes may include the use of credit cards. It is recognised that if a service was reliant upon these methods, it may affect some socio-economic groups in instances where there may be challenges in access to 'hard' identifiers.	access to the nominated 'hard identifiers'.	<ul style="list-style-type: none"> The mitigation outlined earlier in relation to 'hard' identifiers also applies to this characteristic.
Multiple protected characteristics and other (see note 4)	<p>We have considered the potential risks for people with multiple protected characteristics and care experienced people.</p> <p>For people with multiple characteristics outlined in</p>	Any of the impacts mentioned are likely to be heightened for individuals with multiple protected characteristics.	The mitigations outlined for each protected characteristic will help mitigate the impacts on individuals with multiple protected characteristics.

Protected characteristic	Evidence of potential risks and harms faced by people with this characteristic	Is there likely to be a specific impact on people with this characteristic?	List the mitigations proposed for each impact, stating whether the impact will be reduced or removed. Please state proposed timescale for mitigations.
	<p>this EqIA, the potential harms are outlined in earlier risk sections for each protected characteristic.</p> <p>As noted earlier in this document, there can be issues with access to 'hard identifiers' to prove age and this also applies to care experienced children. HM Passport office provides guidance on the specific application processes in place for passport applications.¹⁵ There are a number of</p>	<p>If a service only allows the use of one method to verify age, such as a 'hard identifiers' this could impact on access to services for people who do not have access to the nominated 'hard identifiers'.</p>	<p>The following points outlined in the opinion will help to mitigate potential impacts:</p> <ul style="list-style-type: none"> • The mitigation outlined earlier in relation to 'hard' identifiers also applies to this characteristic.

¹⁵ [Guidance notes for social services departments when applying for passports on behalf of 'looked after children' \(accessible version\) - GOV.UK](#)

Protected characteristic	Evidence of potential risks and harms faced by people with this characteristic	Is there likely to be a specific impact on people with this characteristic?	List the mitigations proposed for each impact, stating whether the impact will be reduced or removed. Please state proposed timescale for mitigations.
	<p>considerations about the child's status and identification of parental responsibility and therefore who is able to apply for the passport. Therefore, there is a risk that for some care experienced young people it could be more challenging to obtain a passport and use this to verify their age.</p>		

Note 1: you may also wish to consider gender while considering sex, although gender is not a protected characteristic under the Equality Act or s75 of the Northern Ireland Act 1998.

Note 2: you may wish to consider the impact on transgender people while considering the protected characteristic of gender reassignment. This includes if the person is proposing to undergo, is undergoing or has undergone a process.

Note 3: Socio-economic group or social class is not a protected characteristic, but we would still like to ensure that we consider the impact of our work in this area.

Note 4: Multiple protected characteristics is an opportunity to consider whether there are issues which affect people with most or all of the protected characteristics, or where there may be different impacts of the same issue on different characteristics (eg the same issue has a positive impact on people with one protected characteristic but a negative impact on people with another protected characteristic).

Q4. The ICO has legal obligations in relation to the provision of Welsh language services. Is this work being delivered in Wales, or to the people of Wales, and if so will there be a need to consider the impact on the Welsh language?

Please answer No – we have confirmed this does not fall within the statutory requirement.

*If you answer **Yes or Don't Know** to this question or would like further information, please contact the Welsh Regional office to discuss next steps via wales@ico.org.uk .*

Q5. In interests of best practice, you should consider whether this work may have a negative impact on or contravene any Human Rights. Click this link to find an overview of each of the human rights and further details about each. The Human Rights Act itself is available at this link. Please confirm that you have considered this and set out any actions you will take to mitigate any impacts.

Answer: We have considered the relationship between Human Rights and data protection law, in particular Article 8 (respect for your private and family life), Article 9 freedom of thought, belief and religion, Article 10 freedom of expression and Article 14 protection from discrimination. We have considered the potential impacts and it is our view that the mitigations outlined act as suitable safeguards for potential impacts.

Contributing towards the ICO's equality objectives

Q6. How does this work contribute towards the ICO's equality objectives? Please explain contributions, state ways contribution could be increased, or state 'no contribution'.

Objective	Contribution to objective
Objective 1: We will represent the communities and societies we serve We believe that diverse teams make better decisions, boost creativity and innovation, enable greater professional growth and increase our understanding of	The opinion update was undertaken as a collaborative process involving a range of colleagues from across the ICO and incorporating Equality and Inclusion colleagues during the internal consultation. It has been shaped by

Objective	Contribution to objective
<p>the communities we regulate. As a workforce, we are the most effective and have the greatest impact when we are representative and consider different perspectives.</p>	<p>a diverse range of views, which have all contributed to content and the messaging in the opinion.</p>
<p>Objective 2: Our culture will be inclusive</p> <p>We're at our best when we support and look out for one another, and when we trust and empower each other to be ourselves. That applies whether it's within the workplace or in the work that we do.</p> <p>We have measures in place to support our diverse workforce, such as reasonable adjustments. However, we will do more to remove the barriers that are preventing people from developing and progressing.</p>	<p>As noted above, the opinion update was a collaborative process. The immediate project team consisted of three core teams from across the ICO who supported each other in developing and delivering the updated opinion. The team worked together to identify areas for change, agree priorities, redraft and deliver the updated opinion.</p>
<p>Objective 3: We will better understand the needs of everyone to deliver services that are accessible to all</p> <p>We target our regulatory interventions on the areas of greatest harm and to make a real difference to people's lives. Technological innovation by businesses means the landscape we regulate is constantly transforming. We know we're at our best when we understand the</p>	<p>The updated opinion has been informed by a range of engagement and research undertaken in the last two years. As well as the round table event (summarised earlier in the EqIA), there has been engagement with stakeholders, a review of data protection impact assessments, research projects (some run with Ofcom) on children's and parent's attitudes to age assurance and on measures of accuracy for age assurance.</p>

Objective	Contribution to objective
needs of all our customers, including those who experience vulnerability and communities of unmet need.	The Children's code and the likely to be accessed guidance both underwent impact assessments. This has all informed our understanding of the impacts of age assurance measures and enabled an understanding of the landscape in which they operate. Due to the fast-paced nature of technological change in this area, we plan to review the opinion periodically.

Monitoring and evaluation

Q7. What arrangements are in place, or will be put in place, to monitor and evaluate the impact of the work on equality?

Answer: We plan to review the opinion periodically, and in response to further evidence of improvements in age assurance technology or practice. This will offer an opportunity to re-evaluate the equality impact.

Q8. How long will these arrangements be in place?

Answer: We will continue to review the impact of this work as part of the longer term plan to review the opinion as outlined above.

Q9. When do you intend to review this EqIA? This should usually be done upon any change that is made to the original piece of work that this EqIA is for.

Answer: We plan to review this EqIA during the review of the opinion, or as a result of replacing the opinion with guidance.

Publication

Q10. As stated above and in the guidance, we intend to publish all completed EqIAs on the ICO's website. Please provide detail of any necessary redactions and the intended publication date.

You should also review the wording to ensure that it is as clear as possible for any staff or public to read.

Answer: None

Governance and sign-off

The person who completes this document must be content that all potential equality issues have been identified and considered, that appropriate monitoring will be in place and the publication issues have been considered.

Please tick here to confirm that you have consulted with other colleagues and those it would largely impact where appropriate. ☒

Please state here who has completed the EqIA:

Signed by: JH

Date: 9 June 2025

Approved by line manager:

Signed by: MM

Date: 18 July 2025

You **must** send your completed form to corporategovernance@ico.org.uk for storage and publication.

The EDI Board provides overall assurance that the EqIA process is operating effectively, but it is not for them to review or approve EqIAs.

If you have identified any negative impacts to any protected characteristics that you cannot fully mitigate, please contact Inclusion and Wellbeing for advice via inclusionandwellbeingteam@ico.org.uk.

Section 75 The Northern Ireland Act

To meet the NI section 75 consultation requirement, we must incorporate the following into our EqIA process. Please read through the below and implement as appropriate whilst completing your EqIA

1. We will externally publish a list of all EqIA screenings we complete. We should publish these quarterly. The spreadsheet will be 'housed' on the ICO website [Equality and diversity | ICO](#) (these will include **all** EqIA screenings we complete)
2. Where an EqIA screen results in the need for a full EqIA on a policy, procedure or change that relates directly to the ICO carrying out its external statutory functions; we will consult with key stakeholders at the earliest opportunity for 12 weeks. By law we must consult with the Northern Ireland stakeholder list, but good practice would be to include other relevant stakeholders from across the UK. The author/approval manager will be best places to determine who these should be.
3. We have clarified that if we don't receive a response from these stakeholders to a consultation, that is fine. We record no response and move on with the policy, procedure or change.
4. We have clarified that we do not need to consult under s75 for policies that only impact our staff. Whilst its good practice to consult with staff, TU etc about changes that impact employees, ways of working etc, this type of internal change would not engage s75. We should of course complete an EqIA at the earliest opportunity, it's just that the s75 consultation requirement is unlikely to be engaged.
5. We have agreed that it would be for the manager who approves the EqIA to determine if a s75 consultation is needed. The Inclusion and Wellbeing team can provide support, but the author and manager will know

their business area and will be best placed to assess if a new/change to a policy impacts external customer and stakeholders as part of our statutory function and should therefore be consulted on.

6. We have agreed that it should be for the author/approving manager to send the EqIA screening form or full EQIA form to corporate governance.

EqIA version control (to be updated by the person completing the EqIA)

Version number	1.11
Status	Final copy for approval
Relevant or related policies	Equality Impact Assessment Guidance
Author/owner	JH
Approved by	MM
Date of sign off	18 July 2025
Review date	18 July 2025

Version	Changes made	Date	Made by
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1.0	Equality Impact Assessment for the AA Opinion 2021	October 2021	JC
1.1	First review of the EqIA for the updated AA Opinion 2023 including moving content to the new EqIA template.	November 2023	RN
1.2	Second draft of the updated EqIA following team and Head of first review.	December 2023	RN
1.3	Third draft incorporating feedback from RPP, Identity and Trust and Online Safety team. Submitted for final review.	March 2024	RN
1.4	Updated EqIA for Comms review	March 2024	RN
1.5	Post comms review updates	April 2024	RN
1.6	EqIA for HoD review and sign off	April 2024	RN
1.7	Additional update following NIST FATE report	May 2024	RN
1.8	Additional content added to clarify points on use of facial estimation technology.	July 2024	RN
1.9	Final version for sign off and publication	July 2024	RN
1.10	Updated dependents section and update to template to align with Economic Analysis feedback on structure of document.	December 2024	RN

1.11	Updates for GM and Head of Department sign off following review of content by Economic Analysis, including adding care experienced considerations to multiple characteristics.	April 2025	RN
1.12	Approved for publication by Head of Department following input from Director.	August 2025	JH