**Age Verification Technology/Privacy**

By Sharon Winkler, Owner/Editor, socialmediaharms.org

Member, Parents for Safe Online Spaces, parentssos.org

Question: What are the implications of the Age Verification requirements of GA 351 ***“Protecting Georgia’s Children on Social Media Act of 2024***?”

GA 351, Sections 3-1 & 3-2, require providers of social media platforms to make “commercially reasonable efforts to verify the age of account holders” and require websites that contain a substantial portion of material that is harmful to minors to use a reasonable age verification method before allowing access to their site. Georgia’s law mandates similar user age verification requirements as laws passed in [Arkansas, Indiana, Kansas, Louisiana, Mississippi, Montana, Oklahoma, Utah and Virginia.](https://apnews.com/article/supreme-court-pornography-age-verification-texas-9c31eca983bdb30d3696cd4c5891a392)

Age verification laws have been challenged for allegedly restricting adult access to online pornography, and for having technological and data privacy concerns. In January 2025, the US Supreme Court (SCOTUS) heard oral arguments in *Free Speech Coalition (FSC) v Paxton* regarding age verification requirements in Texas’ state law. During the argument, many justices compared age verification for digital services to requirements to provide age verification in physical businesses or to purchase age-restricted products. The justices’ questions seemed to indicate they understood that age verification technology has greatly advanced since the last SCOTUS ruling on this subject, (*Ashcroft v. ACLU*, 542 U.S. 656 (2004)) mitigating the above arguments and paving the way for safer online platforms for youth.

Supporters of age verification technology note that the United Kingdom (UK) passed the Online Safety Act 2023, which includes a requirement for [age verification](https://www.ofcom.org.uk/siteassets/resources/documents/consultations/category-1-10-weeks/statement-age-assurance-and-childrens-access/guidance-on-highly-effective-age-assurance-and-other-part-5-duties.pdf?v=388810) to access certain online services. The [European Union](https://rm.coe.int/the-protection-of-minors-on-vsps-age-verification-and-parental-control/1680af0788), [Ireland](https://www.dataprotection.ie/sites/default/files/uploads/2021-12/Fundamentals%20for%20a%20Child-Oriented%20Approach%20to%20Data%20Processing_FINAL_EN.pdf), [Germany](https://www.game.de/en/topics/protection-of-minors/) and [France](https://www.lexology.com/library/detail.aspx?g=c8be7729-5509-40e9-8365-0eb7ebdd3d35) have also passed laws requiring age verification for youth to access various online services.

[Ofcom](https://www.ofcom.org.uk/siteassets/resources/documents/consultations/category-1-10-weeks/statement-age-assurance-and-childrens-access/guidance-on-highly-effective-age-assurance-and-other-part-5-duties.pdf?v=388810) is the UK’s regulator responsible for creating policies and ensuring compliance with the Online Safety Act 2023 and has recommended the following age assurance technologies:

* **Digital Identity Services** (i.e. Digital ID apps or digital identity wallets) which can minimize personal data transmission by sharing that the user is within a certain age bracket (e.g. 25+, 21+, 18+, 13+, 13-17).
* **Facial age estimation method -** user takes a “selfie” and software estimates the user’s age. The [US National Institute of Standards & Technology](https://nvlpubs.nist.gov/nistpubs/ir/2024/NIST.IR.8525.pdf) (NIST) has published standards on Face Analysis Age Estimation since 2014; a May 2024 NIST report documents that six major systems are accurate with up to a 3.1 year variance. A secondary age verification measure such as those below, can be used without requiring a government ID.
* **Mobile Network Operator (MNO) age checks.** Mobile phone operators verify that a device is used by an individual within a certain age group (see above).
* **Credit card checks,** with a suitable level of authentication (i.e. is this an adult presenting the card, or a child who has taken parent’s card, or is on a joint card).
* **Other estimation methods** could include email estimation and hand gesture estimation. These methods have fewer independent reviews, benchmarking or academic studies documenting the accuracy of these estimation systems.

None of the above age verification technologies require establishing a permanent database. In fact, many state laws requiring online age verification prohibit the permanent collection and retention of this user data. Age verification technology does not require excessive collection/storage of personal information. These techniques can also be used to verify the age of adults that fail facial age estimation checks without requiring disclosure of government identification.

**Conclusion:** Given the incredible advancements in age verification technology over the past two decades, age verification for online platforms is easily accomplished without collecting and storing extensive personal data, and without burdening adults’ First Amendment right to protected speech.