EXPERT PANEL
Age Restrictions

MEETING ARRANGEMENTS

Location: MS Teams (Virtual Meeting)

Date: Tuesday 13th October 2020 14:00 – 17:00

Attendees: Tony Allen – Age Check Certification Scheme (Co-Chair)
Brandon Cook – Chartered Trading Standards Institute (Co-Chair)

Michael Davison – Trading Standards South West
Stella Dalton – Betting and Gaming Council
Kelly Moss – Wine & Spirit Trade Association
Howard Brown – British Standards Institution
Andrew Green – British Beer and Pub Association
Andrew Chevis – Citizencard Ltd
Andrew Misell – Alcohol Change UK
Julie Dawson – Yoti
Rob Burkitt – Gambling Commission
Rachel Wenzel – Hertfordshire Trading Standards
John Nash – Oxfordshire Trading Standards
Ian Savill – Reading Trading Standards
Lois Peers – Salford City Council
Joanne Mahoney – Bucks & Surrey Trading Standards
Veronica McGinley – East Dunbartonshire Trading Standards
David Saer – Portman Group
Eleanor O'Connell – Association of Convenience Stores
Katherine Walters – Proof of Age Standards Scheme
Mark Leyshon – Alcohol Change UK
Alastair Graham – Co-Chair – Age Verification Providers Association
Iain Corby – Age Verification Providers Association
Sahar Danesh – British Standards Institution
Michaela Williams – Department for Digital, Culture, Media & Sport (DCMS)
Anne Maginnis – Gamcare
Hilary Kidd – Young Scot
Waysum Sung – Waitrose Limited
Lee Francis – Sainsburys Supermarkets
Stuart Craig-Lau – Home Office
Richard Clifford – UK Hospitality
Simon Eglington – Home Office
Antonia Bayly – Department for Digital, Culture, Media & Sport (DCMS)
Danvers Baillieu – Verify My Age
Nadim Ashiq – West Yorkshire Joint Services Trading Standards
Dr Rachel O'Connell – Trust Elevate
Rhianne Kiddle – Age Check Certification Scheme (Panel Secretary)

Tim Gass – Primary Authority Supermarkets Group
Maria Brady – Direct Wines
Mark Oliver – Primary Authority User Group
Peter Hannibal – Chair – Gambling Expert Panel
Prof. Vic Grout – Wrexham Glyndŵr University
James Lowman – Association of Convenience Stores
Lynsey Mccoll – Select Statistics
Jessica Muirhead – Wrexham Glyndŵr University
John Abbott – Yoti

Apologies: Jackie White – BEIS Office for Product Safety & Standards

MEETING NOTES

Ref	Notes	Actions
	The meeting commenced at 14:05.	
	## Introductions	
201013/01	T. Allen (Co-Chair) welcomed all participants to the meeting and explained the house-keeping arrangements for this MS Teams Virtual Meeting. B. Cook (Co-Chair) also took the opportunity to welcome all participants.	
	## Minutes of the Meeting on 20/06/2020	
201013/02	The minutes of the meeting held on 20/06/2020 were agreed as a correct record. T.Allen explained that attempts have been made to obtain further information about the Offensive Weapons Act Guidance from the Home Office. We have been told that the guidance is imminent, but have not yet been given a date for its release. He invited S. Eglington (Home Office) to provide an update. S.Eglington gave his apologies for not being in contact and addressed that there had been a pause due to Covid-19, and with the latest rise in infection rates, this is set to delay the Act further. He gave April 2021 as a new possible date for commencement, but pointed out that no ministerial decision had been made. J.Nash (Oxfordshire TSD) asked whether the Met Police have got a better idea of what the new guidance is likely to be, to which S. Eglington assured that no guidance had been shared in advance and the intention had always been to publish the guidance ahead of implementation.	

	R. Wenzel (Hertfordshire TSD) stated the importance of businesses seeing the new guidance and that they will be placing orders for stock for Spring 2022 already. T. Gass (Tesco) also mentioned Halloween and the need for clarity on key points, so retailers like himself can plan which products to sell online and in store. I. Corby (AVPA) stated that technical changes will take 6 months or more for larger organisations, and W. Sung (Waitrose) stated that the latest draft guidance had seen cutlery knives as being age-restricted, and wondered if this would still be the case. T. Allen brought up the confusion surrounding what is and what is not a knife. T. Allen then drew the Panel's attention to an exchange of letters with the Chief Executive of OPSS regarding the work of the Panel. There were no other matters arising not covered on the Agenda.	
	## Work Programme: Upgrade to PAS 1296:2018 Online Age Check Code	
201013/03	H. Brown (BSI) presented the Panel with a verbal update regarding the proposal to upgrade PAS 1296:2018 to a specification and thereafter to an International Standard. A copy of the Draft Scope was circulated before the meeting. H. Brown explained that T. Allen is leading the revision of the PAS Scope from a technical side, before talking about why it will remain a PAS for the time being, and not be upgraded to a British Standard. A British Standard must have its own business case, which must be done by a BS Committee. He stated that they are in the process of establishing stakeholders who can support PAS technically, and welcomed participants to be part of a Steering group, and to contact himself or T. Allen if they wished to be so. T. Allen explained that the document circulated before the meeting had been approved by Digital Policy Alliance (DPA). He then invited questions from the Panel. I.Corby (AVPA) expressed his thanks to DCMS as a sponsor of PAS, and stated how much easier it is for businesses to work to a single set of standards. R. O'Connell (Trust Elevate) highlighted the huge amount of work that had gone into PAS 1296 from the BSI team, and explained how it was not confined to UK Experts. She stated that The National Institute of Standards and Technology (NIST) are excited about the future of PAS, but expressed her concern over delaying the process of upgrading it to an ISO. H. Brown replied that the shelf life of a PAS is 2 years, and they are always reviewed after that time to check if they are still valid. He said that as it	

	stands, it would not go forward as an ISO, and that it needs to be revised up to a specification to allow for auditing. S. Danesh (BSI) pointed out International interest will need to be utilised when it is made into an ISO, and that interest from other countries is a base point that needs to be built on.	
	## Effective age-gating for online alcohol sales	
201013/04	The Panel received a presentation from Jessica Muirhead and Prof. Vic Grout of Wrexham Glyndŵr University on research into effective age-gating for online alcohol sales. A copy of their report was circulated before the meeting. J. Muirhead provided context to the report, explaining that it had been commissioned by Alcohol Change UK. A pilot study had been completed with 93 students, who had ordered alcohol online, to generally no ID checks. She motioned to pre-paid credit cards as an incredibly easy tool for minors to use and then access age restricted products. J. Muirhead highlighted tactics used by under 18s, for instance alcohol only forming a small part of a larger purchase, thus passing the check. She suggested a possible solution of having bank verification as another step and, where there was alcohol in a basket, a change to the Merchant Category Code (MCC). Key recommendations from the end of the report were that the Law surrounding the sale of alcohol must be clarified, the use of MCC codes and bank authorisation processes should be extended, and emerging technology should be continuously monitored. V. Grout added that clarification of the law is crucial. The Chair thanked J.Muirhead and V. Grout and invited questions from the Panel. D. Baillieu asked whether it is possible to change an MCC on a basket by basket basis, to which J. Muirhead replied that currently it is fixed to 1 MCC code, but if this were to be implemented at a banking level, this would change, and it would be a case of switching between codes. T. Allen added that a common issue is categorising products, providing the example of knives, which would pose an issue for retailers. M. Leyshon stated that from a Charity point of view, parity is needed across the board, with the same robust standards in place. He highlighted the difference between accessing alcohol online and in store. I. Corby asked whether researchers would be supportive of the adoption of a BSI standard for online age verification, like PAS 1296 and its successor. J. Muirhead replied by saying that this could be a solution, as a key point when ordering online was that very few tech measures are in	

	place. T. Gass stated that over the past 6 years of working for retailers, he has not been aware of a single test purchase for online sales. A. Misell highlighted how delivery is now rapid and service much more casual (casual employment) which does not help the age-gating process, but it was agreed that fast food delivery services which deliver alcohol, for example, are not completely to blame. It is more complex than that. Online sales are not going anywhere, so we must continue to look for solutions.	
	## Digital Presentation of Proof of Age	
201013/05	K. Walters on behalf of the Proof of Age Standards Scheme provided an update on the key issues arising from the recent consultation on developing standards for the digital presentation of proof-of-age. T. Allen welcomed James Lowman as Chair of the PASS Committee, who expressed his hope that the next steps for PASS regarding physical presentation of Digital PoA are collaborative and transparent, with PASS as a vocal point. K. Walters provided context to the changes happening in the Proof of Age space. She noted that policy can be slow to catch up. She said there are two guiding principles: 1) *don't consult if you're not prepared to listen* and 2) *don't propose change to others if you're not prepared to act yourself.* K. Walters highlighted that the Board had gained almost 250 responses to the Proposal, 31 of which had been from organisations. There had been 595 open-text comments, providing a rich seam of evidence regarding user experience of current proof of age verification and future strategic options. Young people, who may be viewed as the 'ultimate user' reacted favourably to the concept of trusted proof of age on a smart-phone, stating physical documents such as passports can be inconvenient to carry on their person. The support for the digital PoA however, hinges on it being underpinned by standards, which are seen as the framework. It was agreed that Standards should, and can provide: • Safeguards for citizens • Guide rails for providers • Assurance for acceptors. K. Walters highlighted some commonality of reactions, as well as some concerns. In terms of a Free Retail App, it was agreed that there should be no barriers to retailers accessing it, and if this access is not straightforward, then it simply will not be adopted. The ambition of larger retailers may also cause a slight variation here. With regards to Retail Verification Interface (RVI), this could prove a systematic way for retailers to prove authenticity. K. Walters stated that the Reputation of PASS also comes into play; historically, confidence has been placed in a physical PoA card, so a digital version may not be readily accepted. K. Walters then focused her attention on the changing technological landscape. Change has accelerated so much in the past 6 months that digital presentation of PoA may become an inevitability.	

	To conclude, K. Walters stated that there are certainly challenges, but consensus is not beyond reach. She mentioned a 'cost conundrum', and provided feedback from retailers, for example it being a process that will only work if everybody can adopt it without costing businesses thousands of pounds, and the fact there will already be costs in terms of staff training, so there should not be any additional costs, including those of RVI integration. K. Walters reiterated her point at the beginning of her presentation, that it is about working with, and not doing to, and the proposed way forward would need to involve transparency and inclusivity, and a spirit of co creating the solution. T. Allen thanked K. Walters for her presentation, and J. Lowman for his input. The panel agreed the presentation was extremely useful. The Panel took a brief comfort break.	
	## Work Programme: International Developments in Age Verification	
201013/06	The Panel was presented with an update from Iain Corby from the Age Verification Providers Association on actions in South Africa, Australia, New Zealand, Poland and France on the implementation of online age verification requirements. I. Corby highlighted how a driving force in UK legislation has been forthcoming guidance on the Offensive Weapons Act, as well as the Age Appropriate Design Code, a supplementary code to the GDPR. He also mentioned the new Online Harms legislation which is still currently in progress. He then focused on developments around the world, and explained that in Australia, an enquiry had been made into online wagering. In New South Wales, there had been a new bill passed relating to alcohol delivery and age verification. In France, the CSA has put forward new rules on pornography access, which has been added to a bill on domestic violence. The EU is building an infrastructure to deal with Parental Consent and Age Verification. I. Corby explained how Canada has put forward a new bill regarding access to pornography, and in the USA, there have been new developments regarding vaping products and age verification, taking into consideration the risks they pose to children. T. Allen thanked I. Corby and gave the Panel a chance to ask questions. R. O'Connell stated that California has recently passed the Parent's Accountability and Child Protection Act. She explained that the bill mandate requires social media platforms and applications to *obtain*	

	verifiable parental consent for children below 13 years and prohibit businesses from using any data for which consent has been obtained for other purposes from 1 July 2021. She highlighted that the Children's Online Privacy Protection Act (COPPA) already requires verifiable parental consent for a child 12 or under to engage in social media, and the key difference appears to be around the notion of 'wilful disregard' which may go some way to preventing social media platforms from turning a blind eye to younger users. R. O'Connell also explained how the Colombian data protection authority has announced its ordering of TikTok to bring processing operations into compliance with the provisions of Colombian data protection regulation for lack of transparency and lack of verifiable and valid parental consent regarding processing children's personal data. There was a consensus among the Panel that the shift in Age verification is happening globally.	
	## New Standards: Statistical Analysis of Age Estimation	
201013/07	The Panel received a presentation from Lynsey McColl (Chartered Statistician) and Tony Allen (Chair of Panel, ACCS) on the testing and assurance of age estimation systems. A copy of this new standard was circulated before the meeting. T. Allen first provided context to these new standards and described a continued interest in the process of Age Estimation: looking at somebody and assessing their age. He highlighted that there are a number of technical solutions out there, and that ACCS wanted to explore how you would go about testing that. T. Allen explained that industry want to automate the process of Age estimation, in turn reducing points of conflict that result from human assessment. He explained that although facial analysis forms the focus of these standards, other areas could be examined, for example, hand vein analysis. T. Allen then introduced L. Mccoll, a Chartered Statistician, who went into detail about the technical requirements, using an animated graph to demonstrate to the panel. She explained that to test the nominal age (in this case 18), a sample is put together. The test object is then presented to the technology, and what you get is a distribution of estimated ages. She highlighted that there are two tolerance levels: the Upper Tolerance Level and the Absolute Tolerance Level. If the age estimation technology was working correctly, there would be no more than 1:40 results over the Upper Tolerance level of 23, and no results above the Absolute tolerance of 25 (Challenge Age). The key is making sure the distribution spread is not too large. L. Mccoll then posed the question of a sufficient sample size, and said that the ideal scenario is not possible: that of testing the entire population.	

Thus, you conduct a risk-based sample size, and measure it against Reliability and Confidence levels. The technology is estimated to be 99.9% reliable, which means if 1000 people were presented to the tech, 1/1000 may be estimated to have an age over 25. L. Mccoll explained that the Confidence level is how certain we are in the reliability.

L. Mccoll highlighted the importance of ensuring there is no inherent bias for protected characteristics, for example gender. She drew the Panel's attention to the graph on screen and explained that the distribution was centred in the same place. If it wasn't, this would mean the technology may be differentiating between genders.

T. Allen described how, in practical terms, this comes down to whether the tech is fit for deployment at different challenge ages. This involves 2 arbitrary decisions: 1) the level of reliability set. It is a question for regulators whether 99.9% is sufficiently robust. After all, 1/1000 of the sample could be assessed as being over 25. 2) the range allowed for inherent bias: in Equalities legislation, there is no provision for margin of error.

The Chair then invited questions from the Panel.

R. O'Connell asked if there are plans to go below 18 years of age, to which T. Allen replied that the model should work for any age; however there would be problems with an age 13 test crew for example, and there would need to be talks with DCMS about this.

I. Corby stated that this is a great step forward for licence holders, being able to demonstrate due diligence in complying with age restrictions. He said that it is about striking the right balance, and that tech is clearly far better than a human's judgement.

J. Dawson (Yoti) highlighted the research done in this area. She said that the error in human guesses is typically 8 years. She then talked about the accessibility angle and said that 33% of under 18s do not have photo ID, making it harder to prove age. Ethical oversight is needed.

A. Graham asked if there is just one answer to the reliability question or whether 99% could be appropriate in one case and 99.9% in another.

T. Allen responded by saying the range of ages is designed to show how well the system can operate to, not to meet a target. He said that it is the role of regulators and the government to set these levels, not a certification scheme. He then asked if anyone wanted to talk about how they see this moving forward, with an invite for Regulators or Trading Standards attendees to talk.

B. Cook said that in an ideal world, the tech would be 100% reliable. A 5% error rate would not be accepted. But that this is dependent on context.

	M. Davison stated that there will be a split down the line, with recognition that AI will be more reliable than human judgement. He said it is not the role of Trading Standards, and has to come from Government. I.Savill explained that perfection is not expected from humans, and it would be impossible to get a 100% pass rate. The caveat of this is that it would no longer be human error, and now that we are looking at technology, we need to push the boundaries more. I.Graham raised a regulatory issue- degree and fact in licensing. There is no reason why technology should not be deployed, but should it be the only means for AV? Ultimately the member of staff has the final arbitrary decision. I.Savill questioned what the use of the technology is: to permit sale or provoke request? T. Allen said that the technology would be used as default, the first part of mandatory licensing conditioning, and then there would be a challenge for ID. It is a filtering mechanism. He then addressed Stuart Craig-Lau and asked for his thoughts on the role of the government. Stuart Craig-Lau agreed that this issue is something to agree with Regulators. The Chair expressed great thanks for everybody's valuable input.	
	## Work Programme: Guidance on Assured Advice for Age Verification	
201013/08	Mark Oliver (Peterborough & Cambridgeshire TSD) presented the panel with a report on the establishment of a small working group of the Expert Panel consisting of Primary Authority Officers to bring together best practice and guidance on the provision of Assured Advice relating to age verification. M. Oliver highlighted how the ideal guidance is that which could be used by Trading Standards. There has been a review of all things that should be considered in a robust system. M. Oliver explained that OPSS are keen that the Panel are not prescriptive in their guidance, but be more on hand to offer suggestions and highlight errors. He stated that by the time of the next meeting, a document should be ready to circulate. The Chair invited questions from the Panel. V. McGinley asked about the process of giving Assured Advice across nations, to which T. Allen responded that there are complexities involved in this. He said that guidance from OPSS is intended to be complimentary to primary authority statutory advice. V. McGinley highlighted the differences in policy and stated that Challenge 25 is mandatory in Scotland. The advice is standard, regardless of the product.	

	Expert Panel Logistics: Proposals to Streamline the work of the Expert Panel	
201013/09	As Chair of the Panel, Tony Allen presented a report on improving engagement for a growing range of people that are not able to regularly participate, to establish an Annual Summit on Age Restrictions and to establish a small sub-group of the Panel to oversee the business of the Panel and agenda planning. Due to time constraints, T. Allen invited remote comments from attendees on proposals to streamline the work of the Expert Panel.	
	DATE & TIME OF NEXT MEETING	
201013/10	The Chair announced the next meeting would most likely take place in January 2021.	
	CLOSE	
	The Chair closed the meeting by thank of all those attending and took the opportunity to address his co-chair, B. Cook, who will be leaving Trading Standards after 20 years. He reflected on how much has changed in this regulatory space over the past two decades, and the panel expressed their thanks for the invaluable work Brandon has done throughout his career.	
	The meeting closed at 17:10.	