

Age Verification Harms Users of All Ages

Online child safety is a complex issue. Recent proposals look to require platforms to verify users' ages to see various types of content or access critical services. But without fail, these "age assurance," "age verification," or "age estimation" systems hurt user privacy and increase the risks of identity theft.

There are a variety of age determination options, but all have serious privacy, accuracy, or security problems.

Age Verification Systems are Surveillance Systems

Age verification applies to all users: These laws don't just impact young people. It's necessary to confirm the age of all website visitors to exclude one select age group.

Online ID checks are not just a momentary display: They require adults to upload data-rich, government-issued identifying documents to either the website or a third-party verifier, and so create a potentially lasting record of their visit to the establishment. Once this information is shared, there is no way for a user to be sure that they can trust the website to delete their personal data. That data could be used for other purposes, shared, or sold.

Age Verification and Data Theft

The more information a website collects about visitors, the more chances there are for such data to get into the hands of a criminal or other bad actor, a data broker, or someone who has filed a subpoena. So-called "anonymized" data can be reassembled to identify individuals, especially when it consists of data-rich government ID together with browsing data like IP addresses.

Data breaches are a fact of life. Requiring users to upload government documents—some of the most sensitive user data—make these breaches all the more dangerous, leaving users vulnerable to phishing, blackmail, or identity theft, in addition to the loss of anonymity and privacy.

The Courts Have Spoken: Banning Kids from the Internet is Unconstitutional

All seven federal district courts that have heard challenges to state age verification laws have blocked them because they violate all internet users' First Amendment rights.

Laws that lock lawful content to both adults and minors behind age gates can almost never withstand First Amendment scrutiny—they violate all users' rights to access information, often impinge on people's right to anonymity, and exacerbate data security risks.

Importantly, the Supreme Court's decision in *Free Speech Coalition v. Paxton* does not approve of age gates when they are imposed on speech that is legal for minors and adults. Courts will rightly continue to strike down similar age verification and content-blocking laws, as they've done for decades.

Want more information? Please contact Assistant Director of Federal Affairs Maddie Daly at maddie@eff.org.



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