Director – Strategy and Research
Online Safety, Media and Platforms Division
Department of Infrastructure, Transport, Regional Development,
Communications and the Arts
GPO Box 594
Canberra ACT 2601

June 20, 2024

Re: Statutory Review of the Online Safety Act 2021

Bandio appreciates the opportunity to comment on the Department of Infrastructure, Transport, Regional Development, Communications and the Arts ('the Department') request for feedback on the statutory review ('the Review') into the operation of the Online Safety Act 2021 ('the Act').

Bandio is a public benefit corporation that was started by Common Sense and a leading cryptography and blockchain organization, Aleo Networks Foundation. Bandio was created to provide a privacy-preserving solution to age assurance that is parent and youth friendly. We believe our technology can play a critical role in the future of online safety for children and families.

We are delighted to see the Department taking such a reflective review of the Online Safety Act, and ahead of schedule. We are particularly enthused to see the Department contemplating the role that the Act plays in helping to restrict children's access to age inappropriate content (i.e. Q12 of the consultation). Bandio believes that age assurance technologies are absolutely crucial in delivering safety to children online; we note that age verification has been contemplated in the context of preventing online access to pornography through the 2023 Commissioner's Roadmap for Age Verification. However, we believe the Review provides an important opportunity to bolster the requirements for, and broader the scope around, age assurance technologies.

The lack of age appropriate access online is a pervasive and a growing problem for platforms and parents; and current platform-built solutions simply don't work. Bandio has developed a solution which gives parents a way to make sure that their child or teen isn't wandering the digital world as an adult by providing age verification which is convenient, secure, and private. Bandio is like the anonymous color-coded wristbands you get at a theme park or a festival. You flash your ID once at the entrance, and then all the vendors can verify your age range without asking for your ID again. Further, by utilizing privacy-preserving technologies, we avoid retaining any personal data. Because Bandio doesn't retain any identifying information such as an email address, there is no risk of creating a "honeypot" for hackers and no risk of personal identifying data being used by entities for purposes not permissioned by users. Bandio allows organizations to confirm a user's age range without knowing, capturing, or retaining any sensitive information beyond the user's age range.

Bandio is responding to this consultation because we believe that our approach to age assurance and parental consent offers a set of desirable characteristics, some of which became possible only recently due to technological advancements with zero-knowledge proofs, which is privacy-preserving technology that more companies are beginning to leverage. A few important aspects of our product are:

- Trusted third party - Bandio is Common Sense Media solution, and we are able to complement the trusted information that Common Sense provides parents and families.
- Interoperability - The age estimation or verification process results in a reusable 'age band' that can be used across participating sites and apps
- Privacy-protective - users can provide their age range at participating sites and apps without providing any other personal identifying information, and yet the sites and apps can still verify the validity of the age band
- Ease of use for parents/guardians/families - Parents can create age bands for their kids and younger teens and, in the future, where needed for individual platforms, provide consent all in one place
- Limited data use - Personal identifying information is not used for any purpose other than verifying age and is discarded immediately after age is confirmed
- No data retention - No personal identifying information is retained after age estimation or verification
- Distributed networking - No centralized collection of age bands is created, so there is no attractive target for hackers

Australia has demonstrated that not only is it a world leading country for technology growth, but it is also a world leader in how it both encourages and protects its citizens around the use of that technology. The powers enacted to the eSafety Commissioner, particularly around the complaints-based schemes, are best in class and show a continued unparalleled dedication from the Australian government to protect its people. However, the absence of stronger adoption of age assurance technologies in regulation presents a gap in those protections. We therefore encourage the Department to view the Review as an opportunity to hold service providers accountable for ensuring age appropriate access.

We note that other jurisdictions are also actively considering the role of age assurance. For example, the UK is also currently consulting on implementing its Online Safety Act. While the UK does not, at this stage, intend to broadly mandate that service providers use age assurance technologies, it does explicitly recognise the important role that such technologies can play in protecting children, and places a greater expectation on service providers to assess the age of its users. Via the proposed guidance, the UK expects that service providers:

- Assess their user base, including the number of children in different age groups on the service. All services which do not ban harmful content and those at higher risk of it being shared on their service should implement highly effective age checks to prevent children from seeing it.
- Embrace the use of age assurance so services know which of their users are children. All services which do not ban harmful content and those at higher risk of it being shared

on their service should implement highly effective age checks to prevent children from seeing it.

- Only conclude that it is not possible for children to access a service if they have implemented age assurance which is highly effective at determining whether or not a particular user is a child; and they have access control measures that prevent users from being able to normally access the service.
- Ensure that, where age assurance technology is deployed, is done so in a way to be classified as ‘highly effective’, meaning services must take steps to fulfill the criteria of technical accuracy, robustness, reliability and fairness.

We believe measures such as these - which look to encourage greater understanding and adoption of age assurance technologies - are crucial for the Department to consider ratifying in the Online Safety Act, to ensure the continued protection of young people.

We are happy to have follow-up conversations, and discuss more with you about Bandio’s solution.

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CEO, Bandio PBC
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