



## **How independent Audience Measurement Supports Minors' Online Safety Objectives**

This document is the **Audience Measurement Coalition's (AMC)** contribution to the Commission's guidelines on the protection of minors online. As required by article 28 of the Digital Services Act (DSA), providers of online platforms accessible to minors shall put in place appropriate and proportionate measures to ensure a high level of privacy, safety, and security of minors, on their service. Equally, although not specifically referenced in the draft guidelines, article 35 (J) of the DSA require very large online platforms and search engines to implement risk mitigation measures to address systemic risks, including taking "targeted measures to protect the rights of the child, including age verification and parental control tools, tools aimed at helping minors signal abuse or obtain support".

In connection with these obligations, the present document highlights that transparency is the first step to implementation, enforcement and compliance monitoring of many media and content regulation objectives. Audience measurement is an essential step to achieving the objectives outlined by the EU Commission regarding the safety, privacy, and security of minors on online platforms. The first part of the document outlines the countless examples in which independent audience measurement is used by public authorities to monitor and enforce regulation including measures that seek to protect minors from certain content.

Paradoxically, the responsibility to properly measure audiences, including vulnerable ones, to facilitate monitoring and compliance has not properly translated into the digital sphere. However, identifying usage trends through impartial and independent audience research and statistics is the most transparent way to see how stakeholders engage with their end-users and what impact any

policies or controls they may have. Sections of the digital sphere's usage trends can be opaque because major digital players have so far not accepted participation in industry-agreed independent measurement.

Consequently, public authorities do not have access to published independent audience measurement data relating to minors. The combination of lack of access to audience measurement data and digital platforms' ongoing denial of underage usage despite evidence to the contrary, represents a form of institutional negligence. It allows continued exposure of minors to harmful, age-inappropriate, and even exploitative content without meaningful accountability. Public institutions are unable to enforce protections effectively in the absence of independent data regarding the online presence of minors. The absence of such oversight should be considered a structural vulnerability in the digital ecosystem. On the other hand, traditional (linear) media measures minors' consumption as a standard as it is essential to monitor compliance with media regulation. We believe that recognizing and accounting for this asymmetry and transparency gap is necessary as the gap in the enforcement of the DSA is critical as it could jeopardize the monitoring and enforcement that is necessary to achieve the objectives of the draft guidelines, particularly when it comes to age verification.

### **How audience measurement is used in media regulation enforcement**

It is important in this context to reiterate the role that independent audience measurement **already** plays in the enforcement of media regulation, particularly by governments across Europe when it comes to the enforcement of EU legislation such as the Audiovisual Media Services Directive (AVMSD).

**Compliance Monitoring:** Governments use independent audience measurement data to verify that broadcasters and publishers are adhering to regulations. This can include enforcement of advertising where audience measurement ensures that advertising time or volume does not exceed legally mandated limits, especially for vulnerable audiences like children. This also includes monitoring whether specific types of content (e.g., violent or explicit material) are broadcast or published during times when children are likely to be watching or browsing.

**Public Service Broadcasting Obligations:** Governments use audience measurement data to evaluate whether public service broadcasters are reaching a broad and diverse audience as required by their mandates and charters.

**Policy Development:** Audience measurement data informs the creation and revision of media regulations. By understanding media consumption trends, especially among specific demographics, governments develop policies that are targeted and addressing specific concerns related to particular audience segments (e.g., children, minorities, vulnerable populations).

**Evidence-Based:** Independent audience measurement data is based on scientifically produced empirical data rather than assumptions about media consumption.

**Enforcement Actions:** In cases where regulations are violated, independent industry agreed audience measurement data can serve as evidence. This can lead to:

- **Corrective Actions:** Regulators may require broadcasters or publishers to take specific actions to address non-compliance, such as changing programming schedules or implementing content restrictions.
- **Fines or Penalties:** Regulatory bodies may impose fines on broadcasters or publishers that are found to be in non-compliance based on audience data.
- **Licensing Decisions:** Audience measurement data can influence decisions about granting or renewing broadcasting licenses.

#### **Examples of Media Regulation Areas:**

- **Children's Television:** Regulations often restrict the amount and type of advertising during children's programming and during certain time periods. Independent audience measurement and the time logging service that is part of the process helps ensure that these restrictions are being followed.

- ***Indecent Content:*** Regulations may prohibit or restrict the broadcast of indecent content during certain hours. Independent audience data with time logging can help determine whether such content is reaching a large number of children.
- ***Political Broadcasting:*** Regulations often require equal time for political candidates or parties. Independent audience measurement can help ensure that these rules are being met, it's important to note that specific regulations and how they are enforced vary from country to country and region to region. Each regulatory body has its own methods of collecting and using independent audience measurement data.

## **The EU Commission's Objectives**

The Commission proposes that online platforms accessible to minors should implement robust measures to ensure a high level of safety and privacy. These measures should provide verification equivalent to the EU age verification application. The draft guidelines outline specific scenarios where age estimation methods are considered appropriate:

- Where the service's terms and conditions require a user to be above a minimum age (lower than 18) to access the service.
- Where the online platform has identified at least medium risks to minors, which cannot be mitigated by less restrictive measures.

While the guidelines acknowledge risks of “extensive use or overuse” and “persuasive design”, they do not seek to address the protection media attention of minors as foundational to good health and well-being. It does not examine “risk to mental health” beyond concerns such as violence or self-harm, so does not factor chronic over-extraction of attention. The document does not define thresholds for what could constitute overuse nor explore the impact of the quality of attention captured (for example, whether coercive, shallow, transactional, hyper-stimulated and fragmented or inviting childlike wonder and curiosity with sustained attention).

## **The role of independent audience measurement in age verification and the protection of minors in general**

Independent audience measurement can play a crucial role in supporting the objectives of the Commission, particularly those related to age verification systems. Even if age verification systems are applied, no system is fail-proof and minors will keep finding ways of accessing media services and online platforms that aren't age-appropriate on platforms. To properly assess the effectiveness of age verification mechanisms, monitoring based on reliable impartial audience measurement numbers that accurately estimate the age and demographic of the platform's users, can help implement targeted safety measures. Independent audience research is particularly crucial here, as proprietary measurement systems e.g. by the media service providers or online platforms themselves may be a priori less reliable due to their own interests, as they would have to measure their own violations of regulations.

### **Benefits of Audience Measurement**

- **Targeted Safety Measures:** Independent audience measurement helps providers identify when a significant portion of their users are minors and the extent and nature of attention captured. This information allows for the implementation of specific safety features, such as content filters, parental controls, and moderation tools.
- **Risk Assessment and Mitigation:** By analyzing independent audience data, providers can better assess the risks minors face on their platform. This data can reveal patterns of behavior and identify areas where additional safety measures may be needed.
- **Proportionality Assessment:** Independent audience measurement provides empirical data to support proportionality assessments. Governments can demonstrate the need for age assurance measures based on the actual age demographics of the users of the platform in question.

## Practical Applications

Application	Description
Age Estimation Tools	Estimating the age of users based on their online behavior and data patterns.
User Segmentation	Dividing the audience into segments based on age ranges to apply tailored safety protocols.
Monitoring Engagement	Measuring user interactions and content consumption patterns to detect potential risks to minors.

## Considerations for Privacy and Data Protection

When using audience measurement for age verification, providers must adhere to the European Data Protection Board (EDPB) statement on Age Assurance. This includes:

- Ensuring the processing of personal data is lawful, fair, and transparent.
- Implementing robust data security measures to protect minors' information.
- Conducting data protection impact assessments (DPIAs) when necessary.

It should be noted that Independent Audience measurement data is presented to the market and public authorities in the form of statistical reports, it is a counting procedure for the purpose of transparency that does not involve any targeting of advertising to individuals. The data collected for independent audience measurement is not used for any other purpose except the measurement of performance, reach, and frequency of advertising and/or content. User information collected from a website is pseudonymised during processing and then aggregated as soon as feasible to prevent the possibility of identifying the individuals from whom measurement data is collected. In line with GDPR, audience measurement organisations deploy privacy safeguards such as purpose limitation, minimization

and a limitation on data retention periods.

By utilizing independent audience measurement effectively and responsibly, by joining self-regulated market agreed measurement systems, media services and online platforms can enhance the safety, privacy, and security of minors, aligning with the EU Commission's objectives.

### **Comments and recommendations**

- There is a major transparency discrepancy between linear and digital media when it comes to publishing reliable independent audience numbers that are usable by public authorities. This discrepancy challenges the very foundation of media regulation enforcement, especially anything related to the protection of minors, as younger audiences are increasingly using online media services and platforms to consume media content.
- We recommend that the Commission duly considers independent audience measurement as an enforcement monitoring tool and mechanism without which we predict challenges in verifying the actual efficiency of age verification mechanisms or monitoring attention over-extraction.
- We believe that achieving the objectives of the DSA on ensuring the privacy, safety and security of minors online Commission depends on the successful implementation of other EU legislation such as article 24 of the European Media Freedom Act. While the AMC hopes that the incentives of article 24 will drive all media services and major online platforms to join independent self-regulated market-agreed audience measurement systems which in turn gives visibility to public authorities, the national regulators do not currently have sufficient powers to ensure full participation. We recommend more defined and stronger obligations on all parties in the media ecosystems to participate in cross media audience measurement.

- We recommend that the Commission defines thresholds for what constitutes overuse (or initiates research in this area) and explores the impact of the quality and type of attention captured.

### **About the Audience Measurement Coalition**

The Audience Measurement Coalition (AMC) is an association that serves as the voice of the independent audience measurement sector, which includes research suppliers and Joint Industry Committees (JICs) including AGF (Germany), ARMA (Romania), CAEM (Portugal), CIM (Belgium), Danske Medier Research (Denmark), Finnpanel (Finland), Mediapulse (Switzerland), Médiamétrie (France), MMS (Sweden), NMO (Netherlands), Norwegian MOC, TAM Ireland, WEMF (Switzerland), Comscore, Gemius, GfK, Ipsos, Nielsen and Kantar. For decades the members of the AMC have served European markets to ensure that both traditional and digital publishers' and broadcasters' number of active users (audiences) are measured. For decades the members of the AMC have served European markets to ensure that both traditional and digital publishers' and broadcasters' number of active users (audiences) are measured correctly. Audience measurement serves as the backbone of Europe's media industry, providing invaluable insights into consumption patterns for media companies. Additionally, it supports public service media in fulfilling their mandates and assists advertisers and public authorities in making informed decisions.

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