



## Yoti's Feedback to the European Data Protection Board Guidelines

**Guidelines 05/2021 on the Interplay between the application of Article 3 and the provisions on international transfers as per Chapter V of the GDPR**

### About Yoti

Yoti owns and operates a free digital identity app and wider online identity platform that allows organisations to verify their age online and in person. The platform has been designed to enable relying parties to meet requirements such as to ensure under 18s do not normally access age inappropriate content.

Yoti has been live since November 2017 and has already surpassed 11 million installs globally. Yoti has undertaken over 550 million age checks using the Yoti age estimation algorithm since February 2019. Yoti has organised and participated in a number of roundtables for regulators and NGOs to understand its age checking approaches. Yoti provides age verification services to global social media platforms, adult content websites, online gaming sites, e-commerce sites and physical retailers.

We have developed an age portal so that organisations large and small can integrate and access a wide range of age checking approaches, through one simple integration, in just a couple of hours. This enables organisations which operate globally to assign the appropriate methods to each jurisdiction and undertake A/B testing with users.

Yoti has also been awarded the seal of approval from the German Association for Voluntary Self-Regulation of Digital Media Service Providers ([FSM](#))<sup>1</sup> to provide age verification services in Germany. Yoti age services have also been reviewed by the [KJM](#)<sup>2</sup>. Yoti's Age Estimation has been reviewed by the [Age Check Certification Scheme](#)<sup>3</sup>.

More on Yoti's approach to privacy, ethical oversight and accuracy can be found in Yoti's [white paper on age estimation](#). Yoti is also part of the EU Consent project devising pan-European interoperable infrastructure for age verification and parental consent.

If there are any questions raised by this response, or additional information that would be of assistance, please do not hesitate to contact Yoti at:

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Yoti is happy for this response to be published.

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<sup>1</sup> <https://www.fsm.de/de/fsm.de/yoti>

<sup>2</sup> [https://www.kjm-online.de/service/pressemitteilungen/meldung?tx\\_news\\_pi1%5Bnews%5D=4890&cHash=e45ae6dfeee26fcd23d10c6994b7a9ef](https://www.kjm-online.de/service/pressemitteilungen/meldung?tx_news_pi1%5Bnews%5D=4890&cHash=e45ae6dfeee26fcd23d10c6994b7a9ef)

<sup>3</sup> <https://www.accscheme.com/media/2ntishhf/age-estimation-results-executive-summary.pdf>

## **COMMENTS**

Yoti welcomes the new guidelines issued by the European Data Protection Board.

Yoti appreciates the guidance's clarity in delineating which activities are considered international data transfers and which restrictions apply to international data transfers.

Furthermore, Yoti appreciates the effort of the European Data Protection Board to create guidelines that are not inconsistent with current laws and regulations but rather focus on the still undefined elements and principles. This successful exercise has fulfilled any existing legal and regulatory gap relating to conflicting national laws and government access in the third country. It has also eased the difficulty to enforce and obtain redress against an entity outside the EU.

In conclusion, for as long as the 'data adequacy' decision is not repealed, the new guidelines will facilitate Yoti in the interpretation of the rules on international data transfers under the UK GDPR, until such time further guidance is issued by the Information Commissioner's Office.