Your response

Volume 2: The causes and impacts of online harm

Ofcom's Register of Risks

Question 1:	
i)	Do you have any comments on Ofcom's assessment of the causes and impacts of online harms?
Response: We work primarily with children and young people from vulnerable backgrounds. From information gathered directly from those children and young people, we know that they experience a significantly higher level of harm than is recorded in Volume 2 in relation to CSEA (including intimate image abuse, grooming or live streaming). It is important platforms consider these uses as a specific user group (and that these users are separately identified and referenced for consideration within the "Risk Profiles" outlined later). They will never have parents who can set parental controls or support them with automatically recommended content etc and are especially vulnerable to these types of harms.	
ii)	Do you think we have missed anything important in our analysis? Please provide evidence to support your answer.
Response: see i) above. It would be helpful to include explicit reference to this from the outset.	
iii)	Is this response confidential? (if yes, please specify which part(s) are confidential)
Response: No	

Question 2:	
i)	Do you have any views about our interpretation of the links between risk factors and different kinds of illegal harm? Please provide evidence to support your answer.
Response:	
ii)	Is this response confidential? (if yes, please specify which part(s) are confidential)
Response:	

Volume 3: How should services assess the risk of online harms?

Governance and accountability

Question 3:	
i)	Do you agree with our proposals in relation to governance and accountability measures in the illegal content Codes of Practice?
ii)	Do you think we have missed anything important in our analysis? Please provide evidence to support your answer.
Response: Once illegal harm is identified (including trends in specific types of illegal harm) how will the proposals monitor the specific process of the platforms directly informing law enforcement agencies of illegal content they have tracked? How will the proposals monitor whether this has been done in a timely manner? The effectiveness of expedient information sharing in relation to these types of harm (relating to child safeguarding) is critical. We have acted to support individual children in cases where information has not been shared by platforms to law enforcement in a timely manner, to the point where it has significantly contributed to further harm, therefore we are concerned that this is a key element that should be directly monitored. Any reporting also needs to provide particularised data for the different countries that make up the UK to allow service in each country to respond effectively.	
iii)	Is this response confidential? (if yes, please specify which part(s) are confidential)
Response: No	

Question 4:	
i)	Do you agree with the types of services that we propose the governance and accountability measures should apply to?
Response:	
ii)	Please explain your answer.
Response:	
iii)	Is this response confidential? (if yes, please specify which part(s) are confidential)
Response:	

Question 5:

i)	Are you aware of any additional evidence of the efficacy, costs and risks associated with a potential future measure to requiring services to have measures to mitigate and manage illegal content risks audited by an independent third-party?
Response:	
ii)	Is this response confidential? (if yes, please specify which part(s) are confidential)
Response:	

Question 6:	
i)	Are you aware of any additional evidence of the efficacy, costs and risks associated with a potential future measure to tie remuneration for senior managers to positive online safety outcomes?
Response:	
ii)	Is this response confidential? (if yes, please specify which part(s) are confidential)
Response:	

Service's risk assessment

Question 7:	
i)	Do you agree with our proposals?
Response:	
ii)	Please provide the underlying arguments and evidence that support your views.
Response:	
iii)	Is this response confidential? (if yes, please specify which part(s) are confidential)
Response:	

Specifically, we would also appreciate evidence from regulated services on the following:

Question 8:	
i)	Do you think the four-step risk assessment process and the Risk Profiles are useful models to help services navigate and comply with their wider obligations under the Act?
Response:	
ii)	Please provide the underlying arguments and evidence that support your views.
Response:	

iii) Is this response confidential? (if yes, please specify which part(s) are confidential)
Response:

Question 9:	
i)	Are the Risk Profiles sufficiently clear?
Response:	
ii)	Please provide the underlying arguments and evidence that support your views.
Response:	
iii)	Do you think the information provided on risk factors will help you understand the risks on your service?
Response:	
iv)	Please provide the underlying arguments and evidence that support your views.
Response:	
v)	Is this response confidential? (if yes, please specify which part(s) are confidential)
Response:	

Record keeping and review guidance

Question 10:	
i)	Do you have any comments on our draft record keeping and review guidance?
Response: In relation to illegal harm we believe that it is especially important that record keeping should expressly extend to recording the scale and process surrounding interactions with law enforcement agencies (and if possible include a requirement to document whether the law enforcement agency was satisfied with the nature of the interaction).	
ii)	Please provide the underlying arguments and evidence that support your views.
Response: See above submission	
iii)	Is this response confidential? (if yes, please specify which part(s) are confidential)
Response: No	

Question 11:	
i)	Do you agree with our proposal not to exercise our power to exempt specified descriptions of services from the record keeping and review duty for the moment?
Response:	
ii)	Please provide the underlying arguments and evidence that support your views.
Response:	
iii)	Is this response confidential? (if yes, please specify which part(s) are confidential)
Response:	

Volume 4: What should services do to mitigate the risk of online harms

Our approach to the Illegal content Codes of Practice

Question 12:	
i)	Do you have any comments on our overarching approach to developing our illegal content Codes of Practice?
Response: We echo the response of OSTIA re the need for a greater focus on Safety by Design and the legal obligations in the Children's Design Code.	
ii)	Is this response confidential? (if yes, please specify which part(s) are confidential)
Response:Yes	

Question 13:	
i)	Do you agree that in general we should apply the most onerous measures in our Codes only to services which are large and/or medium or high risk?
Response:	
ii)	Please provide the underlying arguments and evidence that support your views.
Response:	
iii)	Is this response confidential? (if yes, please specify which part(s) are confidential)
Response:	

Question 14:	
i)	Do you agree with our definition of large services?
Response:	
ii)	Please provide the underlying arguments and evidence that support your views.
Response:	
iii)	Is this response confidential? (if yes, please specify which part(s) are confidential)
Response:	

Question 15:	
i)	Do you agree with our definition of multi-risk services?
Response:	
ii)	Please provide the underlying arguments and evidence that support your views.
Response:	
iii)	Is this response confidential? (if yes, please specify which part(s) are confidential)
Response:	

Question 16:	
i)	Do you have any comments on the draft Codes of Practice themselves?
Response:	
ii)	Is this response confidential? (if yes, please specify which part(s) are confidential)
Response:	

Question 17:	
i)	Do you have any comments on the costs assumptions set out in Annex 14, which we used for calculating the costs of various measures?
Response:	
ii)	Is this response confidential? (if yes, please specify which part(s) are confidential)
Response:	

Content moderation (User to User)

Question 18:	
i)	Do you agree with our proposals?
Response:	
ii)	Please provide the underlying arguments and evidence that support your views.
Response:	
iii)	Is this response confidential? (if yes, please specify which part(s) are confidential)
Response:	

Content moderation (Search)

Question 19:	
i)	Do you agree with our proposals?
Response:	
ii)	Please provide the underlying arguments and evidence that support your views.
Response:	
iii)	Is this response confidential? (if yes, please specify which part(s) are confidential)
Response:	

Automated content moderation (User to User)

Question 20:	
i)	Do you agree with our proposals?
Response:	
ii)	Please provide the underlying arguments and evidence that support your views.
Response:	
iii)	Is this response confidential? (if yes, please specify which part(s) are confidential)
Response:	

Question 21:	
i)	Do you have any comments on the draft guidance set out in Annex 9 regarding whether content is communicated 'publicly' or 'privately'?
Response:	
ii)	Is this response confidential? (if yes, please specify which part(s) are confidential)
Response:	

Do you have any relevant evidence on:

Question 22:	
i)	Accuracy of perceptual hash matching and the costs of applying CSAM hash matching to smaller services;
Response:	
ii)	Please provide the underlying arguments and evidence that support your views.
Response:	

iii)	Is this response confidential? (if yes, please specify which part(s) are confidential)
Response:	

Question 23:	
i)	Ability of services in scope of the CSAM hash matching measure to access hash databases/services, with respect to access criteria or requirements set by database and/or hash matching service providers;
Response: The majority of the CSAM harm the children we represent experience is via live streaming. These children and young people need the greatest possible emphasis on how platforms respond to this medium of harm. A platform that indicates compliance with hash matching might have a completely unresolved problem with live streamed CSAM and therefore publishing apparent compliance with CSAM hashing measures might indicate a level of safety that the platform cannot afford users.	
ii)	Please provide the underlying arguments and evidence that support your views.
Response:	
iii)	Is this response confidential? (if yes, please specify which part(s) are confidential)
Response: No	

Question 24:	
i)	Costs of applying our CSAM URL detection measure to smaller services, and the effectiveness of fuzzy matching for CSAM URL detection;;
Response:	
ii)	Please provide the underlying arguments and evidence that support your views.
Response:	
iii)	Is this response confidential? (if yes, please specify which part(s) are confidential)
Response:	

Question 25:	
i)	Costs of applying our articles for use in frauds (standard keyword detection) measure, including for smaller services;
Response:	
ii)	Please provide the underlying arguments and evidence that support your views.
Response:	
iii)	Is this response confidential? (if yes, please specify which part(s) are confidential)
Response:	

Question 26:	
i)	An effective application of hash matching and/or URL detection for terrorism content, including how such measures could address concerns around 'context' and freedom of expression, and any information you have on the costs and efficacy of applying hash matching and URL detection for terrorism content to a range of services.
Response:	
ii)	Please provide the underlying arguments and evidence that support your views.
Response:	
iii)	Is this response confidential? (if yes, please specify which part(s) are confidential)
Response:	

Automated content moderation (Search)

Question 27:	
i)	Do you agree with our proposals?
Response: As above, the majority of the CSAM harm the children we represent experience is via live streaming. They need the greatest possible emphasis on how platforms respond to this medium of harm. A platform that indicates compliance with hash matching might have a completely unresolved problem with live streamed CSAM and therefore publishing apparent compliance with CSAM hashing measures might indicate a level of safety that the platform cannot afford users.	
ii)	Please provide the underlying arguments and evidence that support your views.
Response:	
iii)	Is this response confidential? (if yes, please specify which part(s) are confidential)
Response:	

User reporting and complaints (U2U and search)

Question 28:	
i)	Do you agree with our proposals?
Response: For these proposals to be effective for the children we represent they must be able to access any appeals process to record their complaint directly with OFCOM directly from the app they are using ("if you are not happy with our response click here"). This must be clear and explicit. Anything else will be too complicated for it to be accessible to them.	
ii)	Please provide the underlying arguments and evidence that support your views.
Response: The children we work with regularly report to us that current reporting processes are ineffective and that they feel they have no way to challenge these.	

They have experienced making multiple reports in relation to serious incidents and receiving no response or an inadequate response. They need an immediate opportunity to register this (whilst acknowledging that OFCOM will not be in a position to respond to individual complaints) that provides them with independent support outside of the platform. Receiving all advice on the platform will not adequately protect them or their rights.

They have asked us to communicate that they are likely to need to receive support away from the direct digital environment where the trauma occurred.

iii) Is this response confidential? (if yes, please specify which part(s) are confidential)
Response: No

Terms of service and Publicly Available Statements

Question 29:	
i)	Do you agree with our proposals?
Response:	
ii)	Please provide the underlying arguments and evidence that support your views.
Response:	
iii)	Is this response confidential? (if yes, please specify which part(s) are confidential)
Response:	

Question 30:	
i)	Do you have any evidence, in particular on the use of prompts, to guide further work in this area?
Response:	
ii)	Please provide the underlying arguments and evidence that support your views.
Response:	
iii)	Is this response confidential? (if yes, please specify which part(s) are confidential)
Response:	

Default settings and user support for child users (U2U)

Question 31:	
i)	Do you agree with our proposals?
Response: see response to question 28 above	
ii)	Please provide the underlying arguments and evidence that support your views.
Response:	
iii)	Is this response confidential? (if yes, please specify which part(s) are confidential)
Response:	

Question 32:	
i)	Are there functionalities outside of the ones listed in our proposals, that should explicitly inform users around changing default settings?
Response:	
ii)	Is this response confidential? (if yes, please specify which part(s) are confidential)

Response:

Question 33:	
i)	Are there other points within the user journey where under 18s should be informed of the risk of illegal content?
Response:	
ii)	Is this response confidential? (if yes, please specify which part(s) are confidential)
Response:	

Recommender system testing (U2U)

Question 34:	
i)	Do you agree with our proposals?
Response:	
ii)	Please provide the underlying arguments and evidence that support your views.
Response:	
iii)	Is this response confidential? (if yes, please specify which part(s) are confidential)
Response:	

Question 35:	
i)	What evaluation methods might be suitable for smaller services that do not have the capacity to perform on-platform testing?
Response:	
ii)	Is this response confidential? (if yes, please specify which part(s) are confidential)
Response:	

We are aware of design features and parameters that can be used in recommender system to minimise the distribution of illegal content, e.g. ensuring content/network balance and low/neutral weightings on content labelled as sensitive.

Question 36:	
i)	Are you aware of any other design parameters and choices that are proven to improve user safety?
Response:	
ii)	Is this response confidential? (if yes, please specify which part(s) are confidential)
Response:	

Enhanced user control (U2U)

Question 37:	
i)	Do you agree with our proposals?
Response:	
ii)	Please provide the underlying arguments and evidence that support your views.
Response:	
iii)	Is this response confidential? (if yes, please specify which part(s) are confidential)
Response:	

Question 38:	
i)	Do you think the first two proposed measures should include requirements for how these controls are made known to users?
Response:	
ii)	Is this response confidential? (if yes, please specify which part(s) are confidential)
Response:	

Question 39:	
i)	Do you think there are situations where the labelling of accounts through voluntary verification schemes has particular value or risks?
Response:	
ii)	Is this response confidential? (if yes, please specify which part(s) are confidential)
Response:	

User access to services (U2U)

Question 40:	
i)	Do you agree with our proposals?
Response:	
ii)	Please provide the underlying arguments and evidence that support your views.
Response:	
iii)	Is this response confidential? (if yes, please specify which part(s) are confidential)
Response:	

Do you have any supporting information and evidence to inform any recommendations we may make on blocking sharers of CSAM content? Specifically:

Question 41:	
i)	What are the options available to block and prevent a user from returning to a service (e.g. blocking by username, email or IP address, or a combination of factors)?
Response:	
ii)	What are the advantages and disadvantages of the different options, including any potential impact on other users?
Response:	
iii)	Is this response confidential? (if yes, please specify which part(s) are confidential)
Response:	

Question 42:	
i)	How long should a user be blocked for sharing known CSAM, and should the period vary depending on the nature of the offence committed?
Response:	
ii)	Is this response confidential? (if yes, please specify which part(s) are confidential)
Response:	

There is a risk that lawful content is erroneously classified as CSAM by automated systems, which may impact on the rights of law-abiding users.

Question 43:	
i)	What steps can services take to manage this risk? For example, are there alternative options to immediate blocking (such as a strikes system) that might help mitigate some of the risks and impacts on user rights?
Response:	
ii)	Is this response confidential? (if yes, please specify which part(s) are confidential)
Response:	

Service design and user support (Search)

Question 44:	
i)	Do you agree with our proposals?
Response:	
ii)	Please provide the underlying arguments and evidence that support your views.
Response:	
iii)	Is this response confidential? (if yes, please specify which part(s) are confidential)
Response:	

Cumulative Assessment

Question 45:	
i)	Do you agree that the overall burden of our measures on low risk small and micro businesses is proportionate?
Response:	
ii)	Please provide the underlying arguments and evidence that support your views.
Response:	
iii)	Is this response confidential? (if yes, please specify which part(s) are confidential)
Response:	

Question 46:	
i)	Do you agree that the overall burden is proportionate for those small and micro businesses that find they have significant risks of illegal content and for whom we propose to recommend more measures?
Response:	
ii)	Please provide the underlying arguments and evidence that support your views.
Response:	
iii)	Is this response confidential? (if yes, please specify which part(s) are confidential)
Response:	

Question 47:	
i)	We are applying more measures to large services. Do you agree that the overall burden on large services proportionate?
Response:	

ii)	Please provide the underlying arguments and evidence that support your views.
Response:	
iii)	Is this response confidential? (if yes, please specify which part(s) are confidential)
Response:	

Statutory Tests

Question 48:	
i)	Do you agree that Ofcom's proposed recommendations for the Codes are appropriate in the light of the matters to which Ofcom must have regard?
Response:	
ii)	Please provide the underlying arguments and evidence that support your views.
Response:	
iii)	Is this response confidential? (if yes, please specify which part(s) are confidential)
Response:	

Volume 5: How to judge whether content is illegal or not?

The Illegal Content Judgements Guidance (ICJG)

Question 49:	
i)	Do you agree with our proposals, including the detail of the drafting?
Response: We are unclear why certain sections of Part IV of the Sexual Offences (Scotland) Act 2009 were not included in the original Act – particularly the provisions relating to indecent exposure to, and voyeurism of, a child provisions. We are not sure whether this is the correct place to raise these but do so here for completeness.	
ii)	What are the underlying arguments and evidence that inform your view?
Response:	
iii)	Is this response confidential? (if yes, please specify which part(s) are confidential)
Response: Yes	

Question 50:	
i)	Do you consider the guidance to be sufficiently accessible, particularly for services with limited access to legal expertise?
Response:	
ii)	Please provide the underlying arguments and evidence that support your views.
Response:	
iii)	Is this response confidential? (if yes, please specify which part(s) are confidential)
Response:	

Question 51:	
i)	What do you think of our assessment of what information is reasonably available and relevant to illegal content judgements?
Response:	
ii)	Is this response confidential? (if yes, please specify which part(s) are confidential)
Response:	

Volume 6: Information gathering and enforcement powers, and approach to supervision.

Information powers

Question 52:	
i)	Do you have any comments on our proposed approach to information gathering powers under the Online Safety Act?
Response:	
ii)	Please provide the underlying arguments and evidence that support your views.
Response:	
iii)	Is this response confidential? (if yes, please specify which part(s) are confidential)
Response:	

Enforcement powers

Question 53:	
i)	Do you have any comments on our draft Online Safety Enforcement Guidance?
Response:	
ii)	Please provide the underlying arguments and evidence that support your views.
Response:	
iii)	Is this response confidential? (if yes, please specify which part(s) are confidential)
Response:	

Annex 13: Impact Assessments

Question 54:	
i)	Do you agree that our proposals as set out in Chapter 16 (reporting and complaints), and Chapter 10 and Annex 6 (record keeping) are likely to have positive, or more positive impacts on opportunities to use Welsh and treating Welsh no less favourably than English?
Response:	
ii)	If you disagree, please explain why, including how you consider these proposals could be revised to have positive effects or more positive effects, or no adverse effects or fewer adverse effects on opportunities to use Welsh and treating Welsh no less favourably than English.
Response:	
iii)	Is this response confidential? (if yes, please specify which part(s) are confidential)
Response:	