Preparing to regulate Online Safety: Categorising regulated services

Response to call for evidence

The Online Dating Association is the industry association recognised internationally as the voice of the online dating sector. Members of the ODA, which are all dating services, coalesce around a set of standards which we believe make the sector a healthy place for both businesses and consumers. We work together as an organisation to share best practice; develop dialogues with stakeholders; understand and engagement on policy, legislation and regulation; share our messages; and campaign on issues that matter. We also provide support and guidance for consumers on how to date online safely and smartly.

We have 11 member companies, and we represent over 300 individual brands in dating and social discovery.

The Online Dating Association has welcomed its consultation and collaboration with Ofcom over the period the Online Safety Bill has been developed and passed through legislative action. We particularly welcomed our direct engagement on best practice in fighting user to user fraud with Ofcom, as well as the upcoming pilot on serious games for educating users on romance fraud. We look forward to understanding further how we can guide our members to be in compliance with the regime and deliver a high standard of safety in the online dating experience.

1. How do you measure the number of users on your service?

All users of ODA members' dating services 'register' to use the service, so services have a clear number at any time of those registered. However, not all users are regularly 'using' the service, and many are not active every day. For many ODA members, they draw a distinction between subscribers/registered users and those actively on the service – the monthly active users (MAU). ODA members will have some format of internal dashboard, in which they are able to take this measurement. This allows services to break down their user numbers into different categories. An example might be (1) those have completed registration, (2) those that have an approved profile, (3) those that have paid for a subscription and (4) profiles marked as 'bad actors.' Services can also track cancellations in a week to understand the average daily registrants at any point in time.

2. If your service comprises a part on which user-generated content is present and a part on which such content is not present, are you able to distinguish between users of these different parts of the service? If so, how do you make that distinction (including over a given period of time)?

Not relevant to online dating and discovery.

3. Do you measure different segments of users on your service?

As mentioned above, Online Dating Association members can segment their users. An example might be (1) those have completed registration, (2) those that have an approved profile, (3) those that have paid for a subscription and (4) profiles marked as 'bad actors'. Services can also track cancellations in a week to understand the average daily registrants at any point in time.

Services can also segment geographically as appropriate at the backend, and can track user volumes by gender, age, hobby/interest etc. Due to the nature of dating services, these attributes are important to delivering the quality-of-service consumers expect.

4. Do you publish any information about the number of users on your service?

Most ODA members are private companies, so they rarely talk publicly about their users. If they do, it's on an ad hoc basis, usually in a 'vague' way, such as 'hundreds of thousands of users'. This would likely be for a marketing or public relations purpose, and to improve user confidence in having a positive experience on the service.

User number detail is commercially sensitive information, so most won't be publishing this type of data.

Members do share information about user numbers with regulatory authorities when asked, including Ofcom and the ICO, and are keen to continue to demonstrate openness and collaboration for the shared goals of children's safety, data privacy and free and fair digital competition. We would ask the regulators support the sharing of this information by keeping it confidential, especially as we move forward with this new regime.

5. Do you contribute any user number data to external sources/databases, or help industry measurements systems by tagging or sharing user measurement data? If not, what prevents you from doing so?

ODA members do not currently share their user number data with external databases. The ODA does not currently run any industry measurement system or regular reporting. Members will share bespoke data with authorities as appropriate, as mentioned above, or for instance, with the police in relation to fraud or harm.

6. Do you have evidence of functionalities that may affect how easily, quickly and widely content is disseminated on U2U services?

ODA is not in a place to provide expert evidence on functionalities of dissemination of content.

Dating and social discovery services provide one-to-one communication services to users. This is designed to promote individual user generated content to be shared directly with another individual user, to foster connection. As a result, services do not spread information – including potentially misleading, harmful or hateful material such as online scams, hate speech or illegal content – quickly, easily, effectively or to a wide audience.

Dating services do not have a search functionality to find user-generated content because finding other users is restricted to the matching algorithm of each service and potentially harmful users are not able to promote themselves to a wide range of users. These features not only facilitate more meaningful communications between legitimate users who want to meet and connect in real life, but also limit virality and the potential of online harms.

Finally, as most ODA members are subscription services, there is no encouragement to rely on more clicks or engagement for advertising and the rapid spread of viral content.

7. Do you have evidence relating to the relationship between user numbers, functionalities and how easily, quickly and widely content is disseminated on U2U

services?

NA, please refer to the answer above.

8. Do you have evidence of other objective and measurable factors or characteristics that may be relevant to category 1 threshold conditions?

ODA agrees with the initial categorisation discussion, wherein category 1 must apply to the largest services which pose the greatest potential risk. We can understand how this is appropriate for social media services with built-in virality, where illegal and harmful content can spread rapidly before moderators are aware of it.

9. Do you have evidence of factors that may affect how content that is illegal or harmful to children is disseminated on U2U services?

As mentioned, ODA member services, as well as most dating and discovery services, have intentionally limited virality, as our services are designed to facilitate one-to-one conversations and personal connection.

The best way to protect children from engagement on dating and discovery services is to ensure they are not on the platforms and services; children are strictly not allowed. Services have many ways of keeping children off platform, including scanning profiles with moderation tools, asking for birthdates and credit card details on registration, and some members employ age estimation or other age assurance methodology. Users identified as underage are removed.

10. Do you have evidence of other objective and measurable characteristics that may be relevant to category 2B threshold conditions?

ODA members have reflected together, and believe that the business model, design, and features of the digital service should be crucial considerations when subjecting a service to an online safety regime. When making consideration of services that should be included in category 2B, we believe existing safety features and transparency should be taken into account. We believe there is difference between services that are proactive on safety, and those which purposefully subvert regulation and best practice (who would not be found in ODA membership). Those that are proactive are also those that will engage with Ofcom in the building of this regime, whereas the ones which should be targeted will work hard to remain unknown and unengaged.

11. Do you have evidence of matters that affect the prevalence of content that (once the Bill takes effect) will count as search content that is illegal or harmful to children on particular search services or types of search service?

As referenced above, dating and discovery platforms do not engage with children.

12. Do you have evidence relating to the number of users on search services and the level of risk of harm to individuals from search content that is illegal or harmful to children?

As a trade association for the online dating sector, we do not have any quality evidence as to risk of harm from search content.

13. Do you have evidence of other objective and measurable characteristics that may be relevant to category 2A threshold conditions?

This question isn't relevant to us as an online dating sector body.