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: No comment on this section	
ii)	Do you think we have missed anything important in our analysis? Please provide evidence to support your answer.
Response: No comment on this section	
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: No comment on this section	
ii)	Is this response confidential? (if yes, please specify which part(s) are confidential)
Response: No	

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?
Response: No. The proposal is wholly inappropriate for large groups of service providers, especially individuals operating personal non-commercial website. For such people the requirement to "name a person accountable to the most senior governance body for compliance with illegal content duties and reporting and complaints duties" is completely nonsensical;	
ii)	Do you think we have missed anything important in our analysis? Please provide evidence to support your answer.
Response: Ofcom has failed to allow for the fact that a vast number of in scope services are not businesses, but private individuals operating websites on a non-commercial basis. If, as implied by the continual references to "industry" and "businesses," Ofcom considers itself to be regulating an industry, then it should explicitly exclude non-commercial operators (especially individuals) from the codes of practice. If, on the other hand, Ofcom considers that it is regulating an activity, rather than an industry, the documentation should be updated to reflect that.	
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: No comment on this section.	
ii)	Please explain your answer.
Response: No comment on the section.	
iii)	Is this response confidential? (if yes, please specify which part(s) are confidential)
Response: No	

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: The requirement to have risk management audited by a third-party would be disproportionately costly for smaller services, particularly those operated on a non-commercial basis by individuals. It's also unclear where the capacity and capability to carry out these third-party assessments would exists, given Ofcom's own assessment of at least 100,000 in scope services. As such, it's unlikely that these would be any more than tick-box exercises carried out by assessors without specific expertise.
ii) Is this response confidential? (if yes, please specify which part(s) are confidential)
Response: No

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: No comment on this section
ii) Is this response confidential? (if yes, please specify which part(s) are confidential)
Response: No

Service's risk assessment

Question 7:
i) Do you agree with our proposals?
Response: No comment on this section
ii) Please provide the underlying arguments and evidence that support your views.
Response: No comment on this section
iii) Is this response confidential? (if yes, please specify which part(s) are confidential)
Response: No

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: No comment on this section
ii) Please provide the underlying arguments and evidence that support your views.

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

Question 9:	
i)	Are the Risk Profiles sufficiently clear?
Response: No comment on this section	
ii)	Please provide the underlying arguments and evidence that support your views.
Response: No comment on this section	
iii)	Do you think the information provided on risk factors will help you understand the risks on your service?
Response: No comment on this section	
iv)	Please provide the underlying arguments and evidence that support your views.
Response: No comment on this section	
v)	Is this response confidential? (if yes, please specify which part(s) are confidential)
Response: No	

Record keeping and review guidance

Question 10:	
i)	Do you have any comments on our draft record keeping and review guidance?
Response: No comment on this section	
ii)	Please provide the underlying arguments and evidence that support your views.
Response: No comment on this section	
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: No comment on this section	
ii)	Please provide the underlying arguments and evidence that support your views.
Response: No comment on this section	
iii)	Is this response confidential? (if yes, please specify which part(s) are confidential)
Response: No	

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

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: In principle, yes.	
ii)	Please provide the underlying arguments and evidence that support your views.
Response: Proportionality is important, and the focus on large services is to be welcomed, but the definitions of medium risk services in particular, are written so broadly that they will draw in vast numbers of very small and in reality low-risk services. It would make more sense to focus measures only large and/or high risk services.	
iii)	Is this response confidential? (if yes, please specify which part(s) are confidential)
Response: No	

Question 14:	
i)	Do you agree with our definition of large services?
Response: No	
ii)	Please provide the underlying arguments and evidence that support your views.
Response: While having a definition based on the number of users might seem reasonable, the very requirement to track the number of users will in itself be a disproportionate burden on the smallest services, particularly individuals operating on a non-commercial basis. This could be mitigated by supplementing the requirement around number of users with minimum requirements in terms of employees (e.g only applying the requirements to services with 1 or more employees) or revenue (e.g only applying requirements to services with revenue >£1,000).	
iii)	Is this response confidential? (if yes, please specify which part(s) are confidential)
Response: No	

Question 15:	
i)	Do you agree with our definition of multi-risk services?
Response: No comment on this section	
ii)	Please provide the underlying arguments and evidence that support your views.
Response: No comment on this section	
iii)	Is this response confidential? (if yes, please specify which part(s) are confidential)
Response: No comment on this section	

Question 16:	
i)	Do you have any comments on the draft Codes of Practice themselves?
Response: No comment on this section	
ii)	Is this response confidential? (if yes, please specify which part(s) are confidential)
Response: No comment on this section	

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: No comment on this section	
ii)	Is this response confidential? (if yes, please specify which part(s) are confidential)
Response: No comment on this section	

Content moderation (User to User)

Question 18:	
i)	Do you agree with our proposals?
Response: No comment on this section	
ii)	Please provide the underlying arguments and evidence that support your views.
Response: No comment on this section	
iii)	Is this response confidential? (if yes, please specify which part(s) are confidential)
Response: No	

Content moderation (Search)

Question 19:	
i)	Do you agree with our proposals?
Response: No comment on this section	
ii)	Please provide the underlying arguments and evidence that support your views.
Response: No comment on this section	
iii)	Is this response confidential? (if yes, please specify which part(s) are confidential)
Response: No	

Automated content moderation (User to User)

Question 20:	
i)	Do you agree with our proposals?
Response: No comment on this section	
ii)	Please provide the underlying arguments and evidence that support your views.
Response: No comment on this section	
iii)	Is this response confidential? (if yes, please specify which part(s) are confidential)
Response: No	

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: No comment on this section	
ii)	Is this response confidential? (if yes, please specify which part(s) are confidential)
Response: No	

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: No comment on this section	
ii)	Please provide the underlying arguments and evidence that support your views.
Response: No comment on this section	

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

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 reality is that any individual or organisation is able to establish an in-scope service, so for all services in scope to be able to access a hash database, the database would have to be available to all. Given that there is also a requirement within the appendix to restrict access to the database, there is a clear and insurmountable conflict built into the requirements.	
ii)	Please provide the underlying arguments and evidence that support your views.
Response: As per i), access is likely to be difficult, if not impossible, for smaller services, particularly those operated by individuals.	
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: The reality is that any individual or organisation is able to establish an in-scope service, so for all services in scope to be able to access a url database, the database would have to be available to all. Given that there is also a requirement within the appendix to restrict access to the database, there is a clear and insurmountable conflict built into the requirements.	
ii)	Please provide the underlying arguments and evidence that support your views.
Response: As per i), access is likely to be difficult, if not impossible, for smaller services, and disproportionately expensive, particularly for those services operated by individuals.	
iii)	Is this response confidential? (if yes, please specify which part(s) are confidential)
Response: No	

Question 25:	
i)	Costs of applying our articles for use in frauds (standard keyword detection) measure, including for smaller services;
Response: No comment on this section	
ii)	Please provide the underlying arguments and evidence that support your views.
Response: No comment on this section	
iii)	Is this response confidential? (if yes, please specify which part(s) are confidential)

Response: No

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: No comment on this section	
ii)	Please provide the underlying arguments and evidence that support your views.
Response: No comment on this section	
iii)	Is this response confidential? (if yes, please specify which part(s) are confidential)
Response: No comment on this section	

Automated content moderation (Search)

Question 27:	
i)	Do you agree with our proposals?
Response: No comment on this section	
ii)	Please provide the underlying arguments and evidence that support your views.
Response: No comment on this section	
iii)	Is this response confidential? (if yes, please specify which part(s) are confidential)
Response: No	

User reporting and complaints (U2U and search)

Question 28:	
i)	Do you agree with our proposals?
Response: No comment on this section	
ii)	Please provide the underlying arguments and evidence that support your views.
Response: No comment on this section	
iii)	Is this response confidential? (if yes, please specify which part(s) are confidential)
Response: No comment on this section	

Terms of service and Publicly Available Statements

Question 29:	
i)	Do you agree with our proposals?
Response: No comment on this section	
ii)	Please provide the underlying arguments and evidence that support your views.
Response: No comment on this section	
iii)	Is this response confidential? (if yes, please specify which part(s) are confidential)
Response: No	

Question 30:	
i)	Do you have any evidence, in particular on the use of prompts, to guide further work in this area?
Response: No comment on this section	
ii)	Please provide the underlying arguments and evidence that support your views.
Response: No comment on this section	
iii)	Is this response confidential? (if yes, please specify which part(s) are confidential)
Response: No comment on this section	

Default settings and user support for child users (U2U)

Question 31:	
i)	Do you agree with our proposals?
Response: No comment on this section	
ii)	Please provide the underlying arguments and evidence that support your views.
Response: No comment on this section	
iii)	Is this response confidential? (if yes, please specify which part(s) are confidential)
Response: No comment on this section	

Question 32:	
i)	Are there functionalities outside of the ones listed in our proposals, that should explicitly inform users around changing default settings?
Response: No comment on this section	

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

Question 33:	
i)	Are there other points within the user journey where under 18s should be informed of the risk of illegal content?
Response: No comment on this section	
ii)	Is this response confidential? (if yes, please specify which part(s) are confidential)
Response: No	

Recommender system testing (U2U)

Question 34:	
i)	Do you agree with our proposals?
Response: No comment on this section	
ii)	Please provide the underlying arguments and evidence that support your views.
Response: No comment on this section	
iii)	Is this response confidential? (if yes, please specify which part(s) are confidential)
Response: No	

Question 35:	
i)	What evaluation methods might be suitable for smaller services that do not have the capacity to perform on-platform testing?
Response: No comment on this section	
ii)	Is this response confidential? (if yes, please specify which part(s) are confidential)
Response: No	

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: No comment on this section	
ii)	Is this response confidential? (if yes, please specify which part(s) are confidential)

Response: No

Enhanced user control (U2U)

Question 37:	
i)	Do you agree with our proposals?
Response: No comment on this section	
ii)	Please provide the underlying arguments and evidence that support your views.
Response: No comment on this section	
iii)	Is this response confidential? (if yes, please specify which part(s) are confidential)
Response: No	

Question 38:	
i)	Do you think the first two proposed measures should include requirements for how these controls are made known to users?
Response: No comment on this section	
ii)	Is this response confidential? (if yes, please specify which part(s) are confidential)
Response: No	

Question 39:	
i)	Do you think there are situations where the labelling of accounts through voluntary verification schemes has particular value or risks?
Response: No comment on this section	
ii)	Is this response confidential? (if yes, please specify which part(s) are confidential)
Response: No	

User access to services (U2U)

Question 40:	
i)	Do you agree with our proposals?
Response: No comment on this section	
ii)	Please provide the underlying arguments and evidence that support your views.
Response: No comment on this section	
iii)	Is this response confidential? (if yes, please specify which part(s) are confidential)
Response: No	

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: No of these are likely to be effective.	
ii)	What are the advantages and disadvantages of the different options, including any potential impact on other users?
Response: Blocking by IP would be particularly pernicious. IP addresses do not identify individuals – they are frequently re-allocated and even when not reallocated, only tend to identify a household, which would cause people other than the targeted individual to be blocked.	
iii)	Is this response confidential? (if yes, please specify which part(s) are confidential)
Response: No	

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: No comment on this section	
ii)	Is this response confidential? (if yes, please specify which part(s) are confidential)
Response: No	

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: No comment on this section	
ii)	Is this response confidential? (if yes, please specify which part(s) are confidential)
Response: No	

Service design and user support (Search)

Question 44:	
i)	Do you agree with our proposals?
Response: No comment on this section	
ii)	Please provide the underlying arguments and evidence that support your views.
Response: No comment on this section	
iii)	Is this response confidential? (if yes, please specify which part(s) are confidential)
Response: No	

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: No.	
ii)	Please provide the underlying arguments and evidence that support your views.
Response: The wording of the question itself highlights a gap in thinking. The reference is to "businesses" which illustrates that Ofcom has failed to allow for the fact that a vast number of in scope services are not businesses at all, but private individuals operating websites on a non-commercial basis. Elsewhere, Ofcom has acknowledged that the rules "also apply to individuals who run an online service" but has failed to appropriately address this group in these proposals. If, as implied by the continual references to "industry" and "businesses," Ofcom considers itself to be regulating an industry, then it should explicitly exclude non-commercial operators (especially individuals) from the codes of practice. If, on the other hand, Ofcom considers that it is regulating an activity, rather than an industry, the documentation should be updated to reflect that.	
iii)	Is this response confidential? (if yes, please specify which part(s) are confidential)
Response:No	

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: No	
ii)	Please provide the underlying arguments and evidence that support your views.

Response: The wording of the question itself highlights a gap in thinking. The reference is to "businesses" which illustrates that Ofcom has failed to allow for the fact that a vast number of in scope services are not businesses at all, but private individuals operating websites on a non-commercial basis. Elsewhere, Ofcom has acknowledged that the rules "also apply to individuals who run an online service" but has failed to appropriately address this group in these proposals. If, as implied by the continual references to "industry" and "businesses," Ofcom considers itself to be regulating an industry, then it should explicitly exclude non-commercial operators (especially individuals) from the codes of practice. If, on the other hand, Ofcom considers that it is regulating an activity, rather than an industry, the documentation should be updated to reflect that.
iii) Is this response confidential? (if yes, please specify which part(s) are confidential)
Response: No

Question 47:
i) We are applying more measures to large services. Do you agree that the overall burden on large services proportionate?
Response: No comment on this section
ii) Please provide the underlying arguments and evidence that support your views.
Response: No comment on this section
iii) Is this response confidential? (if yes, please specify which part(s) are confidential)
Response: No

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: No comment on this section
ii) Please provide the underlying arguments and evidence that support your views.
Response: No comment on this section
iii) Is this response confidential? (if yes, please specify which part(s) are confidential)
Response: No

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: No comment on this section	
ii)	What are the underlying arguments and evidence that inform your view?
Response: No comment on this section	
iii)	Is this response confidential? (if yes, please specify which part(s) are confidential)
Response: No	

Question 50:	
i)	Do you consider the guidance to be sufficiently accessible, particularly for services with limited access to legal expertise?
Response: No comment on this section	
ii)	Please provide the underlying arguments and evidence that support your views.
Response: No comment on this section	
iii)	Is this response confidential? (if yes, please specify which part(s) are confidential)
Response: No	

Question 51:	
i)	What do you think of our assessment of what information is reasonably available and relevant to illegal content judgements?
Response: No comment on this section	
ii)	Is this response confidential? (if yes, please specify which part(s) are confidential)
Response: No	

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: No comment on this section	
ii)	Please provide the underlying arguments and evidence that support your views.
Response: No comment on this section	
iii)	Is this response confidential? (if yes, please specify which part(s) are confidential)
Response: No	

Enforcement powers

Question 53:	
i)	Do you have any comments on our draft Online Safety Enforcement Guidance?
Response: No comment on this section	
ii)	Please provide the underlying arguments and evidence that support your views.
Response: No comment on this section	
iii)	Is this response confidential? (if yes, please specify which part(s) are confidential)
Response: No	

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