

Your response

Question (Volume 2)	Your response
<p>Question 6.1:</p> <p>Do you have any comments on Ofcom's assessment of the causes and impacts of online harms? Do you think we have missed anything important in our analysis? Please provide evidence to support your answer.</p>	<p><i>Your consultation suggests that you expect platforms to take a reactive approach to "illegal content." We argue this is not enough, and want to encourage you to think about the problem in both directions. Yes, as you say in Number 8, Ref 4A moderation systems should be designed "to take down illegal content swiftly." They should also be designed to block illicit actors and predators from weaponizing them in the first place. This might include steps to prevent illicit actors from simply establishing a new account (often from the same IP address) if one gets blocked. It might involve special monitoring of groups and private chat rooms that are the epicenter of illicit activity on major forums like Facebook. It should certainly involve creating typologies of how illicit groups weaponize platforms and having moderators proactively seek out illegal conduct (we wrote about using typology reports in relation to the wildlife trade, but typology reports could work with any crime sector and are indeed utilized by the financial sector to track money launderers. For more see our joint report with GITOC: https://globalinitiative.net/analysis/typology-reports-online-illegal-wildlife-trade/</i></p> <p><i>More broadly speaking, we are concerned about the "HOW" of regulating platforms. A regulator checking food safety can test food products, inspect restaurants for cleanliness etc. A regulator of vehicles can conduct tests in studios and on the road. How does OfCom plan to look under the hood of algorithmic amplification? Machine learning tools? AI? We don't see any language about the HOW. We don't see much language about what good is supposed to look like. The focus seems exclusively on how to remove the bad, but assumes it will get up there in the first place. We want to help you think about ways you can stop the problem before you have it, not clean up after.</i></p>

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<p>Question 6.2:</p> <p>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.</p>	<p><i>ALL platforms should have a dedicated channel for reporting fraud. We see and hear about a lot of fraud on small platforms, especially dating websites and job boards.</i></p> <p>Also: No 30 Ref 8A, services should also be required to assess whether and how new products and tools can be weaponized by illicit actors and predators, and put in place mitigating technologies. For example: illicit actors including child predators and drug dealers flocked to Snapchat thanks to its “disappearing” content feature. Regulations could force companies to hold data for a specified period of time in the event the data was required in a criminal investigation.</p>

Question (Volume 3)	Your response
<p>Question 8.1:</p> <p>Do you agree with our proposals in relation to governance and accountability measures in the illegal content Codes of Practice? Please provide underlying arguments and evidence of efficacy or risks to support your view.</p>	<p>We propose the following additions and edits:</p> <p>No 1, Ref 3A: This should apply to ALL platforms and services, large and small. A community message board or website may be low risk. But some small dating sites, job boards, investment and eCommerce sites have been taken over by scammers and even human traffickers, in our experience. (These may be what you qualify as small, specific risk services? At least specific risk services like dating and job apps should have governance bodies)</p> <p>No 5, Ref 3E: “Evidence of new kinds of illegal content on a service, information about how illicit actors and groups are utilizing a platform, or increases in particular kinds of illegal content, is tracked and reported to the most senior governance body and shared with OfCom.</p> <p>No 6, Ref 3F: “A Code of Conduct or principles provided to all staff that sets standards and expectations for employees around protecting users from risks of illegal harm, and keeping illicit actors and predators from abusing the service towards illegal ends.”</p> <p>No 7, Ref 3G: “Staff, in particular engineers, involved in the design and operational management of a service are sufficiently trained in ways that illicit actors have used and</p>

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	abused online services, and are “sufficiently trained in a service’s approach to compliance.”
<p>Question 8.2:</p> <p>Do you agree with the types of services that we propose the governance and accountability measures should apply to?</p>	<p><i>ALL should have to comply.</i></p>
<p>Question 8.3:</p> <p>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?</p>	<p><i>Don’t know.</i></p>
<p>Question: 8.4:</p> <p>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?</p>	<p><i>We would applaud this.</i></p>
<p>Question 9.1:</p> <p>Do you agree with our proposals? Please provide the underlying arguments and evidence that support your views.</p>	<p><i>Which proposals?</i></p>

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<p>Question 9.2:</p> <p>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?</p>	<p><i>Do you mean this?</i></p> <p>When prioritising what content to review, regard is had to the following factors: virality of content, potential severity of content and the likelihood that content is illegal</p> <p><i>We believe priority should be placed on harms to children, chance of death or serious bodily harm above virality.</i></p>
<p>Question 9.3:</p> <p>Are the Risk Profiles sufficiently clear and do you think the information provided on risk factors will help you understand the risks on your service?¹</p>	<p><i>I don't know what you are referring to, so no.</i></p>
<p>Question 10.1:</p> <p>Do you have any comments on our draft record keeping and review guidance?</p>	<p><i>It has been our experience that some of the bigger tech companies provide records to government that are hard to comprehend, or delivered in CSV format, saved to PDF, that makes it impossible to search. You must stress that records must be easily searchable and accessible.</i></p>
<p>Question 10.2:</p> <p>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?</p>	<p><i>[Is this answer confidential? Yes / No (delete as appropriate)]</i></p>

¹ If you have comments or input related the links between different kinds of illegal harm and risk factors, please refer to Volume 2: Chapter 5 Summary of the causes and impacts of online harm).

Question (Volume 4)	Your response
<p>Question 11.1:</p> <p>Do you have any comments on our overarching approach to developing our illegal content Codes of Practice?</p>	<p><i>[Is this answer confidential? Yes / No (delete as appropriate)]</i></p>
<p>Question 11.2:</p> <p>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?</p>	<p><i>No, as we said before there should be special attention paid to dating apps, job and investment sites.</i></p>
<p>Question 11.3:</p> <p>Do you agree with our definition of large services?</p>	<p>Yes</p>
<p>Question 11.4:</p> <p>Do you agree with our definition of multi-risk services?</p>	<p><i>[Is this answer confidential? Yes / No (delete as appropriate)]</i></p>

Please complete this form in full and return to IHconsultation@ofcom.org.uk.