

Your response

Opening Statement

Our mission

At Booking.com, our mission is to make it easier for everyone to experience the world. We believe that travel can bring out the best in humanity. Travel promotes a better understanding of different cultures and ways of life. We also believe in and work towards making travel a force for good in the world - one that enriches people's lives through a range of experiences, big and small. As a travel platform, it is at the core of our activities to facilitate travel experiences centred on our customers and underpinned by our values.

Our long-held values as well as our guidelines and terms and conditions for all users of our platform - travellers and supply partners - are designed to foster safe and welcoming travel experiences for all.

- **Travel Respectfully (Act with Integrity)** - We expect our employees, customers and partners to treat each other with respect. We do not tolerate any form of harassment, discrimination, hate speech, manipulation, physical violence or any other threatening or abusive behaviour. Additionally, we expect our supply partners and travellers to conduct business on our platform in an honest and professional manner, to not misrepresent themselves and to respect agreements that are made with each other.
- **Travel Safely** - The safety (physical and otherwise) of our travellers, supply partners and employees is our priority. Users of our platform may not engage in or promote any activities that bring harm to any person.
- **Travel Confidently** - We are committed to providing the best user experience for everybody who uses our travel services.

Our experience

We are continuously evaluating the ways in which our business interacts with or impacts the world around us. As part of our obligations as a Very Large Online Platform under the Digital Services Act (the "DSA"), we have enhanced our measures targeted at protection of users against online harm, and recently conducted a wide-ranging assessment of how our service may pose systemic risks to EU citizens. This assessment was conducted over a five-month period with a range of stakeholder groups and in collaboration with advisors and consultants. Together, we leveraged diversity of thought and expertise to assess the range of risk categories outlined in the DSA as well as the experiences and realities of our business environment. This process involved key stakeholders across our organisation (including: Engineering, Compliance & Ethics, Data Privacy & Security, Legal & Public Affairs, Trust & Safety and others). We have drawn on our experience of performing a risk assessment against legislative standards in responding to the consultation below.

Our DSA risk assessment builds on a body of work and culture of responsibility and safety that has long been part of Booking.com. Our expectations for ourselves and our partners are published in a number of public-facing resources.

- Our commitment to respecting and promoting human rights wherever we do business is reflected in our Human Rights Statement.
- We have also outlined steps we are taking with respect to the risk of human trafficking and modern slavery in our Modern Slavery Statement.
- Our commitments to ethics, ESG and sustainability, privacy, fair competition, and other core values can be found in our Code of Conduct, Supplier Code of Conduct, Climate Action Plan and our Sustainability Report - inviting all who do business with us to share our commitment to absolute integrity and adhere to the highest ethical standards, applicable laws, and our own requirements for fostering safe and inclusive travel experiences.

In the tables below, we have set out our perspectives on the questions raised in Ofcom’s illegal harms consultation. We have not responded to every question in the consultation and where we have not responded, we have removed that row. If Ofcom has any questions concerning Booking.com’s response, then please do let us know.

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>[X]</p>

Question (Volume 2)	Your response
	[✕]
<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>Confidential? - N</p> <p>See response to question 6.1.</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>Confidential? - N</p> <p>Booking.com broadly supports the governance measures proposed in the Code of Practice.</p>

Question (Volume 3)	Your response
<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>Confidential? - N</p> <p>See our responses to questions 11.3 and 11.4 below.</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>Confidential? - N</p> <p>Booking.com supports Ofcom’s provisional conclusion that it would not be proportionate to require services to engage external audit providers to review the measures services have in place.</p> <p>In Booking.com’s experience: (a) internal audit functions frequently act independently from the remainder of the business; (b) internal audit functions often have a far more detailed understanding of the risks posed by the service - this leads to more effective auditing of the measures taken to mitigate those risks; and (c) engaging with external audit teams can divert resources away from other projects aimed at mitigating risks posed by a service.</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>Confidential? - N</p> <p>See our response to question 6.1.</p>
<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>Confidential? - N</p> <p>See our response to question 6.1.</p>

Question (Volume 3)	Your response
<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>Confidential? - N</p> <p>See our response to question 6.1.</p>
<p>Question 10.1:</p> <p>Do you have any comments on our draft record keeping and review guidance?</p>	<p>Confidential? - N</p> <p>Please see our response to question 6.1 concerning what constitutes a significant change (which triggers the requirement to complete a new risk assessment and to update the written records).</p>

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>Confidential? - N</p> <p>See our response to questions 11.3 and 11.4.</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</p>	<p>Confidential? - N</p> <p>See our response to questions 11.3 and 11.4.</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
which are large and/or medium or high risk?	
Question 11.3: Do you agree with our definition of large services?	[⌘]

Question (Volume 4)	Your response
<p>Question 11.4:</p> <p>Do you agree with our definition of multi-risk services?</p>	<p>Confidential? - N</p> <p>As currently drafted, there is little difference as to the scope of recommended measures between services that determine a risk as medium and services that determine a risk to be high. We consider that Ofcom could more appropriately delineate the services that pose one or more high risks of harm from the services that at most pose medium risks of harm.</p> <p>A key way of doing so would be to clarify that in order to be multi-risk, a service must pose at least one high risk of harm and one further medium risk of harm.</p>
<p>Question 11.6:</p> <p>Do you have any comments on the draft Codes of Practice themselves?²</p>	<p>Confidential? - N</p> <p>See our responses to questions 12.1, 14.1, 14.2, 14.3,</p>

² See Annexes 7 and 8.

Question (Volume 4)	Your response
<p>Question 12.1:</p> <p>Do you agree with our proposals? Please provide the underlying arguments and evidence that support your views.</p>	<p>Confidential? - N</p> <p>Booking.com broadly supports the content moderation proposals set out in the U2U Code of Practice. In particular, Booking.com welcomes the confirmation from Ofcom that it will not take a view on individual pieces of content and that this is entirely consistent with the regulatory framework set out in the OSA.</p> <p>Booking.com publishes a number of materials concerning its content moderation policies, including a transparency report published pursuant to the DSA (see here) and its Content Guidelines (see here).</p> <p>In short, Booking.com’s content moderation process is as follows:</p> <ol style="list-style-type: none">1. First, content that is uploaded is checked by machine learning algorithms. The large majority of content is approved by algorithms within seconds and then published. The content that is checked includes property page content (including images), guest reviews, and partner responses. Booking maintains two core machine learning models in 43 different languages to detect inappropriate content. There is one core model for text content, and another for images. The core models are content classifier models which are tuned to identify context. These models are designed to detect illegal content and content that violates Booking’s content policies.2. Content that isn’t approved by algorithms (i.e. has been identified as potentially violating a guideline) is not published, and is routed to moderators. The moderators aim to review content within five business days, and make a final decision within that timeframe if it’s suitable to be published.3. Machine learning algorithms perform ongoing daily checks, meaning reviews can be removed after they have been published. Booking performs constant random sampling of the automatically approved items and sends them to moderators to ensure that the quality of automated content approvals is within the acceptable range.

Question (Volume 4)	Your response
	<p>If a piece of content has been removed, Booking.com tells the user why. The user can then:</p> <ul style="list-style-type: none"> • Appeal the decision to remove the content by following the link provided in the email that let them know the content was removed. When the decision is appealed, content moderators will review content against the guidelines and decide whether it's appropriate to display. Booking will notify the user of the outcome of the review by email; or • Edit the content and submit a new version. <p>Booking.com also has the right to suspend or terminate user accounts if we identify fraudulent activity or severe offences. Any user of Booking can also report content that they think might be illegal, using the reporting form.</p> <p>Content moderators spend approximately 6 hours a month receiving training, reviewing content guidelines and policy clarifications, reviewing their errors and asking questions. Booking compiles FAQs and clarifies grey areas on a regular basis. When new policies are launched, training decks and videos are provided to explain the new content policies and the appropriate actions the content moderator should take.</p>
<p>Question 14.1:</p> <p>Do you agree with our proposals? Do you have any views on our three proposals, i.e. CSAM hash matching, CSAM URL detection and fraud keyword detection? Please provide the underlying arguments and evidence that support your views.</p>	<p>[✕]</p>

Question (Volume 4)

Your response

Question 19.1:

Do you agree with our proposals? Please provide the underlying arguments and evidence that support your views.

[✂]

Question (Volume 4)	Your response
<p>Question 19.3:</p> <p>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. Are you aware of any other design parameters and choices that are proven to improve user safety?</p>	<p>Confidential? - N</p> <p>See our response to question 19.1.</p>
<p>Question 20.1:</p> <p>Do you agree with our proposals? Please provide the underlying arguments</p>	<p>[✂]</p>

Question (Volume 4)	Your response
<p>Question 20.2:</p> <p>Do you think the first two proposed measures should include requirements for how these controls are made known to users?</p>	<p>Confidential? - N</p> <p>See response to question 20.1.</p>
<p>Question 23.3:</p> <p>We are applying more measures to large services. Do you agree that the overall burden on large services proportionate?</p>	<p>Confidential? - N</p> <p>See our response to question 11.3 concerning the definition of large services.</p>

Question (Volume 5)	Your response
<p>Question 26.3:</p> <p>What do you think of our assessment of what information is reasonably available and relevant to illegal content judgements?</p>	<p>Confidential? - N</p> <p>Ofcom states that services are expected to consider 'all reasonably available information' when making illegal content judgements, which includes (a) information about the content; (b) complaint information (provided with referral) (c) profile info; (d) user profile activity; (e) Published information (e.g. terror lists).</p> <p>Booking.com considers that this is a very broad list of information, and we believe some clear limits need to be placed on this, both to recognise the scale at which services are expected to moderate content, and the potential impact on privacy of these investigative requirements.</p>

Question (Volume 6)	Your response
<p>Question 29.1:</p> <p>Do you have any comments on our draft Online Safety Enforcement Guidance?</p>	<p>Confidential? - N</p> <p>At present, Ofcom's draft Enforcement Guidance suggests that it will require total compliance within six months of the duties coming into force. Booking.com considers that Ofcom should explicitly recognise in the Enforcement Guidance that certain platforms may need to engage with Ofcom if specific sections of the Code require significant design builds and will take longer to comply with. This is particularly required where there is still significant uncertainty what the final Code will look like.</p>