

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>	No.
<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>	No.

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>	Yes. It is a reasonable ask that organisations carry out risk assessments of products and/or services which have the potential to cause harm, or be used to cause harm, even if this is not the aim of the product or service.
<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>	Evri currently offers a service to consumers and retailers which allows them to upload a video message to be sent on a parcel code to be viewed by parcel recipient. This is a service, which can only be accessed by the intended recipient and one which has clear traceability to both the video and parcel sender and the recipient (we have their

Question (Volume 3)	Your response
	<p>email address, credit/debit card details and phone number, plus the phone number, name and address of the recipient) – so there is no anonymity.</p> <p>However, as this would most likely fall under Ofcom’s definition of user-to-user services, it would be captured by the new online safety regulations.</p> <p>This would require Evri to introduce governance and accountability measures and processes which would increase costs and require additional resource. This feels disproportionate for a service which already has high level of traceability and accountability built in and, because it cannot be used anonymously or without sending a parcel, has a very low risk of being used to cause harm or carry out illegal activity.</p> <p>We doubt that the legislation was designed to capture services like this and would like Ofcom to consider the impact of regulation on low-risk services such as ours.</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>We would need to cost any measures to moderate content or provide a takedown service if we were required to do this.</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>We do not think this measure would apply to our service as we consider it a small and low risk service.</p> <p>We would need to cost the additional processes and responsibilities to roles within our organisation.</p>

Question (Volume 3)	Your response
<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>We do not think these proposals should apply to Evri video. It does not feel proportionate or reasonable for us to take the steps proposed by Ofcom for such a low risk, low reach, and highly traceable service.</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>Yes, as long as the guidance of what companies/organisations need to consider is clear and reasonable.</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>Yes.</p>
<p>Question 10.1:</p> <p>Do you have any comments on our draft record keeping and review guidance?</p>	<p>We understand that retention of records relates to risk assessment and our processes. This is not made clear in the consultation and we had to seek further clarity from Ofcom. It would be helpful for any statement of regulations to be clear which records need to be retained and in what format.</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>No. For low usage and low risk services we think the record keeping time period could be reduced.</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>	No.
<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>	Yes.
<p>Question 11.3:</p> <p>Do you agree with our definition of large services?</p>	Yes.
<p>Question 11.4:</p> <p>Do you agree with our definition of multi-risk services?</p>	Yes.
<p>Question 11.6:</p> <p>Do you have any comments on the draft Codes of Practice themselves?²</p>	No.

² See Annexes 7 and 8.

Question (Volume 4)	Your response
<p>Question 11.7:</p> <p>Do you have any comments on the costs assumptions set out in Annex 14, which we used for calculating the costs of various measures?</p>	<p><i>No.</i></p>
<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>After clarifying with Ofcom we understand that content moderation refers to taking down content swiftly when we are made aware it is potentially illegal or harmful. The wording in the consultation is not clear and we initially thought moderation involved checking content prior to it being made available, which would be a significant burden.</p> <p>In light of this clarification, we do agree with the proposals, but the requirements should be spelt out more clearly in future statements or final regulations.</p>
<p>Question 13.1:</p> <p>Do you agree with our proposals? Please provide the underlying arguments and evidence that support your views.</p>	<p>We do not offer a search engine/internet service.</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>We do not offer an automated content service.</p>
<p>Question 14.2:</p> <p>Do you have any comments on the draft guidance set out in Annex 9 regarding whether content is communicated 'publicly' or 'privately'?</p>	<p><i>n/a</i></p>

Question (Volume 4)	Your response
<p>Question 14.3:</p> <p>Do you have any relevant evidence on:</p> <ul style="list-style-type: none"> • The accuracy of perceptual hash matching and the costs of applying CSAM hash matching to smaller services; • The 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; • The costs of applying our CSAM URL detection measure to smaller services, and the effectiveness of fuzzy matching³ for CSAM URL detection; • The costs of applying our articles for use in frauds (standard keyword detection) measure, including for smaller services; and • 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. 	<p><i>N/a</i></p>

³ Fuzzy matching can allow a match between U2U content and a URL list, despite the text not being exactly the same.

Question (Volume 4)	Your response
<p>Question 15.1:</p> <p>Do you agree with our proposals? Please provide the underlying arguments and evidence that support your views.</p>	<p><i>N/a</i></p>
<p>Question 16.1:</p> <p>Do you agree with our proposals? Please provide the underlying arguments and evidence that support your views.</p>	<p>We agree that consumers should have access to an easy to use, free complaints service.</p> <p>Our complaints policy and process are set out on our web site. We can ensure this is linked to our Evri video page so consumers can access complaints channels easily.</p> <p>We also currently provide annual complaints data to Ofcom so could add any complaints on this service to that complaints data.</p>
<p>Question 17.1:</p> <p>Do you agree with our proposals? Please provide the underlying arguments and evidence that support your views.</p>	<p>Yes ,the terms of service should be easily accessible and include provisions for user to user services.</p>
<p>Question 17.2:</p> <p>Do you have any evidence, in particular on the use of prompts, to guide further work in this area?</p>	<p><i>No</i></p>
<p>Question 18.1:</p> <p>Do you agree with our proposals? Please provide the underlying arguments and evidence that support your views.</p>	<p>We do not think this applies to us. While children can send parcels with us, we think it is unlikely that they do as they would need access to credit/debit card details to pay for the postage. Children may be recipients of parcels.</p> <p>However, there is no way for people to exchange messages and content. Evri video is one way content. The recipient can view a video but not respond.</p>

Question (Volume 4)	Your response
<p>Question 18.2:</p> <p>Are there functionalities outside of the ones listed in our proposals, that should explicitly inform users around changing default settings?</p>	<p><i>n/a</i></p>
<p>Question 18.3:</p> <p>Are there other points within the user journey where under 18s should be informed of the risk of illegal content?</p>	<p><i>N/a</i></p>
<p>Question 19.1:</p> <p>Do you agree with our proposals? Please provide the underlying arguments and evidence that support your views.</p>	<p>This is not applicable to Evri Video as videos are sent directly from sender to recipient. The recorded content is not accessible to outside users, and we do not offer a feed of videos driven by a recommendation algorithm.</p> <p>It seems sensible illegal content dissemination should be included within recommender system testing, ensuring any changes to the system does not increase illegal content outreach.</p>
<p>Question 19.2:</p> <p>What evaluation methods might be suitable for smaller services that do not have the capacity to perform on-platform testing?</p>	<p><i>n/a</i></p>
<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</p>	<p><i>n/a</i></p>

Question (Volume 4)	Your response
<p>aware of any other design parameters and choices that are proven to improve user safety?</p>	
<p>Question 20.1: Do you agree with our proposals? Please provide the underlying arguments and evidence that support your views.</p>	<p><i>N/a as we are not a large service.</i></p>
<p>Question 20.2: Do you think the first two proposed measures should include requirements for how these controls are made known to users?</p>	<p><i>n/a</i></p>
<p>Question 20.3: Do you think there are situations where the labelling of accounts through voluntary verification schemes has particular value or risks?</p>	<p><i>n/a</i></p>
<p>Question 21.1: Do you agree with our proposals? Please provide the underlying arguments and evidence that support your views.</p>	<p>We can block user accounts to prevent purchasing of parcels and creation of Evri video. If we believe our services have been abused for any reason (most likely fraud) we can block names and email addresses. However, this would not prevent someone from setting up another account in a different name with a new email address.</p> <p>To date we have not had any complaints about Evri video, so this is not something we have had to consider in detail.</p>

Question (Volume 4)	Your response
<p>Question 21.2:</p> <p>Do you have any supporting information and evidence to inform any recommendations we may make on blocking sharers of CSAM content? Specifically:</p> <ul style="list-style-type: none">• 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)? What are the advantages and disadvantages of the different options, including any potential impact on other users?• How long should a user be blocked for sharing known CSAM, and should the period vary depending on the nature of the offence committed?• 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. 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?	<p><i>N/a</i></p>

Question (Volume 4)	Your response
<p>Question 22.1:</p> <p>Do you agree with our proposals? Please provide the underlying arguments and evidence that support your views.</p>	<p>N/a. We do not operate a search function.</p>
<p>Question 23.1:</p> <p>Do you agree that the overall burden of our measures on low risk small and micro businesses is proportionate?</p>	<p>It is right that the highest burden of regulation should be placed on those services which have the widest reach and pose the highest risk of causing harm.</p> <p>Ofcom should be cautious about extending regulation to low usage, low risk services which have a lower probability of causing harm.</p>
<p>Question 23.2:</p> <p>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?</p>	<p>N/a</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>n/a</p>
<p>Question 24.1:</p> <p>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? If not, why not?</p>	<p>Yes</p>

Question (Volume 5)	Your response
<p>Question 26.1:</p> <p>Do you agree with our proposals, including the detail of the drafting? What are the underlying arguments and evidence that inform your view.</p>	<p>We do not currently vet consumers' Evri videos and do not have the resources in place currently to do this. Assessing illegality of content is not something our staff have experience of and we do not think we should have to do this.</p> <p>Consumers creating video content should be liable and should have to work with guidelines and terms and conditions which we set out, based on Ofcom's regulations</p>
<p>Question 26.2:</p> <p>Do you consider the guidance to be sufficiently accessible, particularly for services with limited access to legal expertise?</p>	<p>The guidance is detailed and comprehensive.</p>
<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>	

Question (Volume 6)	Your response
<p>Question 28.1:</p> <p>Do you have any comments on our proposed approach to information gathering powers under the Act?</p>	<p>When exercising its information gathering powers, Ofcom should also consider if stakeholders are receiving information requests from other parts of Ofcom on other issues. It should also consider the time of year it issues requests and avoid peak time for stakeholders.</p>
<p>Question 29.1:</p> <p>Do you have any comments on our draft Online Safety Enforcement Guidance?</p>	<p>No</p>

Question (Volume 6)	Your response

Question (Annex 13)	Your response
<p>Question A13.1:</p> <p>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?</p>	<p><i>N/a</i></p>
<p>Question A13.2:</p> <p>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.</p>	<p><i>N/a</i></p>

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