Consultation response form

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: This is a comprehensive and thorough assessment. However, particularly in areas around false communications, threats, harassment and stalking, there is relatively limited discussion of the impact this has on elected representatives, candidates, and the democratic system more widely. Very high numbers of councillors report intimidation and harassment via digital means, and find it hard to report or obtain action from providers to effectively deal with this threat. This behaviour includes direct threats and intimidation, publication of personal details and addresses, or the creation of fake, impersonation social media accounts (going beyond parody but seeking to mislead the viewer as to their provenance). This behaviour has a substantial impact on people choosing to seek election or standing down as a result of harassment, with women and BAME councillors and candidates particularly impacted. More broadly, misinformation around a wide range of topics, including but not limited to asylum accommodation, net zero, fifteen minute cities, the situation in the Middle East, has the potential to escalate into online or in-person harassment and intimidation of elected officials, has impact on trust in the democratic processes and on the ability of councils to undertake open, transparent and effective decision making.	
ii)	Do you think we have missed anything important in our analysis? Please provide evidence to support your answer.
Response: See answer to i)	
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: Within the democratic sphere, pseudonymity and anonymity can be closely linked to potentially illegal activity around false communications, harassment and intimidation. As	

mentioned previously, pseudonymous accounts purporting to be elected officials can be used as means of harassment or false communication. There is evidence of live streaming, whether of public meetings, formal meetings, or encounters with elected officials, being used to encourage online harassment of elected officials or officers, including through encouraging reactions from audiences well beyond the geographical area of the local authority in question.
ii) Is this response confidential? (if yes, please specify which part(s) are confidential)
Response:

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: We strongly support a safety by design approach being at the heart of the responsibilities of service providers, particularly around child protection. We would support a higher entry point of governance for new entries into the UK market, where a pattern of responsible behaviour has not been able to be demonstrated to date.	
ii)	Do you think we have missed anything important in our analysis? Please provide evidence to support your answer.
Response:	
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:Yes	
ii)	Please explain your answer.
Response:	
iii)	Is this response confidential? (if yes, please specify which part(s) are confidential)
Response:	

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

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

Service's risk assessment

Question 7:	
i)	Do you agree with our proposals?
Response: Yes	
ii)	Please provide the underlying arguments and evidence that support your views.
Response:	
iii)	Is this response confidential? (if yes, please specify which part(s) are confidential)
Response:	

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:	
ii)	Please provide the underlying arguments and evidence that support your views.
Response:	
iii)	Is this response confidential? (if yes, please specify which part(s) are confidential)
Response:	

Question 9:	
i)	Are the Risk Profiles sufficiently clear?
Response:	
ii)	Please provide the underlying arguments and evidence that support your views.
Response:	
iii)	Do you think the information provided on risk factors will help you understand the risks on your service?
Response:	
iv)	Please provide the underlying arguments and evidence that support your views.
Response:	
v)	Is this response confidential? (if yes, please specify which part(s) are confidential)
Response:	

Record keeping and review guidance

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

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 view	
ii)	Please provide the underlying arguments and evidence that support your views.
Response:	
iii)	Is this response confidential? (if yes, please specify which part(s) are confidential)
Response:	

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: We strongly support a risk-based approach to regulating services, rather than one that is solely based on the size of the service. In the democratic sphere, there have been examples of smaller services being sources of illegal content such asl false communications, which have then rapidly seeded these into services with larger audiences. We believe Ofcom needs to be agile and flexible in terms of applying the most onerous measures, and that this means being responsive to the rapidly changing digital ecosystem and being open to efficiently dealing with reports of issues in smaller services that could change the risk profile	
ii)	Please provide the underlying arguments and evidence that support your views.
Response:	
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: Yes	
ii)	Please provide the underlying arguments and evidence that support your views.
Response:	
iii)	Is this response confidential? (if yes, please specify which part(s) are confidential)
Response:	

Question 15:	
i)	Do you agree with our definition of multi-risk services?
Response: Yes	
ii)	Please provide the underlying arguments and evidence that support your views.
Response:	
iii)	Is this response confidential? (if yes, please specify which part(s) are confidential)
Response:	

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

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

Content moderation (User to User)

Question 18:	
i)	Do you agree with our proposals?
Response:	
ii)	Please provide the underlying arguments and evidence that support your views.
Response:	
iii)	Is this response confidential? (if yes, please specify which part(s) are confidential)
Response:	

Content moderation (Search)

Question 19:	
i)	Do you agree with our proposals?
Response:	
ii)	Please provide the underlying arguments and evidence that support your views.
Response:	
iii)	Is this response confidential? (if yes, please specify which part(s) are confidential)
Response:	

Automated content moderation (User to User)

Question 20:	
i)	Do you agree with our proposals?
Response:	
ii)	Please provide the underlying arguments and evidence that support your views.
Response:	
iii)	Is this response confidential? (if yes, please specify which part(s) are confidential)
Response:	

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

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:	
ii)	Please provide the underlying arguments and evidence that support your views.
Response:	

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

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:	
ii)	Please provide the underlying arguments and evidence that support your views.
Response:	
iii)	Is this response confidential? (if yes, please specify which part(s) are confidential)
Response:	

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:	
ii)	Please provide the underlying arguments and evidence that support your views.
Response:	
iii)	Is this response confidential? (if yes, please specify which part(s) are confidential)
Response:	

Question 25:	
i)	Costs of applying our articles for use in frauds (standard keyword detection) measure, including for smaller services;
Response:	
ii)	Please provide the underlying arguments and evidence that support your views.
Response:	
iii)	Is this response confidential? (if yes, please specify which part(s) are confidential)
Response:	

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:	
ii)	Please provide the underlying arguments and evidence that support your views.
Response:	
iii)	Is this response confidential? (if yes, please specify which part(s) are confidential)
Response:	

Automated content moderation (Search)

Question 27:	
i)	Do you agree with our proposals?
Response:	
ii)	Please provide the underlying arguments and evidence that support your views.
Response:	
iii)	Is this response confidential? (if yes, please specify which part(s) are confidential)
Response:	

User reporting and complaints (U2U and search)

Question 28:	
i)	Do you agree with our proposals?
Response:	
ii)	Please provide the underlying arguments and evidence that support your views.
Response:	
iii)	Is this response confidential? (if yes, please specify which part(s) are confidential)
Response:	

Terms of service and Publicly Available Statements

Question 29:	
i)	Do you agree with our proposals?
Response:	
ii)	Please provide the underlying arguments and evidence that support your views.
Response:	
iii)	Is this response confidential? (if yes, please specify which part(s) are confidential)
Response:	

Question 30:	
i)	Do you have any evidence, in particular on the use of prompts, to guide further work in this area?
Response:	
ii)	Please provide the underlying arguments and evidence that support your views.
Response:	
iii)	Is this response confidential? (if yes, please specify which part(s) are confidential)
Response:	

Default settings and user support for child users (U2U)

Question 31:	
i)	Do you agree with our proposals?
Response: Yes	
ii)	Please provide the underlying arguments and evidence that support your views.
Response:	
iii)	Is this response confidential? (if yes, please specify which part(s) are confidential)
Response:	

Question 32:	
i)	Are there functionalities outside of the ones listed in our proposals, that should explicitly inform users around changing default settings?
Response:	
ii)	Is this response confidential? (if yes, please specify which part(s) are confidential)

Response:

Question 33:	
i)	Are there other points within the user journey where under 18s should be informed of the risk of illegal content?
Response:	
ii)	Is this response confidential? (if yes, please specify which part(s) are confidential)
Response:	

Recommender system testing (U2U)

Question 34:	
i)	Do you agree with our proposals?
Response:	
ii)	Please provide the underlying arguments and evidence that support your views.
Response:	
iii)	Is this response confidential? (if yes, please specify which part(s) are confidential)
Response:	

Question 35:	
i)	What evaluation methods might be suitable for smaller services that do not have the capacity to perform on-platform testing?
Response:	
ii)	Is this response confidential? (if yes, please specify which part(s) are confidential)
Response:	

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

Enhanced user control (U2U)

Question 37:
i) Do you agree with our proposals?
Response: We strongly support the functionalities proposed, such as the ability to block users and limit comments, being made available on all platforms, and being easily accessible and well advertised. These are important tools for individuals, such as elected office holders, who may attract harassment or intimidation. Verification status can be a useful tool for office holders, and when properly regulated, is an important means to improve trust and democratic communication. However, monetised verification systems, especially those which are then used to promote content, can be used – if identity verification is not properly carried out – to greater credibility being given to accounts that impersonate elected officials or candidates, or which spread false communications. Services should be able to demonstrate that verification of identity for such schemes is reasonably water-tight and not being used in a way to spread illegal content, undertake harassment, or introduce false communications.
ii) Please provide the underlying arguments and evidence that support your views.
Response:
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: Yes. These options and functionalities should be clearly flagged to all users, including when first setting up an account or profile on a service.
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: Yes. See response to Q37
ii) Is this response confidential? (if yes, please specify which part(s) are confidential)
Response:

User access to services (U2U)

Question 40:
i) Do you agree with our proposals?

Response: Yes, these are proportionate and appropriate grounds for blocking a user from a service. However, we also believe that there are grounds for requiring users who frequently or persistently undertake other dissemination of illegal content, harass or intimidate via a service, or who persistently establish accounts to disseminate false communications, should also be required to be barred from the use of a service. We recognise the difficulty in balancing the rights of freedom of expression with such requirements, and believe that the bar should be set appropriately high for blocking usage to be an Ofcom requirement. There are also grounds for requiring a service to be able to demonstrate it is consistently and reliably enforcing its own terms and conditions around user behaviour and that sanctions for spreading illegal material – including blocking from the service – are being applied, so that users can be reasonably confident of the environment in which they have chosen to operate.
ii) Please provide the underlying arguments and evidence that support your views.
Response:
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
ii) What are the advantages and disadvantages of the different options, including any potential impact on other users?
Response:
iii) Is this response confidential? (if yes, please specify which part(s) are confidential)
Response:

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: It is appropriate to set a blocking period which is commensurate to the nature of the offence.
ii) Is this response confidential? (if yes, please specify which part(s) are confidential)
Response:

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

Service design and user support (Search)

Question 44:	
i)	Do you agree with our proposals?
Response: Yes	
ii)	Please provide the underlying arguments and evidence that support your views.
Response:	
iii)	Is this response confidential? (if yes, please specify which part(s) are confidential)
Response:	

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: Yes	
ii)	Please provide the underlying arguments and evidence that support your views.
Response:	
iii)	Is this response confidential? (if yes, please specify which part(s) are confidential)
Response:	

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: Yes	
ii)	Please provide the underlying arguments and evidence that support your views.
Response:	
iii)	Is this response confidential? (if yes, please specify which part(s) are confidential)
Response:	

Question 47:

i)	We are applying more measures to large services. Do you agree that the overall burden on large services proportionate?
Response: Yes	
ii)	Please provide the underlying arguments and evidence that support your views.
Response:	
iii)	Is this response confidential? (if yes, please specify which part(s) are confidential)
Response:	

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: Yes	
ii)	Please provide the underlying arguments and evidence that support your views.
Response:	
iii)	Is this response confidential? (if yes, please specify which part(s) are confidential)
Response:	

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: Yes	
ii)	What are the underlying arguments and evidence that inform your view?
Response:	
iii)	Is this response confidential? (if yes, please specify which part(s) are confidential)
Response:	

Question 50:	
i)	Do you consider the guidance to be sufficiently accessible, particularly for services with limited access to legal expertise?
Response: Yes	
ii)	Please provide the underlying arguments and evidence that support your views.
Response:	
iii)	Is this response confidential? (if yes, please specify which part(s) are confidential)
Response:	

Question 51:	
i)	What do you think of our assessment of what information is reasonably available and relevant to illegal content judgements?
Response:	
ii)	Is this response confidential? (if yes, please specify which part(s) are confidential)
Response:	

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	
ii)	Please provide the underlying arguments and evidence that support your views.
Response:	
iii)	Is this response confidential? (if yes, please specify which part(s) are confidential)
Response:	

Enforcement powers

Question 53:	
i)	Do you have any comments on our draft Online Safety Enforcement Guidance?
Response: It is understandable that a light touch approach will be taken during the early months of duties coming into effect. However, child safety duties should be prioritised for resource and to be subject to engagement and, where appropriate, enforcement from the point of the duties coming into effect, in order to minimise harm. The early months of each duty being effect should be used for comprehensive and co-operative engagement with service providers where weaknesses or breaches of requirements are identified – where enforcement is not considered proportionate at that point, there should however be engagement, supervision and expectation of being able to demonstrate improved practices.	
ii)	Please provide the underlying arguments and evidence that support your views.
Response:	
iii)	Is this response confidential? (if yes, please specify which part(s) are confidential)
Response:	

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