

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:

We know that people with a learning disability face a range of online harms, including the illegal harms this consultation covers. Our experience has shown that people with a learning disability are targeted online due to their disability, so we welcome the links Ofcom has made between protected characteristics and illegal online harms. The Office for National Statistics finding that the prevalence for online bullying was significantly higher for children with a long-term illness or disability (26%) than those without (18%). Whilst not an illegal harm this does demonstrate that having a protected characteristic can put someone at greater risk of illegal harms.

We welcome the broad scope of the services accounted for as we know that smaller services, such as dating services, can also be areas in which harms such as grooming, or scamming can take place.

The acknowledgement of how perpetrators can move across services or draw people from one service to another to carry out illegal harms is welcome. We agree that some services have made efforts to reduce illegal harms but acknowledging the role that a service can play in helping a person identify a potential victim and seek to move them to a smaller or more risky service is a sensible approach. It will also bring consistency across the online sphere which is crucial in preventing some services becoming more dangerous where perpetrators believe they can continue to carry out illegal harms.

- ii) Do you think we have missed anything important in our analysis? Please provide evidence to support your answer.

Response: No

- 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:

Including a cross-service, sector-wide approach would ensure that the regulations will plug gaps where a person with a learning disability is being supported to use a larger app, of which the supporter has an understanding, but is potentially drawn to a smaller service which the supporter may not be aware of or understand how to use where an illegal harm might occur.

We welcome the inclusion of pseudonymity and anonymity in the assessment as we know these are used in many scamming examples we have heard of.

Ensuring that services, and the regulations, remain up to date with technological and societal developments is a crucial element to the success of the Act. We welcome Ofcom's recommendation that services conduct regular risk assessments. However, we would like a timeframe placed upon this as well as Ofcom recommending a new risk assessment when it has detected a sector-wide new or altered illegal harm.

- 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:

We agree with the list of suggested proposals.

- ii) Do you think we have missed anything important in our analysis? Please provide evidence to support your answer.

Response: No

- 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:

In part.

- ii) Please explain your answer.

Response:

We especially welcome the recommendation for a named person to be accountable for compliance with illegal content duties and reporting and complaints duties. This will help with accountability, especially with larger services who have thousands or substantially more employees.

While we understand that some of these new recommendations could require additional work for smaller providers, we believe that all providers should be required to follow the second list of bullet points but not the third in the summary of the consultation document. Setting out the responsibilities of staff, tracking new evidence of illegal content, setting out a Code of Conduct, and ensuring the right training should apply to smaller services. Doing so would help tackle illegal harms on smaller services where Ofcom and others have acknowledged illegal harms occur.

- 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: No

- 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

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

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| Response: No |
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Service's risk assessment

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| Question 7: |
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| i) Do you agree with our proposals? |
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| Response: In part |
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| ii) Please provide the underlying arguments and evidence that support your views. |
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| Response: We welcome the proposals but would like to see a stronger requirement for services to engage with external expert bodies when seeking to understand risk levels. The proposals in their current form only provide for this where internal evidence is does not provide "a sufficiently good understanding" of a provider's risk levels. A stronger recommendation on engaging with external bodies would provide services with additional evidence an insight which might not be able to be gather by the service internally. It would also ensure that more marginalised groups, such as disabled people and disabled people's organisations, will be able to make services aware of risks or potential risks that may not have been considered. |
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| We would also welcome clarification on what a 'significant change' to a service would be or example whether 'significant' would include a redesign or addition of a new element within the service or a change in the terms and conditions of a service. |
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| iii) Is this response confidential? (if yes, please specify which part(s) are confidential) |
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| Response: No |
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Specifically, we would also appreciate evidence from regulated services on the following:

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| Question 8: |
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| 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? |
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| Response: In part |
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| ii) Please provide the underlying arguments and evidence that support your views. |
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| Response: As per above we would want services to engage with users with protected characteristics and representative organisations to ensure that this lived experience informs the assessment process. |
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| iii) Is this response confidential? (if yes, please specify which part(s) are confidential) |
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| Response: No |
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| Question 9: | |
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| i) | Are the Risk Profiles sufficiently clear? |
| Response: Yes | |
| ii) | Please provide the underlying arguments and evidence that support your views. |
| Response: N/A | |
| iii) | Do you think the information provided on risk factors will help you understand the risks on your service? |
| Response: N/A | |
| iv) | Please provide the underlying arguments and evidence that support your views. |
| Response: N/A | |
| v) | Is this response confidential? (if yes, please specify which part(s) are confidential) |
| Response: No | |

Record keeping and review guidance

| Question 10: | |
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| i) | Do you have any comments on our draft record keeping and review guidance? |
| Response: In part. | |
| ii) | Please provide the underlying arguments and evidence that support your views. |
| Response: Overall we welcome the proposals but would like to see a stronger reference to accessible materials. This should especially apply to the provision of easy read materials for people with a learning disability and other communities. Given the size of the population who have a learning disability, approximately 1.5m across the UK, requiring the provision of easy read would service many service users. Also, the wider population would benefit other users by providing them with a document which is very easy to read and understand. | |
| 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: Yes | |
| ii) | Please provide the underlying arguments and evidence that support your views. |
| Response: N/A | |
| 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: | |
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| i) | Do you have any comments on our overarching approach to developing our illegal content Codes of Practice? |
| Response: No | |
| ii) | Is this response confidential? (if yes, please specify which part(s) are confidential) |
| Response: No | |

| Question 13: | |
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| 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: Yes | |
| ii) | Please provide the underlying arguments and evidence that support your views. |
| Response: N/A | |
| iii) | Is this response confidential? (if yes, please specify which part(s) are confidential) |
| Response: No | |

| Question 14: | |
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| 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: N/A | |
| iii) | Is this response confidential? (if yes, please specify which part(s) are confidential) |
| Response: No | |

| Question 15: | |
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| 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: No | |
| iii) | Is this response confidential? (if yes, please specify which part(s) are confidential) |
| Response: No | |

| Question 16: | |
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| 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: No | |

| Question 17: | |
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| 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 | |
| ii) | Is this response confidential? (if yes, please specify which part(s) are confidential) |
| Response: No | |

Content moderation (User to User)

| Question 18: | |
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| i) | Do you agree with our proposals? |
| Response: Yes | |
| ii) | Please provide the underlying arguments and evidence that support your views. |
| Response: These proposals will help ensure that services provide a clear and consistent application of content moderation which we know is not current the case with some services. We also welcome the recommendations to both resource this work and provide training and material to staff as we know that more must be done to raise awareness of the harms protected characteristics are likely to face online. | |
| iii) | Is this response confidential? (if yes, please specify which part(s) are confidential) |
| Response: No | |

Content moderation (Search)

| Question 19: | |
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| i) | Do you agree with our proposals? |
| Response: Yes | |
| ii) | Please provide the underlying arguments and evidence that support your views. |
| Response: The proposals will set an expectation of the creation and enforcement of a set of clear and consistent actions to moderate content for searches. | |
| iii) | Is this response confidential? (if yes, please specify which part(s) are confidential) |
| Response: No | |

Automated content moderation (User to User)

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

| Question 21: | |
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| 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 | |
| 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 | |
| ii) | Please provide the underlying arguments and evidence that support your views. |
| Response: N/A | |

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

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

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

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| Question 25: |
| i) Costs of applying our articles for use in frauds (standard keyword detection) measure, including for smaller services; |
| Response: N/A |
| ii) Please provide the underlying arguments and evidence that support your views. |
| Response: N/A |
| 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: N/A

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

Response: N/A

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

Response: No

Automated content moderation (Search)

Question 27:

- i) Do you agree with our proposals?

Response: Yes

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

Response: N/A

- 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: Yes

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

Response: We welcome the inclusion of a specific reference to ensuring accessibility for users with disabilities. This will help tackle one of the key issues people with a learning disability tell us about the current user reporting system; which is that they are not accessible and difficult to understand and navigate.

We would also welcome a discussion on the inclusion of charities and other representative bodies to be included as 'trusted flaggers'. This could help speed up the process of identifying illegal content which might not have come to the attention of one of the listed organisations in the consultation document.

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

Response: No

Terms of service and Publicly Available Statements

| Question 29: | |
|---|--|
| i) | Do you agree with our proposals? |
| Response: Yes | |
| ii) | Please provide the underlying arguments and evidence that support your views. |
| Response: We welcome the proposals but would like to see a stronger reference to the accessibility of the Terms of Service and other Publicly Available Statements. This would help ensure that people with a learning disability are able to access these important documents. | |
| 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 | |
| ii) | Please provide the underlying arguments and evidence that support your views. |
| Response: N/A | |
| iii) | Is this response confidential? (if yes, please specify which part(s) are confidential) |
| Response: No | |

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: We would welcome the inclusion of accessible materials for all these proposals to ensure that children and young people with a learning disability can benefit from the proposals. | |
| iii) | Is this response confidential? (if yes, please specify which part(s) are confidential) |
| Response: N/A | |

Question 32:

- i) Are there functionalities outside of the ones listed in our proposals, that should explicitly inform users around changing default settings?

Response: N/A

- 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: N/A

- 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: Yes

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

Response: N/A

- 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: N/A

- 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:

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| i) | Are you aware of any other design parameters and choices that are proven to improve user safety? |
| Response: No | |
| 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: Yes | |
| ii) | Please provide the underlying arguments and evidence that support your views. |
| Response: We welcome these proposals but are keen to see more outlined on the provision of accessible materials so users with a learning disability are aware of the powers and can utilise them effectively. | |
| 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 | |
| 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: There are particular risks for people with a learning disability who may not fully understand the voluntary nature of a verification scheme and assume that this account has been given verified status as per the old method on Twitter (now X). We would want the availability of any voluntary scheme to be made clear to all users. | |
| ii) | Is this response confidential? (if yes, please specify which part(s) are confidential) |
| Response: No | |

User access to services (U2U)

| Question 40: | |
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| i) | Do you agree with our proposals? |
| Response: Yes | |
| ii) | Please provide the underlying arguments and evidence that support your views. |
| Response: N/A | |
| 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: N/A | |
| ii) | What are the advantages and disadvantages of the different options, including any potential impact on other users? |
| Response: N/A | |
| 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: N/A | |
| 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: N/A | |
| 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: Yes | |
| ii) | Please provide the underlying arguments and evidence that support your views. |
| Response: N/A | |
| 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: N/A | |
| ii) | Please provide the underlying arguments and evidence that support your views. |
| Response: N/A | |
| 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: N/A | |
| ii) | Please provide the underlying arguments and evidence that support your views. |
| Response: N/A | |
| 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: Yes | |

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| ii) Please provide the underlying arguments and evidence that support your views. |
| Response: Given the large number of users as well as staff, the additional requirements seem reasonable to prevent illegal harms. |
| iii) Is this response confidential? (if yes, please specify which part(s) are confidential) |
| Response: No |

Statutory Tests

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| 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: N/A |
| ii) Please provide the underlying arguments and evidence that support your views. |
| Response: N/A |
| 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: Yes

ii) What are the underlying arguments and evidence that inform your view?

Response: N/A

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: N/A

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

Response: N/A

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: N/A

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

Annex 13: Impact Assessments

| Question 54: | |
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| 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: N/A | |
| 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: N/A | |
| iii) | Is this response confidential? (if yes, please specify which part(s) are confidential) |
| Response: No | |