



Submission by Niantic, Inc. to Ofcom's consultation on illegal harms

About Niantic, Inc.

Niantic, Inc. is an industry-leading software developer of augmented reality (AR) mobile games. From our inception, the Niantic team has been working to build innovative technologies that use mobile phones and geospatial awareness to create near-real-time, location-based gaming environments. Niantic's core mission, and a key focus for our products, is to develop location-based mobile play experiences that encourage people to stay physically active and walk to explore their surroundings.

Niantic welcomes the opportunity to submit to Ofcom's consultation on illegal harms and looks forward to working with Ofcom constructively as it begins its period of implementation for the Online Safety Act. As set out in response to Ofcom's previous calls for evidence on the first and second phases of online safety regulation, the safety and wellbeing of all our users is paramount. We support the regime set out by the Online Safety Act, and will be happy to provide further details and expand on these points for Ofcom, either in writing or in person.

Niantic's approach to safety

At Niantic, creating a safe environment for all our users is fundamental to fulfilling our mission of drawing people outdoors, inspiring exploration, encouraging exercise and creating connection. We are constantly working to ensure our users have a safe and enjoyable experience. This commitment to balancing user safety with creating fun and fair experiences for our users is anchored in the policies, tools, technologies, partnerships and design decisions we employ across our games and products.

Trust and safety has been at the core of Niantic's operations for many years. We draw in expertise from across the company, including from player support, legal and product teams to ensure that our approach is holistic and comprehensive. In 2021, we overhauled, audited and extended our Player Guidelines and current set of trust and safety policies, built a tooling infrastructure to support this work, joined leading industry groups, and hired a team of professionals to consolidate our trust and safety work into the first Trust and Safety function at Niantic.

We are committed to revising and improving our policies as we continue to evolve and iterate. As Campfire¹, our mobile experience designed to encourage group play out in the real-world is rolled out, our responsibility to innovate in a way that respects the people using our services and society more broadly is at the forefront of our minds.

We are pleased to see Ofcom acknowledge the need for a proportionate and reasonable response to enforcement, recognising the challenges facing services of all sizes as they adapt to new duties, including those of a smaller size and with a lower risk of harm. Our approach to safety and illegal harms, in response to some of the issues consulted on by Ofcom, is set out in the submission below.

Niantic policies for safety

To ensure that all our users benefit from a safe environment, we take a comprehensive and transparent approach to platform policy set out in our Terms of Service and Player Guidelines. These policies and

¹ <https://campfire.nianticlabs.com/en/>

guidelines form the foundation for what type of content, behaviour, and actors are appropriate across our games, communities and social features.

Illegal content is not permitted on any of Niantic's apps or games. Our Terms of Service state that Niantic has the right to suspend or terminate access to our services at any time if we suspect unlawful activity.²

Our rules are expanded upon through our Player Guidelines, which set out, in an accessible and easy-to-understand format, conduct that is not acceptable across Niantic's products.³ These rules cover the content we consider abusive on our products, the behaviours we seek to discourage, and the types of actors unwelcome across our games and services. These go beyond illegal content, covering different types of inappropriate behaviour and content. The Guidelines set out appropriate conduct into four distinct parts.

- **Treat others as you'd like to be treated** - Covering issues such as defamation, abuse, bullying, stalking or threatening behaviour towards other players. It also warns against sharing identifiable information without consent and respecting the privacy of others when taking photos, videos or 3D scans.
- **Adhere to the rules of the real world** - Our games, designed to be played outdoors, encourage players to be considerate of where they are and to play safely. This covers issues such as trespassing, respecting bystanders, and being mindful of bystanders.
- **Avoid inappropriate content and behaviour** - This covers the content we permit on our services. These rules prohibit hate speech, content that promotes terrorist organisations or violent extremist groups, bullying or harassment, adult nudity or sexual activity, content that sexualises minors, illegal activity or facilitation, graphic imagery, and IP violations.
- **Play fair** - We want to promote a fair gameplay experience. This section acknowledges that some players will attempt to cheat. It covers issues such as using unofficial software, using multiple accounts, falsifying location, exploiting bugs and abusing the refund policy.

We take a proportionate approach to the penalties for not adhering to these rules, with the most egregious harms, including illegal behaviour, resulting in the most severe punishments. For accounts that are found to be perpetrating illegal behaviours, such as the sharing of CSAM, we impose immediate account removal and in severe cases, we refer to local authorities.

For most of the other harms identified, we use progressive enforcement ladders such as our "three strikes" policy for gameplay fairness. These are designed to discourage and disincentivise unwanted behaviours, ensuring we educate players on our policies, with suspensions and account removals used only as a last resort.

We believe in providing our users with a fair, fun, and safe gaming experience. As such, users who would like to contest moderation decisions can contact in-app support. Additionally, players who have been suspended for breaking the Niantic Terms of Service can submit a form through our Help Centre to appeal the termination of their account.⁴

Our policies are living documents, and we are committed to revising and improving them as we continue our evolution. In addition to our internal team of experts, we partner externally with nonprofits and coalitions and select government agencies to craft policies and processes that support our safety mission. In 2022 we engaged a human rights lawyer specialised in the societal risks posed by immersive harms to assess these Guidelines and suggest improvements. The Guidelines were also reviewed by independent NGOs, such as Tech

² <https://nianticlabs.com/terms>

³ <https://nianticlabs.com/guidelines/>

⁴ <https://niantic.helpshift.com/hc/en/6-pokemon-go/faq/135-submitting-a-ban-appeal/?s=general&f=submit-a-ban-appeal&p=all>

Against Terrorism, and academic experts. We value this sort of external feedback and have taken suggestions made by these groups into account.

Automated systems for illegal content

At Niantic, our commitment to keeping our community of users safe online and offline is put into operation through a system of technologies, tools, partnerships and processes that, layered together, enable us to apply our policies at scale.

⁵This approach prioritises tackling the most egregious harms and illegal offences, namely child sexual abuse material (CSAM) and terrorist content, with a combination of automated detection technologies in tandem with user reporting and human reviews and oversight.

Niantic deploys multiple technologies to flag, hide, or block potentially dangerous or harmful content, including hash matching and URL detection. This includes SAFER, a product developed by the NGO Thorn for detecting known CSAM (through hash-matching) and never-before-seen CSAM, using Thorn's machine-learning classifiers.

When CSAM is detected by automated methods or human review, it is reported to the National Center for Missing and Exploited Children (NCMEC). When relevant, we also take action against the user who has uploaded the image or video and reach out to the relevant domestic or international law enforcement.

We rely on a combination of moderation classifiers built by Microsoft, Google, and Cleanspeak to further detect policy-violating text, codenames, and images. Information on known abusive websites and materials is also collected from partners such as the Global Internet Forum to Counter Terrorism and the Internet Watch Foundation (for known websites participating in the distribution of child sexual abuse materials).

Automated detection helps minimise our players' and moderators' exposure to illegal and harmful content; however, we also deploy human oversight and moderation to bolster our safety efforts. Keywords Studios is our primary moderation partner at Niantic, their work is integral to our safety efforts. Additionally, we have built reporting tools for users of our games and services, enabling them to flag issues to Niantic so that our teams can investigate and address concerns. Reporting is a key piece of our safety efforts, and we continue to iterate to design better, more effective, and simpler reporting options for our players.

Settings and support for child users

At Niantic, we recognise that children have unique needs with regard to safety, security and privacy. Some of our games and products (such as Pokémon Go, Pikmin Bloom and Peridot) welcome players of all ages, while others, such as Ingress and Campfire, are only for users over the Age of Digital Consent. **[CONFIDENTIAL <].**

Children under the age of digital consent who wish to play our games (such as Pokémon Go) must do so through a login provider we partner with for creating child accounts or our Niantic Kids account system. Niantic Kids accounts are created by parents or legal guardians and feature a parental control system, the Niantic Kids Parent Portal, where permissions and other privacy settings can be managed.⁶

⁵ <https://nianticlabs.com/safety?hl=en>

⁶ <https://parents.nianticlabs.com/>

The Niantic Kids Parent Portal uses verification tools provided by KWS (Kids Web Services), which allows parents to confirm their identity. Typically, this verification is achieved through a small, temporary credit card transaction or a review of their identity documents.^{7 8}

Once this verification is complete, parents and legal guardians can review and approve which games their child can access and can adjust their children's privacy settings and other permissions. The portal empowers parents to make decisions about what personal information is collected from their child, along with any new requests for information, which can be reviewed and approved.

For example, through the Parent Portal, parents or legal guardians can control permissions for child accounts, including 'Location', 'Friends and related features' and 'Sponsored content'. Through Pokémon Go, permissions also apply to 'Shared AR experiences', and 'Party Play'. These permissions are off by default and exist to prevent interaction between players, in line with privacy-by-design principles. If certain permissions are enabled, parents and legal guardians will receive a notification to alert them of this, providing details of any new connections a user has made in the past 24 hours.

⁷ <https://parents.nianticlabs.com/faq/>

⁸ <https://www.superawesome.com/kids-web-services/>