Your response

Question (Volume 2)	Your response
Question 6.1: 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.	*Is this answer confidential? No* Given the size and scale of the consultation documentation, we have responded to this consultation only in relation to where there may be a Scottish dimension to consider e.g. differing legal context. We note the expectation that services will have reference to the Register of Risk when they carry out their own risk assessments. The Register compiles a wide range of research although there are scant descriptions of research undertaken in Scotland. There are potential differences in the causes and impacts of online harms across the four nations of the UK. This is a call to conduct more research on the Scottish digital experience (including online harms) more generally, but also specifically to suggest that Ofcom guidance and reporting (e.g. transparency reports) provides for information analysed by nation.
Question 6.2: 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.	

Question (Volume 3)	Your response
Question 8.1: 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.	
Question 8.2: Do you agree with the types of services that we propose the governance and accountability measures should apply to?	
Question 8.3: 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?	
Question: 8.4: 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?	

Question (Volume 3)	Your response
Question 9.1: Do you agree with our proposals? Please provide the underlying arguments and evidence that support your views.	
Question 9.2: 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?	*Is this answer confidential? No* Re user complaints, and consultation with users and user research (Tables 9.4 and 9.5), we would request that guidance includes user complaint monitoring information to be broken down by nation, to understand different experience across the 4 nations.
Question 9.3: 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]	
Question 10.1: Do you have any comments on our draft record keeping and review guidance?	
Question 10.2: 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?	

[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
Question 11.1: Do you have any comments on our overarching approach to developing our illegal content Codes of Practice?	
Question 11.2: 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?	
Question 11.3: Do you agree with our definition of large services?	
Question 11.4: Do you agree with our definition of multi-risk services?	
Question 11.6: Do you have any comments on the draft Codes of Practice themselves?[2]	*Is this answer confidential? No* Re section 16 (Reporting and complaints), we note that the list of trusted flaggers for fraud does not include Police Scotland, who we understand to take public reports of fraud in Scotland (although perhaps arrangements have been made through one of the other organisations listed?).

[2] See Annexes 7 and 8.

Question (Volume 4)	Your response
Question 11.7: Do you have any comments on the costs assumptions set out in Annex 14, which we used for calculating the costs of various measures?	
Question 12.1: Do you agree with our proposals? Please provide the underlying arguments and evidence that support your views.	
Question 13.1: Do you agree with our proposals? Please provide the underlying arguments and evidence that support your views.	
Question 14.1: 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.	
Question 14.2: Do you have any comments on the draft guidance set out in Annex 9 regarding whether content is communicated 'publicly' or 'privately'?	

Question (Volume 4)	Your response
Question 14.3: Do you have any relevant evidence on: • 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 matching[3] 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.	

[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
Question 15.1: Do you agree with our proposals? Please provide the underlying arguments and evidence that support your views.	
Question 16.1: Do you agree with our proposals? Please provide the underlying arguments and evidence that support your views.	
Question 17.1: Do you agree with our proposals? Please provide the underlying arguments and evidence that support your views.	
Question 17.2: Do you have any evidence, in particular on the use of prompts, to guide further work in this area?	
Question 18.1: Do you agree with our proposals? Please provide the underlying arguments and evidence that support your views.	
Question 18.2: Are there functionalities outside of the ones listed in our proposals, that should explicitly inform users around changing default settings?	

Question (Volume 4)	Your response
Question 18.3: Are there other points within the user journey where under 18s should be informed of the risk of illegal content?	
Question 19.1: Do you agree with our proposals? Please provide the underlying arguments and evidence that support your views.	
Question 19.2: What evaluation methods might be suitable for smaller services that do not have the capacity to perform on-platform testing?	
Question 19.3: 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?	

Question (Volume 4)	Your response
Question 20.1: Do you agree with our proposals? Please provide the underlying arguments and evidence that support your views.	
Question 20.2: Do you think the first two proposed measures should include requirements for how these controls are made known to users?	
Question 20.3: Do you think there are situations where the labelling of accounts through voluntary verification schemes has particular value or risks?	
Question 21.1: Do you agree with our proposals? Please provide the underlying arguments and evidence that support your views.	
Question 21.2: Do you have any supporting information and evidence to inform any recommendations we may make on blocking sharers of CSAM content? Specifically: • What are the options available to block and prevent a user from returning to a service (e.g. blocking by	

Question (Volume 4)	Your response
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?	
Question 22.1: Do you agree with our proposals? Please provide the underlying arguments and evidence that support your views.	
Question 23.1: Do you agree that the overall burden of our measures on low risk small and micro businesses is proportionate?	

Question (Volume 4)	Your response
Question 23.2: 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?	
Question 23.3: We are applying more measures to large services. Do you agree that the overall burden on large services proportionate?	
Question 24.1: 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?	

Question (Volume 5)	Your response
Question 26.1: Do you agree with our proposals, including the detail of the drafting? What are the underlying arguments and evidence that inform your view.	*Is this answer confidential? No* We are pleased to see recognition that Ofcom has provided guidance in the specific cases where a priority offence in one part of the UK is different from other jurisdictions (para 26.78). We note that para 26.122 sets out that, due to some priority offences overlapping (threats, abuse and harassment), the guidance approaches the offences thematically, rather than by listing each offence. An example of Scots law is given as being the broadest, and therefore most important offence in this section, for example because it relies only on inferring recklessness, not intention. We are pleased to note in Annex 10 that 'Content can amount to a Scottish priority

Question (Volume 5)	Your response
	offence even if the users posting the content, the service itself and the user viewing the content were in England'. On a minor point, some Scots legislation appears to have been overlooked in the assessment e.g. section 6 of volume 2 and section 26 of volume 5 discuss the new offence of cyberflashing without noting that cyberflashing has been illegal in Scotland since the Sexual Offences (Scotland) Act 2009. We would be keen to confirm that future Scots legislation with relevance to online harms will be captured in the guidance.
Question 26.2: Do you consider the guidance to be sufficiently accessible, particularly for services with limited access to legal expertise?	
Question 26.3: What do you think of our assessment of what information is reasonably available and relevant to illegal content judgements?	

Question (Volume 6)	Your response
Question 28.1: Do you have any comments on our proposed approach to information gathering powers under the Act?	

Question (Volume 6)	Your response
Question 29.1: Do you have any comments on our draft Online Safety Enforcement Guidance?	

Question (Annex 13)	Your response
Question A13.1: 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?	
Question A13.2: 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.	

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