

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>	<p>The offences under S4(1) of the Animal Welfare Act 2006 were added late in the process and OfCom will consult on these separately. The RSPCA undertakes 85% of enforcement activity in England and Wales under S4(1) of the AWA including online content and is happy to work with OfCom to establish causes and impacts of these specific online harms</p>
<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>	<p>There will be links between animal on line cruelty and other forms of cruelty that are already in the OfCom list of priority issues such as child cruelty, extreme pornography (bestiality is listed in 6L.10 as the most commonly charged category in extreme pornography) and even human trafficking and modern slavery.</p>

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>	<p>Yes</p>

Question (Volume 3)	Your response
<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>	<p>Yes</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>Live streaming of animal cruelty as defined under S4(1) of the AWA 2006 is a risk factor and has been identified by the RSPCA as a risk eg live feeding of live prey animals to snakes, live streaming of dog and other animal fights</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>Enforcing S4(1) offences arising from on line content has been assisted by enforcement using financial recoup such as the use of the Proceeds of Crime Act 2002 and Fraud Act 2006 – such activities can act as a disincentive for content to be posted on line</p>
<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>Yes</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</p>	<p>Yes though the risk assessment will change in priority according to which animal cruelty issue is being considered and their links to other OfCom priority issues such as extreme pornography.</p>

Question (Volume 3)	Your response
their wider obligations under the Act?	
<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>There are risks on a charity that is either seeking information and using material that could be classed as high risk to investigate a crime or using lower level images as a way to campaign or fundraise</p>
<p>Question 10.1:</p> <p>Do you have any comments on our draft record keeping and review guidance?</p>	<p>No</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>Yes</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>	
<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>	<p>Yes although accepting that the high risk services may not correlate with the large or medium services</p>
<p>Question 11.3:</p> <p>Do you agree with our definition of large services?</p>	<p>Yes</p>
<p>Question 11.4:</p> <p>Do you agree with our definition of multi-risk services?</p>	<p>Yes</p>
<p>Question 11.6:</p> <p>Do you have any comments on the draft Codes of Practice themselves?²</p>	<p>Codes of practice</p>

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>[Is this answer confidential? Yes / No (delete as appropriate)]</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><i>[Is this answer confidential? Yes / No (delete as appropriate)]</i></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><i>[Is this answer confidential? Yes / No (delete as appropriate)]</i></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><i>[Is this answer confidential? Yes / No (delete as appropriate)]</i></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>[Is this answer confidential? Yes / No (delete as appropriate)]</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 	<p><i>[Is this answer confidential? Yes / No (delete as appropriate)]</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>for terrorism content to a range of services.</p>	
<p>Question 15.1: Do you agree with our proposals? Please provide the underlying arguments and evidence that support your views.</p>	<p><i>[Is this answer confidential? Yes / No (delete as appropriate)]</i></p>
<p>Question 16.1: Do you agree with our proposals? Please provide the underlying arguments and evidence that support your views.</p>	<p><i>[Is this answer confidential? Yes / No (delete as appropriate)]</i></p>
<p>Question 17.1: Do you agree with our proposals? Please provide the underlying arguments and evidence that support your views.</p>	<p><i>[Is this answer confidential? Yes / No (delete as appropriate)]</i></p>
<p>Question 17.2: Do you have any evidence, in particular on the use of prompts, to guide further work in this area?</p>	<p><i>[Is this answer confidential? Yes / No (delete as appropriate)]</i></p>
<p>Question 18.1: Do you agree with our proposals? Please provide the underlying arguments and evidence that support your views.</p>	<p><i>[Is this answer confidential? Yes / No (delete as appropriate)]</i></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>[Is this answer confidential? Yes / No (delete as appropriate)]</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>[Is this answer confidential? Yes / No (delete as appropriate)]</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><i>[Is this answer confidential? Yes / No (delete as appropriate)]</i></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>[Is this answer confidential? Yes / No (delete as appropriate)]</i></p>

Question (Volume 4)	Your response
<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 aware of any other design parameters and choices that are proven to improve user safety?</p>	<p><i>[Is this answer confidential? Yes / No (delete as appropriate)]</i></p>
<p>Question 20.1:</p> <p>Do you agree with our proposals? Please provide the underlying arguments and evidence that support your views.</p>	<p><i>[Is this answer confidential? Yes / No (delete as appropriate)]</i></p>
<p>Question 20.2:</p> <p>Do you think the first two proposed measures should include requirements for how these controls are made known to users?</p>	<p><i>[Is this answer confidential? Yes / No (delete as appropriate)]</i></p>
<p>Question 20.3:</p> <p>Do you think there are situations where the labelling of accounts through voluntary verification schemes has particular value or risks?</p>	<p><i>[Is this answer confidential? Yes / No (delete as appropriate)]</i></p>

Question (Volume 4)	Your response
<p>Question 21.1:</p> <p>Do you agree with our proposals? Please provide the underlying arguments and evidence that support your views.</p>	<p><i>[Is this answer confidential? Yes / No (delete as appropriate)]</i></p>
<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 	<p><i>[Is this answer confidential? Yes / No (delete as appropriate)]</i></p>

Question (Volume 4)	Your response
<p>immediate blocking (such as a strikes system) that might help mitigate some of the risks and impacts on user rights?</p>	
<p>Question 22.1: Do you agree with our proposals? Please provide the underlying arguments and evidence that support your views.</p>	<p><i>[Is this answer confidential? Yes / No (delete as appropriate)]</i></p>
<p>Question 23.1: Do you agree that the overall burden of our measures on low risk small and micro businesses is proportionate?</p>	<p><i>[Is this answer confidential? Yes / No (delete as appropriate)]</i></p>
<p>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?</p>	<p><i>[Is this answer confidential? Yes / No (delete as appropriate)]</i></p>
<p>Question 23.3: We are applying more measures to large services. Do you agree that the overall burden on large services proportionate?</p>	<p><i>[Is this answer confidential? Yes / No (delete as appropriate)]</i></p>

Question (Volume 4)	Your response
<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><i>[Is this answer confidential? Yes / No (delete as appropriate)]</i></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><i>[Is this answer confidential? Yes / No (delete as appropriate)]</i></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><i>[Is this answer confidential? Yes / No (delete as appropriate)]</i></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>	<p><i>[Is this answer confidential? Yes / No (delete as appropriate)]</i></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><i>[Is this answer confidential? Yes / No (delete as appropriate)]</i></p>
<p>Question 29.1:</p> <p>Do you have any comments on our draft Online Safety Enforcement Guidance?</p>	<p><i>[Is this answer confidential? Yes / No (delete as appropriate)]</i></p>

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>[Is this answer confidential? Yes / No (delete as appropriate)]</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>[Is this answer confidential? Yes / No (delete as appropriate)]</i></p>

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