



# 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?

The Scottish SPCA is Scotland's only all animal rescue service in Scotland. We are unique amongst animal welfare organisations in that our Inspectors are authorised by Scottish Ministers to enforce the Animal Health and Welfare (Scotland) Act 2006. The Scottish SPCA supports the assessment that has been made on the causes and impacts of online harm. We are pleased to see fraud included in the list of harms, however we would like specific consideration to be given to the issue of fraud involving pet advertising and selling and the impact of this on both consumers and animal welfare. We know further detail on this has already been submitted as part of a separate response from PAAG (Pet Advertising Advisory Group) of which Scottish SPCA is a member of and the Scottish SPCA would be happy to provide specific case examples of these issues if required.

The inclusion of content within the Act which depicts real or realistic serious violence against animals; depicts the real or realistic serious injury of an animal in graphic detail and realistically depicts serious violence against a fictional creature or the serious injury of a fictional creature in graphic detail were welcome late additions to the Act. OfCom may consult on these separately and the Scottish SPCA would certainly welcome the opportunity to engage on this aspect further.

The Scottish SPCA runs an educational programme for 3 – 16 year olds called Animal Guardians that supports young people who are showing behaviours towards animals that are a cause for concern. Through evaluation of the effectiveness of the Animal Guardians programme researchers at the University of Edinburgh found that three key themes emerged. A) Bonding to Animals B) Exposure to/normalisation of violence and C) Signs of emotional stress and trauma all influenced how that young person interacted with animals resulting in some physical/emotional abuse of an animal and sadly in some cases killing an animal (Wauthier, L. et al 2020). Exposure to/normalisation of violence can be fuelled not just by what happens in a home but also by what young people see online and

there is growing evidence of the impact viewing animal abuse footage online has on young people.

Recording and sharing of video footage of animal abuse in particular animal fighting has become more evident in Scottish SPCA investigations and just one recent example is that of a gamekeeper who shared numerous videos, featuring his severely injured dogs, killing foxes and badgers in Snapchat and Tik Tok. <https://www.scottishspca.org/news/former-gamekeeper-who-filmed-animal-fights-for-tik-tok-sentenced>

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

As mentioned in our previous answer, we are pleased to see fraud included in the list of harms, but would like specific consideration to be given to the issue of fraud involving pet advertising and selling and the impact of this on both consumers and animal welfare. We would also like the opportunity to engage further with Ofcom when it comes to inclusion of animal abuse in the Act. The Scottish SPCA in partnership with the University of Edinburgh have recently published a book '*Understanding Animal Abuse and How to Intervene with Children and Young People – A practical guide for professionals working with people and animals*'. In this book we present evidence on the link between cruelty towards animals and violence towards humans. We also included a case example that was provided to us by the charity SWGfl (South West Grid for Learning Trust) that highlighted that the issue of exposure to animal abuse footage online is real and greater awareness is needed on how to report such footage. The case presented involved a young person aged 15 who had been watching the Netflix series 'Don't F\*ck with cats'. They reported a number of Instagram accounts that they said were showing live streams of cats being tortured at certain times of day. The practitioners at SWGfl examined the accounts concerned and realised that in fact the accounts were not posting the video content but rather a link to an independent site which would show this at certain times of the day. The independent site was hosted outside of the UK, so outwith SWGfl scope but the Instagram accounts were continuing to enable access to the content. The young person had reported the accounts to Instagram for violence using the in-app reporting feature but to no avail. SWGfl were able to escalate with additional context about the account that were facilitating the viewing of the violent animal abuse content, and they were removed that week.

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.

Through Scottish SPCA Investigations, we have seen clear links between harm that is committed towards animals and serious organised crime. Child cruelty, extreme pornography (bestiality is listed as the most commonly charged category in extreme pornography) and even human trafficking and modern slavery are examples of the links observed.

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: Yes	
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:	

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?
Live streaming of animal cruelty is a risk factor and the Scottish SPCA have been made aware of websites that offer animal abuse content for a fee available in the UK.	
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?

- 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?

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.

- 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?

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:

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:

- 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 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:



<b>Question 15:</b>	
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:	

<b>Question 16:</b>	
i)	Do you have any comments on the draft Codes of Practice themselves?
Response:	
ii)	Is this response confidential? (if yes, please specify which part(s) are confidential)
Response:	

<b>Question 17:</b>	
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)**

<b>Question 18:</b>	
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;
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Response:

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

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

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

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

**Question 25:**

i) Costs of applying our articles for use in frauds (standard keyword detection) measure, including for smaller services;
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Response:

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

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

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 38:

i) Do you think the first two proposed measures should include requirements for how these controls are made known to users?

Response:

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

Response:

### Question 39:

i) Do you think there are situations where the labelling of accounts through voluntary verification schemes has particular value or risks?

Response:

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:

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:

***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:

- 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:

- 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:	
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:	
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:	
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:	

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

<b>Question 48:</b>	
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:	
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:

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:

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:	
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:	
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

<b>Question 54:</b>	
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:	