

Grŵp y Prif Swyddog Gweithredu  
Chief Operating Officer's Group



Llywodraeth Cymru  
Welsh Government

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February 2024

## Protecting people from illegal harms online – Welsh Government consultation response

The purpose of this letter is to provide comments on behalf of Welsh Government in response to the consultation setting out Ofcom's proposals for how internet services, that enable the sharing of user-generated content and search services, should approach their new duties relating to illegal content.

The consultation has been considered by a wide range of policy areas within Welsh Government and this letter sets out our combined response, with our primary areas of interest relating to Digital Inclusion, Education, Community Cohesion and Children's Health.

I can confirm that none of this response is confidential.

### **Volume 2: The causes and impacts of online harm**

#### **Ofcom's Register of Risks**

##### *Question 1.i*

From a digital inclusion perspective, the main observation of the causes and impacts of online harms is the lack of acknowledgement of digital exclusion and low digital skills as a factor or cause of online harms.

Whilst the analysis does refer to lack of understanding (point 6C.70 states '*child users sometimes do not understand the risks associated with using a service, such as the risk of sharing personal information and may not fully understand security settings*'), this could have been explored in more detail.

We would also highlight the impact of online harms upon children's health both in the early years and during adolescence, two key developmental stages in a child/young person's cognitive development. Whilst the consultation focuses on serious online harm in relation to issues connected with radicalisation and pornography for example, we would also urge Ofcom to consider the wider impact of online activity, such as through online influencers and

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unregulated social media activity, in terms of how this impacts upon children and young people's mental and physical health.

#### Question 1.ii

The analysis does not fully outline or explore the various ways that the different aspects of digital exclusion and low levels of digital skills can cause online harms. This relates to wider work by Ofcom and a need to be very clear on language being used – this is broader than just a 'media literacy' issue and the wording should be framed around the UK Government Essential Digital Skills. A clear definition on this needs to be outlined in the analysis - e.g. someone does not have essential digital skills if they do not have all five basic digital skills deemed necessary to engage with and use digital (including the internet) safely and with confidence.

Throughout the document, different terminology is used relating to digital skills – media literacy and technical literacy are two examples used. It is important to maintain a consistent use of language and terminology throughout the document together with clear explanations of specific terms. There is a need to focus on the importance of digital skills more than just media/basic/technical skills.

#### Question 2.i

As stated in the above response, there is a lack of acknowledgement of digital exclusion in the interpretation of the links between risk factors and different kinds of online harm.

There is only one reference to digital exclusion under the section 'Risks of harm presented by fraud and financial services offences' (point 6O.27 '*Evidence presented by Age UK discusses how older scam victims, as well as people close to those who have been scammed, can experience digital exclusion due to their subsequent concerns about using the internet. This reduces their access to services, and among other disadvantages, means that they have to pay more for certain goods*'). The analysis could have further explored the risk factor of digital exclusion more generally in relation to other types of harms and other vulnerable groups affected by digital exclusion.

Further, there is an acknowledgement that this is an area that evolves quickly and may require frequent revisiting.

### **Volume 3: How should services assess the risk of online harms?**

#### **Service's risk assessment:**

##### *Question 7.i*

We agree with the point raised in 9.62 – '*It is possible for a large service to be low risk, and for a small service to be high risk, depending on the specific circumstances of each service*'.

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We would want to see any service targeting children and young people in Wales to be potentially considered higher risk, despite the relatively small number of users (by the definitions outlined in these proposals). This is particularly relevant when considering any services provided in the Welsh language.

## **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*

Reach / target audience is an important consideration. We would like to see any service which is considered popular amongst children and young people be considered higher risk, regardless of the size of the service, and therefore the most onerous measures would apply.

#### *Question 13.i*

In relation to 11.52 *“Part of the reason for recommending some measures only for large services is that the benefits of measures are likely to be greater for such services, because more users will be protected by the measure”*. We need to ensure that minority groups are not less protected because of this – e.g. Welsh speakers should be afforded the same protections even if the service is by definition smaller. Similarly, whilst cost implications are important, this should not be used to justify not protecting children and young people online.

### **Content moderation (User to User)**

#### *Question 18.i*

We fully support improved content moderation on services and increasing the level of accountability expected of providers.

### **Content moderation (Search)**

#### *Question 19.i*

We support placing greater expectations on providers to improve search moderation so that it will make it much harder for children and young people to access harmful material.

### **Automated content moderation (User to User)**

#### *Question 20.i*

We would strongly support measures being put in place to protect children and young people from CSAM, both as victims and from viewing such content and agree that smaller providers deemed high risk should also deploy these technologies. We also agree that hash matching and URL detection are useful tools to help combat CSAM and support wider use of these technologies.

### **Automated content moderation (Search)**

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### *Question 27.i*

We would strongly support any measures that can be put in place to protect children and young people from searching for and accessing CSAM. We encourage services to take effective action and regularly monitor and update the URL list to ensure its relevance.

## **User reporting and complaints (U2U and search)**

### *Question 28.i*

We would encourage services to have easily accessible, transparent and simple complaints processes. Where complaints are upheld, services should ensure appropriate action is taken in a timely manner.

## **Terms of service and Publicly Available Statements**

### *Question 29.i*

We would support all services ensuring that their Terms of Service and publicly available statements are easy to find and understand for all services users, including the youngest person permitted to agree with them.

## **Default settings and user support for child users (U2U)**

### *Question 31.i*

We fully support making changes to default settings for child users to reduce their exposure to online harms. We also encourage services proactively providing support to help young people make more informed choices about risk (whilst acknowledging that children and young people are not solely responsible for minimising risk they are exposed to).

### *Question 33.i*

We would encourage prompts at any relevant points in the user journey.

## **Recommender system testing (U2U)**

### *Question 34.i*

We would encourage the collection of additional safety metrics so that services can assess whether proposed changes are likely to increase children and young people's exposure to illegal content.

## **Enhanced user control (U2U)**

### *Question 37.i*

We fully support efforts to provide children and young people service users with more control and understanding of the content they encounter, to enable them to make informed choices.

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## **User access to services (U2U)**

### *Question 40.i*

We would support services taking stronger action to remove and reduce CSAM online by blocking user accounts of those who are known to share CSAM.

## **Service design and user support (Search)**

### *Question 44.i*

We support search services taking stronger measures to prevent children and young people from being exposed to harm.

Please get in touch if you would like to discuss any of these comments further.

Yours Sincerely

Digital Regulation Branch  
Digital, Data and Technology Directorate

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