

Your response

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Question 1: How, and to what extent, are persons carrying out independent research into online safety related issues currently able to obtain information from providers of regulated services to inform their research?	Confidential? – N Not enough due to lack of data access and knowledge of existing channels of data access.
Question 1a: What kinds of online safety research does the current level of access to information enable? • What type of independent researchers are carrying out research into online safety matters? • What topics/issues they are researching?	Confidential? – N I am an academic researcher of video game regulation. I recently completed a study assessing whether video game adverts on social media contravened advertising regulations and consumer protection law (published in <i>Computer Law & Security Review</i>: https://doi.org/10.1016/j.clsr.2024.106069). I found widespread non-compliance: only 7% of ads made the relevant disclosure and an even smaller percentage made the disclosure reasonably prominently, which is also required. The research was conducted using Meta's and TikTok's ad repositories. As Ofcom would be well-aware, these are only required in the EU by virtue of the recently adopted Digital Services Act. In all other countries, such as the UK, social media platforms have no obligations to provide the public with access to advertising-related data. The research results have been featured in The Guardian and by Sky News amongst many others, and the BBC even replicated the research method to conduct a further independent study confirming the conclusions. The Advertising Standards Authority has published rulings against companies confirming that the conclusions are well-founded in advertising regulations (and, by extension, consumer protection law). Some companies have better complied with regulations since then. We also contributed to the public debate and better informed relevant regulators with evidence (e.g., the Competition and Markets Authority). We are currently also looking into compliance with other aspects of advertising regulations and consumer protection law by video game and gambling companies.

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Question 1b: Are there types of information that independent researchers are currently unable to access that may be relevant to the study of online safety matters? If so, what are they and what kind of research would they facilitate?	Confidential? – N Beyond mere access, the EU DSA also imposes obligations as to what details must be provided, <i>e.g.</i>, which age groups were targeted and how many female users were reached. When can compare the Meta ad repository for the UK with that of, for example, Belgium, and notice that the Belgian version provides a lot more information than the UK version. For example, an ad would say how many Belgian (and indeed, Dutch, Danish, Finnish, German, French, etc.) young women saw an advert but would not do so for the same advert in relation to UK young women. Unsurprisingly, the more data that are available to researchers, the more questions we can answer. Because the ad repositories for the UK are currently provided on a voluntary basis, the social media platforms are not providing us with highly pertinent information. This means we are less able to understand the experience of UK users specifically and must instead rely on inferring from the experience of EU users. Less ‘national’ research could be conducted at present. More abstractly, one may argue that UK researchers may also be at a competitive disadvantage in relation to their EU counterparts, thus resulting in less ‘world-beating’ research.
Question 1c: What data governance models are currently used to allow access to online services’ information for researchers? • This might include: open-access forms of information-sharing, such as publicly-accessible information libraries or databases; information-sharing models that rely on vetting or accreditation of individuals or organisations; and/or models that rely on the accreditation of the specific use cases for the information. • Please provide relevant examples of these governance models used in the online services industry.	Confidential? – N For advertising, publicly accessible information libraries or databases are provided to a limited extent. In theory, data access requests under data protection law could also be used to gain data. I defer to others on that matter, except to say that when I previously tried using the method, I encountered companies failing to provide an adequate amount of information (<i>i.e.</i>, obviously incomplete datasets).

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Question 1d: What technologies are typically used by providers of online services to facilitate existing information access?	
Question 1e: Have services and/or researchers made use of privacy-enhancing technologies to enable access?	

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Question 2: What are the challenges that currently constrain the sharing of information for the purpose of research into online safety related issues?	Confidential? – N Many platforms do not voluntarily provide ad repositories, and those that do failed to provide a version that is easy to use: platforms are not sufficiently incentivised to provide it and are arguably only doing so in response to legal requirements or public concerns. In relation to open science, specifically the secondary archiving and sharing of the data that have been obtained from ad repositories to allow other researchers to replicate the research at a later date (due to the repository only holding the data for a limited length of time), some researchers may have concerns about copyright law and database rights. Fair dealing should cover and permit such uses; however, researchers and universities may still be hesitant. The hosting of large amounts of data would also place financial strains on larger projects. Ofcom should publicly affirm that secondary sharing is permitted under fair dealing provisions.
Question 2a: What are the legal challenges/risks to sharing information from online services with independent researchers?	
Question 2b: What are the technical challenges relating to sharing information from online services with independent researchers?	

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What are the challenges relating to the scale and complexity of the information involved?	
Question 2c: What are the security challenges relating to sharing information from online services with independent researchers? • What are the security challenges relating to the potential sensitivity of information? • What are the security protocols required to protect information from misuse? • To what extent do you view security as a governance issue compared to a technical infrastructure issue?	
Question 2d: What are the information quality challenges relating to online services sharing information with independent researchers?	
Question 2e: What are the financial costs to online services relating to online services sharing information with independent researchers?	
Question 2f: What are the financial costs to researcher trying to make use of information shared by online services?	

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Question 3: How might greater access to information for the purpose of research into online safety issues be achieved?	Confidential? – N Fortunately, Meta and TikTok voluntarily provides the repository for the UK. However, as this is provided without being required to

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	do so by law, these platforms may at any time withdraw the public's access. This has been done by X, which used to be Twitter. This means that researchers' access to data in the UK is vulnerable to the whim of private commercial parties, such as social media platforms, that can remove it at any time or restrict certain features and degree of information provided. It would be advisable for these data provision obligations to be imposed by law. Ofcom should recommend that the Government does so. Indeed, during our research we have found that certain UK content was removed from the repository when reviewed at a later time. This would not, or at least should not, happen in the EU, where the provision is required to be complete by the DSA.
Question 3a: What models, arrangements or frameworks exist for allowing researchers access to sensitive information beyond the online services industry? What are the benefits and risks of those models, and how might they apply to the online services context?	
Question 3b: Are there any models or arrangements that exist in the online services industry already that might provide increased access to information for research purposes if applied more generally across the industry? If so, what are these and what are the benefits and disadvantages of these models/arrangements?	
Question 3c: What are some possible models for providing researchers with access to relevant information that may not exist or be widely used yet, but which might be implemented by industry?	
Question 3d: What are the advantages and disadvantages of this approach? • These may include elements pertaining to financial, legal,	

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security, technical or feasibility issues	
Question 3e: What role could third party organisations, such as regulatory bodies, civil society or public sector organisations have in facilitating researcher access to online safety information?	Confidential? – N Publish statements confirming what is permitted (e.g., secondary archiving for open science purposes). Publish case studies demonstrating previous successes and potential for future research. In addition to access, knowledge of access is also highly important. Researchers must be informed that they have access after it has been granted. I believe at present only more legally trained researchers would be exploring these options.
Question 3f: What could these third-party models look like, and what are some of the benefits and challenges associated with this approach?	
Question 3e: What categories of information should online service providers give researchers access for the study of online safety matters? Why would this information be valuable for the study of online safety matters?	Confidential? – N At least what is required by the EU DSA but as much as possible is welcomed. For example, for removed content, the detailed reason for the removal.