

| Question                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | Your response                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
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| <p><b>We welcome input from industry on the areas listed below. We encourage stakeholders to respond with feedback so that we can ensure that the guidance helps providers and other stakeholders understand:</b></p>                                                                                                                                                                                                                                                                                                                                                                                                         |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
| <p>A) Ofcom's powers and providers' duties for transparency reporting, as well as Ofcom's approach to implementing the transparency regime.</p> <p>B) Ofcom's approach for determining what information service providers should produce in their transparency reports.</p> <p>C) Ofcom's plans to engage with providers prior to issuing transparency notices, and on what matters, and whether the proposed engagement plan will be sufficient for helping services to comply with their duties.</p> <p>D) Ofcom's plans to use the information in providers' transparency reports in Ofcom's own transparency reports.</p> | <p>Confidential? – N</p> <p>The Advisory Committee for Scotland (ACS) advises Ofcom about the interests and opinions, in relation to communications matters, of persons living in Scotland. The response from the ACS to this consultation draws on the knowledge and expertise of ACS members and is informed by our individual experience and through discussion at our meetings. It does not represent the views of Ofcom or its staff.</p> <p>In our response to this consultation, we would like to reiterate our advisory remit, as it extends to Scotland, and we will therefore concentrate on those areas that we believe are of particular interest and importance to Scottish consumers.</p> <p>We note that Schedule 8 requires '<i>Co-operation by a provider with government, regulatory or other public sector bodies in the United Kingdom, in particular those involved in the enforcement of the criminal law</i>'. There are potential differences in the experience of online harms across the four nations of the UK. We request that transparency reports produced both by the providers and Ofcom, set out the information analysed by nation, where this is feasible.</p> |
| <p>Are there any aspects in the draft guidance where it would be helpful for additional detail or clarity to be provided?</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | <p>Confidential? – N</p> <p>Schedule 8 requires transparency reports to include the number of users (e.g. Part 1, point 3 "<i>The number of users who are assumed to have encountered illegal content...</i>"). In the accompanying guidance, we suggest a preferred indicator would be to measure the proportion of users ("<i>The proportion of users who are assumed to have encountered illegal content...</i>"). A proportional measure gives a better indication of the risk in context (irrespective of size of platform) and is more easily comparable over time, with other providers and between nations where the user base may differ significantly in size.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |

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|                                                                                                                                                     | We would suggest it is important to ensure that online safety performance information (i.e. a transparency report) includes user feedback via independent engagement with users across the four nations, including those with protected characteristics, to ascertain their experience of the platform and confidence in using safety and privacy tools. |
| Are the suggested engagement activities set out in the draft guidance sufficient for providers to understand their duties and Ofcom's expectations? | Confidential? – Y/N                                                                                                                                                                                                                                                                                                                                      |

| Question                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | Your response                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
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| <b>We are also seeking input that will help us understand if there are other matters that Ofcom should consider in our approach to determining the notices, beyond those that we set out in the guidance. The questions below seek input about any additional factors Ofcom should take into account in various stages of the process, including: to inform the content of transparency notices; in determining the format of providers' transparency reports; and how the capacity of a provider can be best determined and evidenced.</b> |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| Are there any other factors that Ofcom might consider in our approach to determining the contents of notices that are not set out in the draft guidance?                                                                                                                                                                                                                                                                                                                                                                                    | <p>Confidential? – N</p> <p>Where there are differences in relevant legislation across the nations of the UK, we would request that transparency reports set out the user experience in relation to legislation applicable within that nation, where feasible.</p> <p>The purpose of a transparency report is not the report itself, but as a tool to effect improvement in the safety of users online. Guidance should ensure that platforms demonstrate how online safety performance information leads to improvement i.e. what mitigating actions are planned to address risks, whether such actions have been implemented, and whether risks are reducing over time (and if not, why not). Similarly, how this safety performance information is distilled into a key suite of safety metrics and integrated into business planning. For example, a corporate performance dashboard where safety KPIs are presented alongside financial performance metrics to senior management and shareholders.</p> <p>We would also suggest that the media literacy requirements on platforms (e.g. '35. Measures taken or in use by a provider to improve the media literacy of users, and an evaluation of such measures') should include how safety performance metrics are communicated to users.</p> |

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| Is there anything that Ofcom should have regard to (other than the factors discussed in the draft guidance) that may be relevant to the production of provider transparency reports? This might include factors that we should consider when deciding how much time to give providers to publish their transparency reports.                                                                                                                                                                        | Confidential? – Y/N |
| What are the anticipated dependencies for producing transparency reports including in relation to any internal administrative processes and governance which may affect the timelines for producing reports? What information would be most useful for Ofcom to consider when assessing a provider's "capacity", by which we mean, the financial resources of the provider, and the level of technical expertise which is available to the service provider given its size and financial resources? | Confidential? – Y/N |
| Are there any matters within Schedule 8, Parts 1 and 2 of Act that may pose risks relating to confidentiality or commercial sensitivity as regards service providers, services or service users if published?                                                                                                                                                                                                                                                                                       |                     |

| Question                                                                                                                                             | Your response     |
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| <b>Finally, we are also seeking input into any matter that may be helpful for ensuring Ofcom's transparency reports are useful and accessible.</b>   |                   |
| Beyond the requirements of the Act, are there any forms of insight that it would be useful for Ofcom to include in our own transparency reports? Why | Confidential? – N |

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| would that information be useful and how could you or a third party use it?                                                                                                                                                                                                                             |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| Do you have any comment on the most useful format(s) of services' transparency reports or Ofcom's transparency reports? How can Ofcom ensure that its own transparency reports are accessible? Provide specific evidence, if possible, of which formats are particularly effective for which audiences. | <p>Confidential? – N</p> <p>As previously mentioned, a transparency report should be a tool to effect change. However, some platforms already produce transparency reports, and it is not clear how accessible these are to the public and whether such information informs user choice and behaviour online. Third sector organisations often fulfil the 'translation' process through, for example, providing guides on safety settings or parental controls. Some clarity on the role of Ofcom's transparency reports in developing and supporting media literacy skills, and the role of the third sector, would be helpful.</p> |

| Question                                               | Your response       |
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| <b>Please provide any other comments you may have.</b> |                     |
| General comments                                       | Confidential? – Y/N |

Please complete this form in full and return to [OS-Transparency@Ofcom.org.uk](mailto:OS-Transparency@Ofcom.org.uk)