

Question	Your response
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:	
A) Ofcom's powers and providers' duties for transparency reporting, as well as Ofcom's approach to implementing the transparency regime. B) Ofcom's approach for determining what information service providers should produce in their transparency reports. 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. D) Ofcom's plans to use the information in providers' transparency reports in Ofcom's own transparency reports.	Confidential? – N A) Ofcom should use the full powers given to it in the scope of the OSA, rather than limit its scope, which it seems to be doing in some areas. In order to achieve its primary objective, it is also important we to see a more explicit commitment to making harm reduction an intended outcome of the transparency process. B) The type of information Ofcom asks from platforms will be key to the effectiveness of the transparency regime. We support the principles behind what Ofcom is setting out to achieve – having a firm idea of the level and nature of risks in categorised platforms in order that people can make an informed choice about which services they would like to use and how they wish to use them. We are however concerned that when taking into account proportionality, platforms – particularly smaller ones that have fewer resources but host harmful content – could receive lenient treatment in relation to the information they are asked to provide. We believe that Ofcom needs to prioritise consideration of risk over proportionality regardless of a service' size or resources. We also urge Ofcom to consider expert advice from trusted stakeholders on the kind of information that should be requested from such services. Additionally, If “proportionality” means that the largest, multinational companies included in Category 1, can challenge Ofcom's requests based on cost (as para 3.23 in the guidance suggests) then Ofcom is further limiting the potential extent and impact of the transparency requirements, unnecessarily constraining itself and risking the fact that the information it

	receives back will not meet the expectations or outcomes it has set itself. In addition, while schedule 8 sets out the themes that Ofcom can request information on, it is unclear how detailed the information request will be, in order to make sure that the information requested covers all relevant data. In the draft guidance, Ofcom has introduced a number of limitations that will greatly narrow the scope of information it will request from companies. We are concerned that the information asked for could be too narrow and limited and will undermine what the transparency regime is seeking to achieve. We also urge Ofcom to have a process in place for civil society organisations with expertise to be able to make formal recommendations about information that should be requested from particular services. We believe that not only should the information requests be detailed and exhaustive, but that Ofcom should require services to report back in a detailed manner. Services should be expected to avoid vague terms such as ‘actions have been taken’ in relation to specific content, for example, but detail precisely what those actions were and what effect they have had (including how effectiveness of relevant actions was measured), in order to make sure that platforms do not fail to evaluate the results of their actions to know to what degree they have been effective and, if they are not effective, details of novel approaches they intend to implement. The expectation for detailed, full and valid information is something that Ofcom could also clarify to services at the engagement process prior to issuing transparency notices. We know, for example, that online antisemitism is a particular and specific problem. Will disaggregation of data be possible? We would recommend that Ofcom request this where possible. In addition, allowing services not to disclose information that has already been provided by the service elsewhere, could provide a loophole
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	and route for non-disclosure. This is particularly concerning if there are no mechanisms to assess whether the information disclosed elsewhere by services is accurate. There is also plenty of emerging evidence that the transparency reporting provided on a voluntary basis by many of the major platforms is often not meaningful, and in many cases it is misleading. Twitter for example provided misleading information about the number of anonymous accounts involved in racist abuse against black England footballers in 2021. Misleading results and discrepancies uncovered by researchers accessing the TikTok API under the EU Digital Services Act. Voluntary reporting by platforms has allowed them to set the terms of the aspects of their service they wish to report on, decide on the metrics and also decide on the contextual information provided to interpret those metrics. This could result in Ofcom only given a partial picture that may also not be accurate. We urge Ofcom to press for more analysis from all the major platforms on the estimated extent of violating content, and the overall percentage they believe they remove. D) We support Ofcom's plan to issue its own report with findings from across the services, and we agree that being able to compare services, where possible, will be useful. Noting good practices and poor practices, and the impact on users' safety will be particularly important. It would be helpful if transparency repots could be linked to specific recommendations and timescales for implementation where change is required. We also encourage Ofcom to specify whether information about illegal content has resulted in information sharing with the police.
Are there any aspects in the draft guidance where it would be helpful for additional detail or clarity to be provided?	Confidential? – N There should be clarity about how Ofcom can know if the information given to it by services is comprehensive and accurate and that it has not been manipulated in any way before being

	submitted to the regulator – a quality assurance mark and process.
Are the suggested engagement activities set out in the draft guidance sufficient for providers to understand their duties and Ofcom's expectations?	Confidential? – N We have specific concerns about the imbalance between Ofcom's approach and the strength of the largest platforms to derail it. Ofcom proposes to introduce a step - that is not required by the legislation - to discuss the draft transparency notice with companies and give them the opportunity to make representations on whether the request is feasible. We understand from discussions with Ofcom that this step is very much to ensure that this process is intended to ensure the requests to providers are clear, relevant and proportionate to the technical capacity and capabilities of the providers and it is an opportunity for Ofcom to ensure that services understand what they are being asked for and why. To avoid any perception that these discussion on the draft notices have led to a dilution of the requests to providers, and indeed to ensure full transparency, we strongly recommend that Ofcom commits to publishing both the draft transparency notice and the final draft transparency notice to enable third parties to understand which information may not have been provided as a result of providers' representations.

Question	Your response
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.	
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?	N/A

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? – N Some of the requirements set out in schedule 8 of the Act, leave it up to services to consider what information to give Ofcom, depending on what the service thinks may contribute to risks of harm (for example, point 8). Ofcom should have a process in place to evaluate whether the service has provided all of the relevant information and that it is accurate and valid, and has not omitted information under the pretext that they do not consider it a contributing factor in promoting harm, when in fact it has contributed to harm. This is particularly relevant to smaller services designed to spread harm, or that routinely facilitate harm but may also apply to larger services, for example Telegram. We also encourage Ofcom to consider suggestions from civil society organisations fed in through this consultation as to the role they could play in shaping the asks of those companies prior to the issuing of the first transparency report. We also hope that Ofcom takes recommendations from civil society organisations on good practice regarding transparency reporting and the lessons that can be learned from the failure of voluntary transparency reporting to deliver true accountability.
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?	N/A
Are there any matters within Schedule 8, Parts 1 and 2 of Act that may pose risks relating to confidentiality or commercial sensitivity as	N/A

regards service providers, services or service users if published?	
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Question	Your response
Finally, we are also seeking input into any matter that may be helpful for ensuring Ofcom's transparency reports are useful and accessible.	
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 would that information be useful and how could you or a third party use it?	Confidential? – N It would be useful for the public to know what methods platforms use in order to inform their users about the safety, interests or the ideologies behind the information consumed on the platform so they can judge how trustworthy it is. YouTube for example has added notations when news channels are funded by a foreign state, for example by Russia or Iran. TikTok has made it mandatory for advertisers to note when their content is AI-generated. X added community notes, where users identify content as fake, altered, misleading or disinformation. These are practices that should be mentioned in transparency reports and that services should be encouraged to use. In essence, the public can judge the effectiveness of any friction in the system.
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.	N/A

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Please provide any other comments you may have.	
General comments	N/A

Please complete this form in full and return to OS-Transparency@Ofcom.org.uk