

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.	
Are there any aspects in the draft guidance where it would be helpful for additional detail or clarity to be provided?	(1) It may not be clear to those reading the guidance what falls within the ambit of the terms 'relevant content' and 'media literacy'. 'Relevant content' is, of course, defined in paragraph 41 of Schedule 8 and it is clear from S165 of the Online Safety Act that the term 'media literacy' is to be interpreted by reference to subsections (1), (1)(A) and (1)(B) of S11 Communications Act 2003. We therefore suggest that the following wording is inserted at the end of 3.4 of the guidance and also at the end of the first paragraph of the Annex: 'Relevant content' is defined in paragraph 41 of Schedule 8 and the ambit of 'media literacy' is determined by subsections (1), (1)(A) and (1)(B) of S11 Communications Act 2003. (2) The guidance uses the term 'harmful content' in contexts not confined to harm to children. This may mislead readers into supposing that Ofcom's powers extend beyond illegal content and content harmful to children. We therefore suggest that where the term

	'harmful content' appears in the guidance, it is replaced by ' illegal content and content harmful to children '.
Are the suggested engagement activities set out in the draft guidance sufficient for providers to understand their duties and Ofcom's expectations?	

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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?	
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.	
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?	
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?	
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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?	
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.	

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Please provide any other comments you may have.	
General comments	

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