

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 Microsoft welcomes the principles approach that Ofcom has outlined in the draft Transparency Reporting Guidance, with the focus on relevance, appropriateness, and proportionality. These principles will be critical to help ensure that any requested metrics are meeting an identified need and appropriately tailored to the service in question as well as the risk. Proportionality is key in the application of the Online Safety Act and the associated compliance regime as a whole, and in the context of transparency reporting, should be an important consideration to help prioritize ensuring that the focus is on getting the best possible data to meet an identified transparency need, as opposed to all possible data. Ofcom may also wish to consider adding "harmonization" as an additional principle, recognizing that multiple global content regulatory regimes also require transparency reporting and similar accountability measures – some of which will closely align and may enable the development of shared metrics or complementary requests for information. Equally, we welcome the list of factors that Ofcom will take into account in applying the principles, recognizing some of the differences that may result depending on service type and function. Ofcom may also wish to specify the harm type here as well, to recognize that measuring safety outcomes may also be contingent on the harm in question and the way this factor interacts with the others enumerated. We also welcome Ofcom's guidance that it will engage with providers during each cycle to discuss information requirements.

	To the extent a request will require the development of new metrics (including the development of new functionality that facilitates the collection of new data points, such as view counts on a service that does not track or rely on engagement), an early interactive process will better enable both the service providers and Ofcom to consider the proportionality of the request, and where necessary, to build new reporting into planning and engineering cycles so as to minimize disruption to ongoing safety activities. Such early engagement will also provide an opportunity to discuss different approaches to measuring safety including whether there may be an alternative or meaningful way to measure an outcome. Equally, the process of providing feedback on a transparency notice may be critical to align on methodological questions, such as the expected approach to measuring questions like “effectiveness”. Early notice will be particularly helpful for any one-off thematic measures. During the process of providing written representations on a draft transparency notice a provider may also need to highlight to Ofcom any ways in which the risk assessment for a service has ultimately differed from Ofcom’s risk profiles, as this may need to be taken into account in any reporting request.
Are there any aspects in the draft guidance where it would be helpful for additional detail or clarity to be provided?	Nil response.
Are the suggested engagement activities set out in the draft guidance sufficient for providers to understand their duties and Ofcom’s expectations?	Nil response.

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?	Confidential? – N As earlier outlined, Ofcom may wish to consider whether similar information is or has been sought in response to a regulatory regime in another jurisdiction and whether there are opportunities to align the request.
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.	Nil response.
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 ✂
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?	In general terms, we note the importance of being able to maintain the confidentiality of certain information in order to preserve the integrity of a service's safety measures. In addition to the opportunity to indicate any sensitivities based on a draft notice, Ofcom may wish to offer the same opportunity based on a final notice, given new considerations may emerge as a report is prepared.

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	Nil response.

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.	Nil response.

Question	Your response
Please provide any other comments you may have.	
General comments	Nil response.

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