Pinterest

Pinterest Response to Consultation: Transparency Guidance
4 October 2024

I. Introduction

The following is Pinterest's response to the consultation published on 26 July 2024 by the Office of Communications (Ofcom) on its draft transparency guidance (the "Guidance") under the Online Safety Act (OSA).

Pinterest welcomes the opportunity to respond to the consultation, and views the OSA's requirements as a continuation of our longstanding commitment to transparency. Pinterest first voluntarily published a global transparency report in 2013 and has vastly expanded the scope of its disclosures over time,[1] and also complies with numerous, varied transparency requirements from jurisdictions around the world. We strive to create a safe, positive environment for our users, and we believe that explaining our content moderation efforts in a clear and comprehensible way, including through regular transparency reporting, is an important part of that.

We share many of the same goals expressed by Ofcom when it comes to effective transparency reporting, and support its objective of tailoring information requirements so that they are relevant and appropriate for the varied providers subject to the OSA. This comment highlights additional factors to consider as Ofcom finalises the Guidance and puts its transparency reporting proposals into practice.

This response is divided into two sections, with the first discussing general principles to be applied to any transparency reporting scheme, and the second commenting on the proposals contained in the Guidance.

II. General Principles for Transparency Reporting

Pinterest fully believes in and supports transparency reporting, but for transparency reporting to provide accurate and useful insights into platforms' content moderation systems, it is essential for reporting requirements to take into account the significant differences between online platforms. Every platform is unique, each with its own set of product features, common use cases, content corpus, and user base. These differences require platforms to moderate content in different ways, which inevitably leads to differences in the types of information to be included in transparency reporting.

This principle is particularly relevant to Pinterest, which is fundamentally different from the social networks that are typically considered its peers. Rather than the main unit of content consisting of posts that appear in a feed, on Pinterest Pins are created from images or

[1] Our Transparency Report Archive is accessible at: https://policy.pinterest.com/transparency

bookmarked content from the web, saved and organised by users into collections called boards, and can then be re-pinned by other users onto their own boards.

In our experience, the best approach to transparency reporting is for providers to exercise flexibility and provide context in publishing transparency reports, in order to reflect the uniqueness of their platforms and the corresponding differences in their content moderation measures. By taking this approach, each platform can explain what their statistics mean in the context of the unique features, design, and risks associated with their service, thereby providing an accurate and complete depiction of their content moderation efforts.

We believe this is the only way to have meaningful transparency that helps users and researchers truly understand the content moderation work being done by platforms.

While comparability between platforms' reports is valuable, transparency reporting without sufficient context would be reductive and potentially even foster misunderstanding. One-size-fits-all reports not only fail to account for the differences between platforms, they can be misleading, as purported "apples-to-apples" comparisons between platforms would in many cases be comparing two very different statistics. Rather than providing accurate insights into platforms' respective moderation efforts, such an exercise would make it appear, inaccurately, that moderation efforts are identical between platforms, and give rise to false conclusions.

Overly standardised reporting could also effectively force different platforms to adopt the same technical models, and the same rules for online expression and information. Further, to the extent that the standard for comparability is established by reference to currently dominant platforms, it also forces new competitors to emulate incumbents. This benefits incumbents and greatly hinders newcomers' ability to innovate or evolve new technologies and ways of doing business. Flexibility in reporting is the only way to allow room for different policies and enforcement mechanisms, and to accurately describe the facts on the ground.

In addition to promoting accurate and informative reporting, emphasising flexibility and contextualization in transparency requirements also allows for consistent reporting across jurisdictions. When regulators in different jurisdictions define key words (even those as essential as "content" or "moderated") differently, the numbers associated with those fields actually tell very different stories despite the fields looking similar, or even identical. If providers are permitted, however, to provide the relevant metrics for their platform and their definitions, as well as the context that explains their content moderation actions, they can provide clear and consistent reporting in each of the jurisdictions where they report, which leads to more meaningful transparency.

III. Comments on Ofcom's Proposed Transparency Guidance

As Ofcom is no doubt aware, the approach to transparency reporting laid out in the Guidance, in which Ofcom issues to each categorised platform an annual notice setting forth the parameters for that platform's transparency report, differs significantly from existing transparency regimes in which a consistent set of metrics is required in each reporting period.

We are encouraged by Ofcom's representations that in preparing the annual notices, it will seek to avoid unduly onerous disclosures and instead request information that is tailored to a service's functionalities, relevant to its risk factors, and proportionate to Ofcom's needs. As detailed herein, we believe Ofcom's approach is workable if the data sought by transparency notices is consistent from year-to-year to the extent possible, platforms are granted sufficient time to engage with Ofcom on the scope of the notices and take the multiple steps necessary to prepare a report, and Ofcom provides platforms with the opportunity to engage regarding Ofcom's transparency report prior to its publication.

A. Consistency in required metrics

In the Guidance, Ofcom states that transparency notices will seek a mix of "core" information that will be reported consistently over time, and "thematic" information that will vary depending on Ofcom's areas of regulatory focus each year. While some reporting of "thematic" information will be reasonable if it is proportionate to emerging risks or regulatory priorities, we urge that Ofcom prioritise maintaining consistent transparency reporting requirements from year to year to the extent possible, as well as providing platforms with transparency notices at a consistent time each year so that they may plan accordingly.

Transparency reporting benefits considerably from predictability and consistency. Regulators and the public can draw more meaningful insights from categories of information that are consistently reported from year to year, and platforms can develop more accurate and efficient internal systems for reporting the same types of information over time through the use of automation and repeatable processes, whilst also easing their compliance burden. Predictability also allows platforms to confidently allocate the resources necessary to produce timely and high-quality reporting, without the added drain on resources that can come from significantly overhauling its processes in each reporting cycle.

Relatedly, Pinterest encourages Ofcom to help streamline platforms' transparency reporting by considering potential areas of alignment with international requirements, platforms' self-guided transparency reporting, and other disclosures required by Ofcom. By recognizing where the same or substantially similar data sought in a transparency notice has already been published, Ofcom can create efficiencies that will lighten the regulatory burden on platforms without compromising its own objectives regarding transparency.

B. Adequate notice of disclosures sought

We appreciate Ofcom's acknowledgement that compliance with transparency notices will take a substantial period of time, estimated by Ofcom at 2 to 6 months, depending on the scope and nature of the data required, the capacity of the service provider, and other factors. We are also encouraged by Ofcom's intention to communicate in advance its proposed areas of focus for transparency reporting each year.

Nonetheless, we would like to reiterate that transparency reporting is a complex and time-intensive task, and accordingly, it will be beneficial for platforms to have as much notice of their reporting obligations as possible. To prepare a transparency report of any significant scale, it typically takes several months to properly pull and assess data, draft a clear and accurate report, and allow for review by knowledgeable experts in product function, data protection, product security, and other legal and technical specialties.

That lengthy process, however, can only begin after a final transparency notice has been issued. Under the proposals made in the Guidance, platforms will also likely require a significant amount of time to engage with Ofcom regarding its draft transparency notice, including time to discuss its requests among internal stakeholders and obtain their feedback, as well as consulting with Ofcom on the availability of the information sought, its relevance to Ofcom's regulatory aims, and whether its publication could potentially be used to circumvent content moderation systems. Accordingly, we believe that for most platforms, a reasonable time period to produce a report will likely be towards the upper end of the 2 to 6 month range estimated by Ofcom.

In addition to allowing sufficient time to produce reports, it would further be beneficial to align transparency reporting cycles with the time periods for conducting risk assessments under the OSA, as those assessments will likely take into consideration the data from transparency reports.

C. Pre-publication engagement on Ofcom's transparency report

The Guidance provides that Ofcom's own transparency report will be informed by a combination of information from providers' transparency reports, third-party research, and information gathered by Ofcom through engagement with the industry. While the information from providers' transparency reports will be relevant and accurate, the other sources may require additional context that only the relevant platforms can provide.

As such, before Ofcom's transparency reports are published, we respectfully request that any platform referenced therein should be provided with the portions of the report referencing their service and afforded ample opportunity to engage with Ofcom on the contents thereof so that they can request corrections, provide supplemental information, or request confidential treatment of information as needed.

IV. Conclusion

Thank you again for the opportunity to contribute to the important work being done by Ofcom to prepare for the OSA's transparency reporting regime. Pinterest welcomes further engagement on this issue, and if it would be of assistance, we would be happy to elaborate on any of the points we have raised in this response, either in writing or a bilateral discussion with Ofcom.

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