

Your response

Question	Your response
<p>Question 1: Do you have any views on our audit-based assessment, including our proposed principles, objectives, and the scoring system? Please provide evidence to support your response</p>	<p>In my view, OFCOM needs to consider how they score and consider the risks and threats that could arise from accrediting any scanning technologies as follows:</p> <ol style="list-style-type: none">1. Risk of the system infringing on individuals' human right to free expression or privacy. This is relevant where systems might break end-to-end encryption. See ECHR ruling in <i>Podchasov v. Russia</i> (https://hudoc.echr.coe.int/eng/?i=001-230854) OFCOM will have a legal duty to assess the impact of any such system on our human rights and its proportionality, and could face legal challenges if it doesn't demonstrate an assessment of the impact on the right to privacy from breaking E2EE within its framework.2. Risk of false positives or wrongful accusations - if excessive, law-enforcement agencies will be overwhelmed with spurious cases from any scanning system, and individuals may be wrongfully accused which would cause them to suffer harms. A higher threshold must therefore be applied to accuracy.3. Risk of a system breaking UK data protection laws, or undermining national cybersecurity. In attempting to gain access to messages, backdoor vulnerabilities may be introduced into private and secure messaging systems. Apple recently withdrew its advanced data protection product from the UK market, highlighting that forcing a poor technology upon a company might result in UK users losing access to products. OFCOM must consider the risk to UK consumers of forcing new technologies onto providers that are infeasible to deliver or have disproportionate economic or social costs.4. Implications with respect to the Equality Act, where a scanning system disproportionately affects people with protected characteristics – OFCOM must consider the impact of any scanning system in relation to its public sector duty.5. Higher weighting in your framework with regard to risks relating to legal duties. The suggested threshold for 'fairness' does not consider the risk to Ofcom of breach of legal obligations in relation to the Human Rights Act,

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	<p>Equalities Act and the Data Protection Act. A separate scoring and risk assessment must be taken for each considered technology to ensure Ofcom can demonstrate it is meeting statutory legal duties.</p> <p>6. Risk of a system facilitating the spread of child sexual abuse (CSA) material – a body wishing to control the use of image-based removal tools must carefully assess the risks posed by hash inversion attacks. These attacks could potentially result in recreation of images from the hashed data the tool uses. These attacks are described in S. Hawkes, C. Weinert, T. Almeida and M. Mehrnezhad, "Perceptual Hash Inversion Attacks on Image-Based Sexual Abuse Removal Tools," in IEEE Security & Privacy, doi: 10.1109/MSEC.2024.3485497. Further risks and threats from scanning technologies are set out in 'Bugs in our pockets: the risks of client-side scanning - Harold Abelson, Ross Anderson, Steven M Bellovin, Josh Benaloh, Matt Blaze, Jon Callas, Whitfield Diffie, Susan Landau, Peter G Neumann, Ronald L Rivest, Jeffrey I Schiller, Bruce Schneier, Vanessa Teague, Carmela Troncoso, Bugs in our pockets: the risks of client-side scanning, Journal of Cybersecurity, Volume 10, Issue 1, 2024, tyad020, https://doi.org/10.1093/cybsec/tyad020</p>
<p>Question 2: Do you have any views on our proposals for independent performance testing, including the two mechanisms for setting thresholds; the approach to testing technologies in categories against particular metrics; and data considerations? Please provide evidence to support your response.</p>	-
<p>Question 3: Do you have any comments on what Ofcom might consider in terms of how long technologies should be accredited for and how often technologies should be given the opportunity to apply for accreditation? Is there any further evidence we should consider?</p>	-

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<p>Question 4: Do you have any views on how to turn these proposals into an operational accreditation scheme, including the practicalities of submitting technology for accreditation? Is there any additional evidence that you think we should consider? Please provide any information that may be relevant.</p>	-
<p>Question 5: Do you have any comments on our draft Technology Notice Guidance?</p>	-

Please complete this form in full and return to technologynotices@ofcom.org.uk