

Ofcom's Video Sharing Platform framework: A guide for industry

How do I know if the VSP framework applies to my service?

You must notify Ofcom if you are an online video service that allows users to upload and share videos with the public and you are established in the UK.

See [published guidance](#) to help assess if your service meets the legal definition and jurisdictional criteria, and submit your notification via a [dedicated web portal](#). New services must notify Ofcom before launching.

What do the new rules require?

The protection of users from the risk of viewing harmful content.

To do this, VSP providers must have **appropriate measures to protect**:

- **All users from videos that are likely to incite violence or hatred** against particular groups;
- All users from videos which include **content which would be considered a criminal offence** under laws relating to terrorism; child sexual abuse material; and racism and xenophobia;
- **Under-18s** from videos containing pornography, extreme content and other material which might impair their physical, mental or moral development.

Certain standards around advertising must also be upheld.

See [Section 3 of Ofcom's Guidance for providers on how to protect users from harmful material](#) for more information.

The range of measures providers can take to protect users from harmful material include:

Measures to protect under-18s



Terms and conditions that if a person uploads a video containing any restricted material*, that it must be brought to the attention of the VSP provider.



Systems for obtaining **assurance as to the age of potential viewers**.



Parental control systems



Systems allowing **viewers to rate harmful material**.

Advertising specific measures



Include **terms and conditions** about the requirements for **advertising** on the platform



Provide the **functionality** for someone uploading a video to declare whether the video contains an **advert**.

Measures to support the protection of all users



Include **terms and conditions** prohibiting the upload of videos containing **relevant harmful material****.



Mechanisms for viewers to **report or flag harmful material** and provide explanations to users about action taken.



A **complaints process**



Tools and information for users with the aim of improving their **media literacy**.

***Restricted material** refers to videos which have or would be likely to have an R18 certificate, or which have been or would likely be refused a certificate under BBFC guidelines. It also means other material that might impair the physical, mental or moral development of persons under the age of 18.

** **Relevant harmful material** refers to any material likely to incite violence or hatred against a group of persons or a member of a group of persons based on particular grounds. It also refers to material the inclusion of which would be a criminal offence under laws relating to terrorism; child sexual abuse material; and racism and xenophobia.

More information on the risks of harmful material to users and the protection measures in the legislation can be found in section 4 of the guidance. The measures that are taken by a provider must be appropriate for the purpose of protecting users from the categories of harm above and must be effective in achieving this purpose. Services are not restricted in the measures they take and can take other measures over and above those listed in the legal framework.

The VSP regime also requires all services to provide for an impartial out-of-court dispute resolution procedure for the settlement of disputes relating to the implementation of measures and decisions as to which of the measures is or is not taken. (See [Section 5 of the guidance](#)).

How do I decide whether a measure is appropriate to protect users?

Providers must determine whether a measure is appropriate for protecting users from harmful material. A measure is appropriate if it is practicable and proportionate, taking into account factors including the nature of material and the potential harm it may cause, the characteristics of users (for example, under-18s), the size and nature of the service, and the rights and legitimate interests of users, service providers and the general public. (See [Section 6 of the guidance](#)).

We strongly encourage VSP providers to put a process in place to assess and manage risk of harm. We think it is the most effective way for providers to document decisions to determine which measures are appropriate for protecting users from harmful material. It will also help providers factor in new and emerging risks of harm to assess and mitigate (See [Section 6 of the guidance](#)).

What are the rules around VSP advertising?

UK-established VSPs need to follow requirements to protect users from harmful advertising and to ensure adverts are transparent to users. You can read more about the advertising rules in [Ofcom's proposals for the regulation of VSP advertising](#). Final guidance on the advertising requirements will be issued later in 2021.

What happens if my service doesn't comply with the VSP rules?

Ofcom has the power to investigate suspected non-compliance and take enforcement action if a VSP provider has breached its obligations. However, we will usually attempt to work with providers informally first to try to resolve compliance concerns.

If there is a breach, Ofcom has a range of powers at its disposal. We may require the VSP provider to take specified actions to come into compliance or to remedy the breach and we can also impose a financial penalty on a provider. Ultimately, in the most serious cases Ofcom has the power to suspend or restrict a service.

For more information on Ofcom's approach to monitoring and enforcement, see [Section 8 of the guidance](#). Enforcement actions follow our [Enforcement Guidelines](#). Information on financial penalties is in our [Penalty Guidelines](#).

How can I contact Ofcom about the regime?

Providers can email Ofcom at VSPRegulation@ofcom.org.uk if they have any questions about the VSP Regime.

Please note that Ofcom is unable to provide legal advice and it remains the responsibility of each provider to ensure they comply with the relevant legal obligations.

