Illegal content duties: record-keeping template

This template is designed to help user-to-user (‘U2U’) and search service providers to meet their record-keeping duties under the Online Safety Act 2023 (‘the Act’).

This can be used alongside our ‘Check how to comply with the illegal content rules’ tool but using it does not guarantee your compliance.

The record-keeping duties set out in the Act (section 23 and 34) require service providers to:

* keep written records of your illegal content risk
* keep written records of the measures taken as described in the illegal content Code of Practice to comply with a relevant duty
* keep a written record of any alternative measure taken, where you have not taken a measure recommended under the illegal content Code of Practice (based on the outcome of your illegal content risk assessment)

Full guidance on the record-keeping duties can be found in [Ofcom’s Record-Keeping and Review Guidance](https://www.ofcom.org.uk/siteassets/resources/documents/online-safety/information-for-industry/illegal-harms/record-keeping-and-review-guidance.pdf?v=387551).

As well as keeping a record, you are responsible for completing a suitable and sufficient risk assessment in line with your duties under the Act. Ofcom’s [Risk Assessment Guidance](https://www.ofcom.org.uk/siteassets/resources/documents/online-safety/information-for-industry/illegal-harms/risk-assessment-guidance-and-risk-profiles.pdf?v=388598) provides full details on what to do.

You can sign up for online safety updates or make an enquiry via [Ofcom’s website](https://ofcomlive.my.salesforce-sites.com/formentry/apex/OSScopingMainPage). For further support, you may wish to seek specialist or legal advice.

**Illegal content risk assessment**

**Service name:** Click or tap here to enter text.

**Service type:** Select one option.

**Completion date:** Choose the date.

**Next review/update date:** Choose the date.

**Reason for review:** Select one option.

**Completed by:** Click or tap here to enter text.

**Named person responsible   
for the risk assessment:** Click or tap here to enter text.

**Approved by (governance and   
accountability channels):** Click or tap here to enter text.

Step 1: U2U and Search Risk Profiles and risk factors

Activities and outcomes:

* identify the 17 kinds of priority illegal content that need to be separately assessed;
* consult Ofcom’s Risk Profiles and identify the key risk factors which are relevant to your service for each of the 17 kinds of priority illegal content.

What to include in your record:

* confirmation that you have consulted Ofcom’s Risk Profiles;  
  You may do this here by recording the outcomes of the Risk Profiles questionnaire found in Part 3 Section 1 of the Risk Assessment Guidance and Risk Profiles document, or as reflected in the ‘Check how to comply with the illegal content rules’ tool.
* a record of any risk factors from the Risk Profiles that are relevant to your service.

Ofcom resources for this step:

* [Step 1 Risk Assessment Guidance and Risk Profiles](https://www.ofcom.org.uk/siteassets/resources/documents/online-safety/information-for-industry/illegal-harms/risk-assessment-guidance-and-risk-profiles.pdf?v=388598)
* Step 1 of the ‘Check how to comply with the illegal content rules’ tool

U2U service Risk Profile and risk factors

1. Is your service any of these types?   
   *Tick all that apply.*

Social media service

Messaging service

Gaming service

Adult service

Discussion forum or chat room

Marketplace or listing service

File-sharing or file storage service

None of the above

1. Do child users access some or all of the service?

Select one option.

1. Does your service include any of these user identification functionalities?   
   *Tick all that apply.*

User profiles

Anonymous user profiles or users without accounts

None of the above

1. Does your service include any of these user networking functionalities?   
   *Tick all that apply.*

Users can connect with other users

Users can form closed groups or send group messages

None of the above

1. Does your service include any of these user communication functionalities?   
   *Tick all that apply.*

Livestreaming (either open or closed channels)

Direct messaging (including ephemeral direct messaging)

Encrypted messaging

Commenting on content

Posting or sending images or videos (either open or closed channels)

Posting or sending location information

Re-posting or forwarding content

None of the above

1. Does your service allow users to post goods and services for sale?

Select one option.

1. Does your service include any of the following functionalities that allow users to find or encounter content? *Tick all that apply.*

Searching for user-generated content

Hyperlinking

None of the above

1. Does your service use content or network recommender systems?

Select one option.

Search service Risk Profile and risk factors

What to include in your record:

* confirmation that you have consulted Ofcom’s Risk Profiles;  
  You may do this here by recording the outcomes of the Risk Profiles questionnaire found in Part 3 Section 1 of the Risk Assessment Guidance and Risk Profiles document, or as reflected in the ‘Check how to comply with the illegal content rules’ tool.
* a record of any risk factors from the Risk Profiles that are relevant to your service.

Ofcom resources for this step:

* Step 1 Risk Assessment Guidance and Risk Profiles
* Step 1 of the ‘Check how to comply with the illegal content rules’ tool.

1. Is your service any of the following service types?

Select one.

1. Do child users access your service?

Select one option.

1. Does your service have any of the following functionalities?   
   *Tick all that apply.*

Provide users with search predictions or suggestions

Allow users to search for photographs, videos or visual images

Step 2: U2U and Search: Assess the risk of harm

Activities and outcomes:

* separately assess the likelihood and impact of each of the 17 kinds of priority illegal content, using all relevant evidence;
* assess the likelihood and impact of any other illegal content which you have identified as being likely to occur on your service (including non-priority illegal content), using all relevant evidence.

As part of this process, you need to:

* assess the different ways in which the service is used, including ways which are unintended;
* identify whether there are any specific characteristics or functionalities of the service’s design or operation, not covered in Ofcom’s Risk Profiles (covered in Step 1), which could increase the risk of harm;
* consider the effectiveness of any existing control measures which could impact the level of risk of harm to service users;
* consult the risk level tables to assign a risk level for each of the 17 kinds of priority illegal content, and any other illegal content - this risk level should reflect risk as it exists on the service at the time of assessment, having had regard to the efficacy of any existing control measures you have in place;
* conclude the assessment of all the risks relating to each kind of illegal content, and the design and operation of the service, to move on to your mitigations in Step 3.

What to include in your record:

* a list of any additional characteristics (including user base, business models, functionalities, governance, and systems and processes) you have considered alongside the risk factors identified in Ofcom’s Risk Profiles;
* where you have considered the role of any existing controls already in operation on the service at the time of the risk assessment, what these controls are, what risks they are intended to mitigate and how they do this, and how the consideration of the existing controls has impacted the risk level you have assigned to a kind of illegal content;
* the level of risk (high, medium, low, or negligible) you have assigned to each of the 17 kinds of priority illegal content.  
  For U2U services, this should include a risk level assigned to sub-categories of harm (including image-based CSAM, CSAM URLS, and Grooming) and any relevant other illegal content, and an evidence-based explanation of the decision. This level should reflect risk as it exists on the service at the time of the assessment.
* a list of the evidence, and summary of the reasoning, that has informed the assessment of likelihood and impact of each of the 17 kinds of priority illegal content and any other illegal content, and how this has informed the risk level assigned to each.

Ofcom resources for this step:

* [Step 2 Risk Assessment Guidance and Risk Profiles: (Remember to check the relevant risk level tables to support your judgement)](https://www.ofcom.org.uk/siteassets/resources/documents/online-safety/information-for-industry/illegal-harms/risk-assessment-guidance-and-risk-profiles.pdf?v=388598)
* [Register of Risks](https://www.ofcom.org.uk/siteassets/resources/documents/online-safety/information-for-industry/illegal-harms/register-of-risks.pdf?v=388597)
* [Illegal Content Judgment Guidance](https://www.ofcom.org.uk/siteassets/resources/documents/online-safety/information-for-industry/illegal-harms/illegal-content-judgements-guidance-icjg.pdf?v=387556)
* Step 2 of the ‘Check how to comply with the illegal content rules’ tool

Example

Risk level:   
*[Evaluate the likelihood and impact of each kind of priority illegal content to assign a risk level (high, medium, low, negligible). Consider the relevant evidence to inform this judgement. You may consult the risk level tables found in Ofcom’s Risk Assessment Guidance (this is also covered in Step 2 of our Check how to comply with the illegal content rules)]*

Risk factors considered: *[List any relevant and specific risk factors which relate to this kind of illegal harm (such as “messaging services”, “child users (under-18s)”, “user groups” etc.) from Ofcom’s Risk Profiles. Our ‘Check how to comply with the illegal content rules’ tool presents the associated kinds of illegal harm for each risk factor you select, or you can consult table 9.1 in the Risk Assessment Guidance.]*

Additional characteristics considered:   
*[List any additional characteristics of your service which may be relevant (including user base, business models, functionalities, governance, and systems and processes) you have considered alongside the risk factors identified in Ofcom’s Risk Profiles.]*

Existing controls considered:   
*[If you have considered the role of any existing controls already in operation on your service at the time of the risk assessment, you should record what these controls are, what risks they are intended to mitigate and how they do this, and how the consideration of the existing controls has impacted the risk level you have assigned to a kind of illegal content.]*

Evidence:   
*[A list of the evidence, and summary of the reasoning, that has informed the assessment of likelihood and impact of this kind of priority illegal content, including any core and enhanced types of evidence.]*

Terrorism

Risk level:

Click or tap here to enter text.

Risk factors considered:

Click or tap here to enter text.

Additional characteristics considered:

Click or tap here to enter text.

Existing controls considered:

Click or tap here to enter text.

Evidence:

Click or tap here to enter text.

Child sexual exploitation and abuse (CSEA)

Risk level

Click or tap here to enter text.

Risk factors considered:

Click or tap here to enter text.

Additional characteristics considered:

Click or tap here to enter text.

Existing controls considered:

Click or tap here to enter text.

Evidence:

Click or tap here to enter text.

Image-based child sexual abuse material (U2U only)

Risk level

Click or tap here to enter text.

Risk factors considered:

Click or tap here to enter text.

Additional characteristics considered:

Click or tap here to enter text.

Existing controls considered:

Click or tap here to enter text.

Evidence:

Click or tap here to enter text.

Child sexual abuse material URLs (U2U only)

Risk level

Click or tap here to enter text.

Risk factors considered:

Click or tap here to enter text.

Additional characteristics considered:

Click or tap here to enter text.

Existing controls considered:

Click or tap here to enter text.

Evidence:

Click or tap here to enter text.

Grooming (Child sexual abuse and exploitation) (U2U only)

Risk level

Click or tap here to enter text.

Risk factors considered:

Click or tap here to enter text.

Additional characteristics considered:

Click or tap here to enter text.

Existing controls considered:

Click or tap here to enter text.

Evidence:

Click or tap here to enter text.

Hate

Risk level

Click or tap here to enter text.

Risk factors considered:

Click or tap here to enter text.

Additional characteristics considered:

Click or tap here to enter text.

Existing controls considered:

Click or tap here to enter text.

Evidence:

Click or tap here to enter text.

Harassment, stalking, threats and abuse offences

Risk level

Click or tap here to enter text.

Risk factors considered:

Click or tap here to enter text.

Additional characteristics considered:

Click or tap here to enter text.

Existing controls considered:

Click or tap here to enter text.

Evidence:

Click or tap here to enter text.

Controlling or coercive behaviour

Risk level

Click or tap here to enter text.

Risk factors considered:

Click or tap here to enter text.

Additional characteristics considered:

Click or tap here to enter text.

Existing controls considered:

Click or tap here to enter text.

Evidence:

Click or tap here to enter text.

Intimate image abuse

Risk level

Click or tap here to enter text.

Risk factors considered:

Click or tap here to enter text.

Additional characteristics considered:

Click or tap here to enter text.

Existing controls considered:

Click or tap here to enter text.

Evidence:

Click or tap here to enter text.

Extreme pornography offence

Risk level

Click or tap here to enter text.

Risk factors considered:

Click or tap here to enter text.

Additional characteristics considered:

Click or tap here to enter text.

Existing controls considered:

Click or tap here to enter text.

Evidence:

Click or tap here to enter text.

Sexual exploitation of adults

Risk level

Click or tap here to enter text.

Risk factors considered:

Click or tap here to enter text.

Additional characteristics considered:

Click or tap here to enter text.

Existing controls considered:

Click or tap here to enter text.

Evidence:

Click or tap here to enter text.

Human trafficking

Risk level

Click or tap here to enter text.

Risk factors considered:

Click or tap here to enter text.

Additional characteristics considered:

Click or tap here to enter text.

Existing controls considered:

Click or tap here to enter text.

Evidence:

Click or tap here to enter text.

Unlawful immigration

Risk level

Click or tap here to enter text.

Risk factors considered:

Click or tap here to enter text.

Additional characteristics considered:

Click or tap here to enter text.

Existing controls considered:

Click or tap here to enter text.

Evidence:

Click or tap here to enter text.

Fraud and financial services offences

Risk level

Click or tap here to enter text.

Risk factors considered:

Click or tap here to enter text.

Additional characteristics considered:

Click or tap here to enter text.

Existing controls considered:

Click or tap here to enter text.

Evidence:

Click or tap here to enter text.

Proceeds of crime

Risk level

Click or tap here to enter text.

Risk factors considered:

Click or tap here to enter text.

Additional characteristics considered:

Click or tap here to enter text.

Existing controls considered:

Click or tap here to enter text.

Evidence:

Click or tap here to enter text.

Drugs and psychoactive substances

Risk level

Click or tap here to enter text.

Risk factors considered:

Click or tap here to enter text.

Additional characteristics considered:

Click or tap here to enter text.

Existing controls considered:

Click or tap here to enter text.

Evidence:

Click or tap here to enter text.

Firearms, knives and other weapons

Risk level

Click or tap here to enter text.

Risk factors considered:

Click or tap here to enter text.

Additional characteristics considered:

Click or tap here to enter text.

Existing controls considered:

Click or tap here to enter text.

Evidence:

Click or tap here to enter text.

Encouraging or assisting suicide (or attempted suicide)

Risk level

Click or tap here to enter text.

Risk factors considered:

Click or tap here to enter text.

Additional characteristics considered:

Click or tap here to enter text.

Existing controls considered:

Click or tap here to enter text.

Evidence:

Click or tap here to enter text.

Foreign interference offence

Risk level

Click or tap here to enter text.

Risk factors considered:

Click or tap here to enter text.

Additional characteristics considered:

Click or tap here to enter text.

Existing controls considered:

Click or tap here to enter text.

Evidence:

Click or tap here to enter text.

Animal cruelty

Risk level

Click or tap here to enter text.

Risk factors considered:

Click or tap here to enter text.

Additional characteristics considered:

Click or tap here to enter text.

Existing controls considered:

Click or tap here to enter text.

Evidence:

Click or tap here to enter text.

Step 3: U2U and Search: Decide measures, implement and record

There are separate record-keeping duties for any measures taken to comply with a relevant duty as recommended in the illegal content code of practice, and where the service provider chooses to take or use alternative measures to comply with a relevant duty.

Activities and outcomes

* consult Ofcom's illegal content Codes of Practice, check which measures are recommended for your service, and decide how to implement applicable measures, or use alternative measures
* understand how to implement all relevant measures
* record the outcomes of your risk assessment

What to include in your records of measures recommended in Ofcom’s illegal content code of practice

* a written record of each measure that is taken or is in use as described in the illegal content code of practice, which:   
  a) provides a description of the measure;  
  b) identifies the relevant code of practice; and  
  c) gives the date that the measure takes effect.

To help you record this information, for each of the measures Ofcom recommends, we set out which duty it relates to in the illegal content Code of Practice and in the recommended measures section of our ‘Check how to comply with the illegal content rules’ tool.

What to include in your records of alternative measures taken to comply with a relevant duty

A written record must include:

a) the measures in the illegal content code of practice that have been recommended based on the outcome of the risk assessment but have not been taken or are not in use;

b) he alternative measures that have been taken or are in use;

c) how those alternative measures amount to compliance with the duty in question; and

d) how you have complied with the duty to have particular regard to the importance of protecting UK users’ (and interested persons if you are a search service) right to freedom of expression and privacy

Where you choose to adopt any alternative measures to comply with the duties relating to illegal content, the written record must also state whether the alternative measures have been taken or are in use in every area listed in [table 2 of the Record-keeping and Review guidance](https://www.ofcom.org.uk/siteassets/resources/documents/online-safety/information-for-industry/illegal-harms/record-keeping-and-review-guidance.pdf?v=387551) (this is also listed in Step 3 of the ‘Check how to comply with the illegal content rules’ tool).

Ofcom resources for this step:

* [Record-Keeping and Review Guidance](https://www.ofcom.org.uk/siteassets/resources/documents/online-safety/information-for-industry/illegal-harms/record-keeping-and-review-guidance.pdf?v=387551)
* [Illegal Content Code of Practice (U2U or Search)](https://www.ofcom.org.uk/online-safety/illegal-and-harmful-content/statement-protecting-people-from-illegal-harms-online/)
* [Step 3 Risk Assessment Guidance](https://www.ofcom.org.uk/siteassets/resources/documents/online-safety/information-for-industry/illegal-harms/risk-assessment-guidance-and-risk-profiles.pdf?v=388598)
* Step 3 of the ‘Check how to comply with the illegal content rules’ tool

Illegal content Codes of Practice measures (copy and paste form fields as necessary for each measure)

Description:  *[Description of the recommended measure from the Illegal Content Codes of Practice.]*

Click or tap here to enter text.

Status:  *[Whether the measure has already been implemented or is planned to be implemented.]*

Click or tap here to enter text.

Date measure takes/took effect

Click or tap to enter a date.

Relevant code:

Click or tap here to enter text.

Relevant duties:

Click or tap here to enter text.

Date record made:

Click or tap to enter a date.

Alternative measures (copy and paste form fields as necessary for each measure)

Recommended measure   
*[Measure recommended in the illegal content code of practice, based on the outcome of your risk assessment, that you have chosen not to implement.]*

Click or tap here to enter text.

Alternative measure:  
*[Details of the alternative measure you have chosen to implement as an alternative.]*

Click or tap here to enter text.

Relevant duties:   
*[Duties that this measure helps you comply with and provide an explanation about how the alternative measure fulfils that duty.]*

Click or tap here to enter text.

Demonstrate how you have had regard for section 49(5) (freedom of expression and privacy):   
*[How you have complied with the duty to have particular regard to the importance of protecting UK users’ (and interested persons if you are a search service) right to freedom of expression and privacy (Section 49(5) Online Safety Act).]*

Click or tap here to enter text.

Area of the service the alternative measure applies to:   
*[State whether the alternative measure has been taken or is in use in every area from* [*table 2 of the Record-keeping and Review guidance*](https://www.ofcom.org.uk/siteassets/resources/documents/online-safety/information-for-industry/illegal-harms/record-keeping-and-review-guidance.pdf?v=387551) *(also listed in Step 3 of the ‘Check how to comply with the illegal content rules’ tool)]*

Click or tap here to enter text.

Date measure takes effect:   
*[Date the measure came/will come into effect on your service.]*

Click or tap to enter a date.

Date record made:

Click or tap to enter a date.

Step 4: U2U and Search: Report, review, and update risk assessments

The Act requires that you regularly review your compliance with each of the online safety duties. You must also review your compliance as soon as reasonably practicable after making any significant change to any aspect of the design or operation of your service. You should consult Ofcom’s Record-keeping and Review guidance for more information about this duty.

Activities and outcomes

* report on the illegal content risk assessment and measures through appropriate Governance and Accountability channels
* monitor the effectiveness of safety measures at reducing the risk of harm to users
* monitor developing risks and the level of risk exposure after appropriate measures are implemented (also known as residual risk)
* review and/or update the risk assessment when appropriate, including before making any significant change to any aspect of the service’s design or operation
* If you are a Category 1 or 2A service you must also supply Ofcom with a copy of your illegal content risk assessment as soon as reasonably practicable after completing or revising your illegal content risk assessment.

What to include in your record:

* a written record of the annual review cycle for the illegal content risk assessment, and a named person responsible appointed for this process
* confirmation that the findings of the risk assessment have been reported and recorded through appropriate governance channels

Ofcom resources for this step:

* [Step 4 Risk Assessment Guidance](https://www.ofcom.org.uk/siteassets/resources/documents/online-safety/information-for-industry/illegal-harms/risk-assessment-guidance-and-risk-profiles.pdf?v=388598)
* Step 4 of the ‘Check how to comply with the illegal content rules’ tool
* [Record-keeping and Review guidance](https://www.ofcom.org.uk/siteassets/resources/documents/online-safety/information-for-industry/illegal-harms/record-keeping-and-review-guidance.pdf?v=387551)
* [Illegal Content Codes of Practice (governance section U2U or Search)](https://www.ofcom.org.uk/online-safety/illegal-and-harmful-content/statement-protecting-people-from-illegal-harms-online/)

Report activity

Date of next annual risk assessment:

Click or tap to enter a date.

Confirmation findings of the illegal content risk assessment have been reported, and recorded:

Choose an item. Yes/No

Date the findings of the illegal content risk assessment were reported, and recorded:

Click or tap to enter a date.   
*[Keep a copy of each record of your risk assessment and the date on which it was reported. Update this field for each record.]*

Information on how you take appropriate steps to keep the risk assessment up to date (for example, a written policy):

Click or tap here to enter text.