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#### By email only

# Online Safety Act - Publication of Protection of Children Statement

Today Ofcom has published the Protection of Children Codes and guidance, which will create a safer life online for children in the UK.

The Online Safety Act ('the Act') received Royal Assent on 26 October 2023. Since then, Ofcom has moved fast to bring our new duties into force as quickly as possible, acknowledging the scale of harm experienced online and the urgency with which it must be tackled. Today's publication marks a major milestone in our implementation of the Act: we have now met the deadline set by Parliament to finalise our Illegal Harms and Protection of Children Codes and guidance within 18 months of Royal Assent. This means that many of the key duties on platforms in scope of the Act are already live and enforceable. Subject to Parliamentary clearance of the Protection of Children Codes, these additional duties will be live and require action from industry by the end of July.

The Codes and Guidance we are publishing today deliver on a key objective of the Act to secure a higher level of protection for children online than for adults. The Act also requires us to protect the wider rights of all users (including freedom of expression and privacy) and ensure that our rules are proportionate.

#### **Protection of Children Codes**

From today, services likely to be accessed by children<sup>1</sup> have three months, until 24 July, to assess the risk they pose to children and decide which steps they need to take to manage those risks, in line with our Children's Risk Assessment Guidance.

The Government has today laid the Protection of Children Codes in Parliament. Once they have been approved, from 25 July providers will need to take the steps laid down in the Codes or use other effective measures to protect UK children. By the same date, all services which allow pornography must have highly effective age assurance in place to prevent children from accessing it.

## What will change?

The package we are publishing today will have a big impact on the online lives of children in the UK, with significant changes required to protect them from serious harms that have become normalised and routine.

<sup>&</sup>lt;sup>1</sup> Following the publication of our Age Assurance and Children's Access Statement in January this year, service providers were given three months, until 16 April, to assess whether they are likely to be accessed by children.

The Codes measures we are confirming – once implemented across industry – will mean that children will not normally be able to encounter pornography, and will be protected from seeing, and being recommended, other types of content which is harmful to them. Where they do see harmful content, children will be able to complain and have their complaints acted on appropriately and they will have more control over the chats and forums that they join. The Codes are made up of over 40 practical measures and provide for:

- Robust age checks, meaning that the riskiest services must use highly effective age
  assurance to protect all children under 18 from harmful content. In addition, if services have
  minimum age requirements and are not using highly effective age assurance to prevent
  children under that age using the service, they must assume that younger children are on
  their service and take appropriate steps to protect them from harm.
- Safer algorithms, so that services recommending content to children must configure their algorithms to ensure children are not presented with the most harmful content including suicide and self-harm material, and take appropriate action to protect them from other harmful content such as violence, misogyny and hate.
- **Effective moderation**, so all services have content moderation systems in place to take swift action against content harmful to children when they become aware of it.
- User reporting and complaints systems that are easy to access and use, meaning that all children and the people who care for them must be able to easily report harmful content, and that providers take appropriate action and are transparent about their decisions.
- Clear terms of service that are accessible to children.
- Tools and support for children to stay safe online. This includes supportive information for children who may have been exposed to harmful content, and safety default settings for the largest search services. Children must be given more choice, including to accept or decline invitations to group chats where they could encounter harmful content.
- Putting managing risk of harm to children at the heart of decision-making and governance.
   All services must have a named person accountable for children's safety. Other measures include an annual senior-body review of all risk management activities relating to children's safety and an employee Code of Conduct that sets standards for employees around protecting children.

We understand the importance of ensuring that our decisions are anchored in the real experiences of families. Our researchers have heard from over 27,000 children and 13,000 parents, and we conducted deliberative discussions with children across the UK to explore their views on our proposals. These perspectives have directly informed the Codes measures and guidance, alongside feedback we received from industry, civil society, charities and child safety experts.

## How this statement fits with our wider implementation

Today's statement builds on the measures that we have already put in place to protect all users from illegal harms, including grooming of children and sharing of child sexual abuse material, and complements the work we are doing to prevent children from encountering pornography online. All these measures are now live and enforceable, and Ofcom has already started driving compliance across the industry. Ofcom supervision teams have been up and running for more than a year, working directly with more than 50 of the most risky platforms, large and small. We have opened a number of enforcement programmes to accelerate change where this is needed.

## Illegal Harms

The Act requires online services that host user-generated content and search services to protect their users from illegal harms. These include terror, illegal hate, fraud, grooming of children, and sharing of illegal intimate images and Child Sexual Abuse Material (CSAM).

On 16 December 2024, we finalised our Illegal Harms Codes and associated guidance, setting out our expectations of what services must do to fulfil their duties. This meant companies had three months, until 16 March 2025, to complete their illegal harms risk assessments, and from 17 March providers were required to take the steps laid down in the Codes or use other effective measures to protect users. Using our formal information powers we requested illegal harms risk assessments from more than 50 services, large and small, and received almost all of them by the deadline. This means that for the first time, services have had to properly consider and record risks, the steps needed to mitigate them and to set up appropriate governance mechanisms to oversee them, underpinning a safety by design approach. Three services did not respond to our request and have been passed to our enforcement team to consider further action.

On 17 March, we launched an enforcement programme into CSAM on file-sharing services, to assess the safety measures being taken in this critical part of the online system to prevent offenders from disseminating CSAM. We are working with law enforcement agencies and other organisations to identify file-sharing services with the highest risk of hosting CSAM, whatever their size, and have now sent formal requests for those services to share their risk assessments with us.

We have also opened an investigation into a provider of an online suicide discussion forum which may host potentially illegal content and may be causing significant harm to UK users. The provider has failed to respond to our information notice requesting a copy of their illegal harms risk assessment.

### Children's Access and Age Assurance

Robust age checks are a cornerstone of the Online Safety Act. In January, Ofcom published guidance setting out how we expect sites and apps to introduce highly effective age assurance to prevent all children under 18 from accessing harmful content, including pornography. This followed significant engagement across the online adult industry by Ofcom teams over the previous two years, to ensure that companies understood their new duties. All user-to user services that allow pornography must have fully implemented highly effective age assurance by 25 July at the latest; duties on services which publish their own pornography ('Part 5 services') came into force in January and services had to begin taking action immediately.

Following the publication of the guidance, Ofcom opened an Enforcement Programme to monitor and assess compliance with these duties, starting with Part 5 services, writing to hundreds of services to inform them of their obligations and asking for details of how they intended to meet them. Providers responsible for over 1000 adult sites covered by the Part 5 duties have now confirmed to us they have highly effective age assurance in place or will shortly be implementing it. The overall response from the adult industry has been encouraging so far. However, the scale of change we need to see is very significant. We are monitoring whether services are meeting the timelines they have set out and are actively assessing the measures of services who have not responded. A number of services have already been referred to our enforcement team for review.

From July we will extend our Enforcement Programme to all user-to-user services that permit pornography and will not hesitate to take swift enforcement action if they have failed to implement highly effective age assurance.

#### What happens next

#### Driving awareness and compliance

2025 is the year of action for online services. Our Codes of Practice across Illegal Harms and Protection of Children represent a significant step forward in creating a safer life online for UK users. As the new rules continue to come into force, sites and apps must now act to better protect users online, especially children. Ofcom's focus is increasingly shifting from developing Codes and guidance to driving compliance, especially with services that pose the greatest risk to users – large or small.

As well as using enforcement and compliance action to drive change, we are actively providing support for companies to comply. In January we launched a new digital toolkit which has been welcomed across the industry, and this was followed by a three-day conference aimed at guiding services through the illegal harms risk assessment process and identifying the measures they must put in place. Our Protection of Children version of the toolkit will launch in late May and we will be hosting another industry conference soon after that, with virtual and face-to-face attendance possible so that we maximise the number of companies we reach. We have <u>published a blog</u> for small, lower risk services, setting out our approach in this area and the key steps that all services must undertake. We have also published explainers on <u>what online service providers operating in the UK need to do to protect people from suicide and self-harm content</u> and <u>how the Act protects people in the UK from illegal online content – regardless of its origin</u>.

We are monitoring industry's response to the Illegal Harms and Protection of Children rules closely and are engaging with over 50 of the biggest and riskiest services. In recognition of the particular risks of harm on some small services, we have created a dedicated supervision taskforce for this service-type.

While significant further change is needed, we have already seen some early signs of compliance with our Illegal Harms measures. For example, new Teen Accounts on Instagram that limit interactions with users they don't know and restrict 'sensitive' content; Meta's changes to its default settings to switch off the ability of under 18s to receive messages from strangers; safety measure improvements on Snapchat such as enhanced friending protections and in-app warnings; and Telegram joining the Internet Watch Foundation to enable it to scan for known CSAM content.

Where services do not comply, we have the powers to impose penalties of up to £18 million or 10% of the provider's qualifying worldwide revenue (whichever is greater). Furthermore, in very serious cases we can seek a court order to impose business disruption measures, which may require third parties (such as providers of payment or advertising services, or internet service providers) to withdraw, or limit access to, the services in the UK.

# **Building on our existing Codes measures**

Our first edition Codes of Practice provide a firm foundation and will drive significant change in the experiences of UK users. However, we cannot stand still, particularly given the rapid changes to risks that are constantly being driven by innovation in technology.

Before the summer recess, we will be building on these foundations by publishing proposals for additional measures to protect users from illegal harms and from content harmful to children. In December, we announced that our forthcoming consultation would include proposals for:

- banning the accounts of people found to have shared CSAM;
- crisis response protocols for emergency events;

- use of hash matching to prevent the sharing of non-consensual intimate imagery and terrorist content; and
- tackling harms including CSAM through the use of AI.

We can now confirm that these proposals will also include measures to protect children from grooming through the use of highly effective age assurance and reducing the risk to children of livestreaming. After we have consulted on these measures, we will publish new versions of the Illegal Harms Codes and Protection of Children Codes, incorporating any new measures that we decide to recommend, and once they are in force we will drive change towards them.

We are making full use of our information gathering and transparency powers to collect further evidence about the emerging risks to users online and the most effective measures for tackling harms. Combined with the rapidly evolving nature of online harms, and the pace of technological advancement, this means that we expect to continue updating our regulation over time.

## Additional phases of work

In February, we published our draft Guidance, <u>A safer life online for women and girls</u>, setting out where technology firms should do more to improve women and girls' online safety. The consultation is open until 23 May, and we will publish our final Guidance by the end of the year.

The final phase of implementation relates to categorised services. Now that Parliament has confirmed the thresholds for categorisation, our next steps are to publish the register of categorised services by the end of July, and then, within a few weeks, to issue draft transparency notices. We will publish our draft proposals relating to the additional duties on categorised services no later than early 2026.

I would like to express my sincere thanks to Parliamentarians for your deep and committed engagement with us as we push forward with the implementation of the Online Safety Act. I look forward to our continued work together in our shared mission to create a safer life online for everyone across the UK. As an immediate next step, we will be hosting a private briefing session for Parliamentarians on the Protection of Children Codes and guidance in the afternoon of 30 April – you should have already received an invite (please get in touch if not). We hope to speak to you then.

Yours sincerely,

Tholai Day

Melanie Dawes