

Your response

Questions for industry	Your response
<p>Question 1: Are you providing a UK-established service that is likely to meet the AVMSD definition of a VSP?</p> <p>Please provide details of the service where relevant. The establishment criteria under the AVMSD are set out in annex 5.</p>	
<p>Question 2: Is your service able to identify users based in specific countries and do you provide customised User Interfaces (UI), User Experience (UX) functionality or interaction based on perceived age and location of users?</p>	
<p>Question 3: How does your service develop and enforce policies for what is and is not acceptable on your service? (including through Ts&Cs, community standards, and acceptable use policies)</p> <p>In particular, please provide information explaining:</p> <ul style="list-style-type: none"> • what these policies are and whether they cover the categories of harm listed in the AVMSD (protection of minors, incitement to hatred and violence, and content constituting a criminal offence – specifically Child Sexual Exploitation and Abuse, terrorist material, racism and xenophobia); • how your service assesses the risk of harm to its users; • how users of the service are made aware of Ts&Cs and acceptable use policies; and • how you test user awareness and engagement with Ts&Cs. 	
<p>Question 4: How are your Ts&Cs (or community standards/ acceptable use policies) implemented?</p> <p>In particular, please provide information explaining:</p>	

<ul style="list-style-type: none"> • what systems are in place to identify harmful content or content that may breach your standards and whether these operate on a proactive (e.g. active monitoring of content) or reactive (e.g. in response to reports or flags) basis; • the role of human and automated processes and content moderation systems; and • how you assess the effectiveness and impact of these mechanisms/ processes. 	
<p>Question 5: Does your service have advertising rules?</p> <p>In particular, please provide information about any advertising rules your platform has, whether they cover the areas in the AVMS Directive, and how these are enforced. See Annex 5 for a copy of the AVMSD provisions.</p>	
<p>Question 6: How far is advertising that appears on your service under your direct control, i.e. marketed, sold or arranged by the platform?</p> <p>Please provide details of how advertising is marketed, sold and arranged to illustrate your answer.</p>	
<p>Question 7: What mechanisms do you have in place to establish whether videos uploaded by users contain advertising, and how are these mechanisms designed, enforced, and assessed for effectiveness?</p>	
<p>Question 8: Does your service have any reporting or flagging mechanisms in place (human or automated)?</p> <p>In particular, please provide information explaining:</p> <ul style="list-style-type: none"> • what the mechanisms entail and how they are designed; • how users are made aware of reporting and flagging mechanisms; 	

<ul style="list-style-type: none">• how you test user awareness and engagement with these mechanisms;• how these mechanisms lead to further action, and what are the set of actions taken based on the reported harm;• how services check that any action taken is proportionate and takes into account Article 10 of the European Convention of Human Rights (freedom of expression);• how users (and content creators) are informed as to whether any action has been taken as a result of material they or others have reported or flagged;• whether there is any mechanism for users (including uploaders) to dispute the outcome of any decision regarding content that has been reported or flagged; and• any relevant statistics in relation to internal or external KPIs or targets for response.	
<p>Question 9: Does your service allow users to rate different types of content on your platform?</p> <p>Please provide details of any rating system and what happens as a result of viewer ratings.</p>	
<p>Question 10: Does your service use any age assurance or age verification tools or related technologies to verify the age of users?</p> <p>In particular, please provide information explaining:</p> <ul style="list-style-type: none">• how your age assurance policies have been developed and what age group(s) they are intended to protect;• how these are implemented and enforced;• how these are assessed for effectiveness or impact; and• if the service is tailored to meet age-appropriate needs (for example, by restricting specific content to specific users), how this works.	

Question 11: Does your service have any parental control mechanisms in place?

In particular, please provide information explaining:

- **how these tools have been developed;**
- **what restrictions they allow;**
- **how widely they are used; and**
- **how users of the service, and parents/guardians if not users themselves, are made aware of and encouraged to use the parental control mechanisms that are available.**

Question 12: Does your service have a complaints mechanism in place? Please describe this, including how users of your service can access it and what types of complaint they can make.

In particular, please provide information explaining:

- **any time limits for dealing with complaints;**
- **how complainants are informed about the outcomes of complaints;**
- **any appeals processes, how they work, and whether they are independent from the complaints processes; and**
- **the proportion of complaints which get disputed or appealed.**

Question 13: What media literacy tools and measures are available on your service?

In particular, please provide any relevant information about:

- **how you raise awareness of media literacy tools and measures on your service;**
- **how you assess the effectiveness of any media literacy tools and measures provided on your service; and**
- **how media literacy considerations, such as your users' ability to understand and respond to the content available to them feature in your thinking about how you design and deliver your services, for example**

<p>in the user interfaces, flagging content and use of nudges.</p>	
<p>Question 14: Do you publish transparency reports with information about user safety metrics?</p> <p>Please provide any specific evidence and examples of reports, information around the categorisation and measurements used for internal and external reporting purposes, and whether you have measures in place to report at country/ regional level and track performance over time.</p>	
<p>Question 15: What processes and procedures do you have in place to measure the impact and effectiveness of safety tools or protection measures?</p> <p>If not already captured elsewhere in your response, please provide information relevant to all of the measures listed above explaining:</p> <ul style="list-style-type: none"> • how you test and review user awareness and engagement with each measure (including any analysis or research that you would be willing to share with Ofcom); • how often policies and protection measures are reviewed, and what triggers a review; and • how you test the impact of policies on users and the business more generally, such as how you balance the costs and benefits of new tools. 	
<p>Question 16: How do you assess and mitigate the risk of inadvertent removal of legal or non-harmful content?</p> <p>In particular, please provide any information on:</p> <ul style="list-style-type: none"> • how freedom of expression is taken into account during this assessment; • how appeals are handled and what proportion are successful; and • audits of automated removal systems and, if you have them, any metrics that relate to their effectiveness. 	

Question 17: Have you previously implemented any measures which have fallen short of expectations and what was your response to this?

Please provide evidence to support your answer wherever possible.

Question 18: How does your service develop expertise and train staff around different types of harm? (e.g. do you have any partnerships in place?)

Questions for all stakeholders

Question 19: What examples are there of effective use and implementation of any of the measures listed in article 28(b)(3) the AVMSD 2018?

The measures are terms and conditions, flagging and reporting mechanisms, age verification systems, rating systems, parental control systems, easy-to-access complaints functions, and the provision of media literacy measures and tools. Please provide evidence and specific examples to support your answer.

Your response

Our work listening to families informs everything we do – and given we are a key part of delivering digital literacy for parents we wanted to share some insights with you. Parents seek advice about online safety when one of four things happen:

- There is a new device at home
- There is a new app / platform on the device
- Children start secondary school
- There is a safety concern that can be prompted by any number of reasons, not least lived experience, prompts from school, media stories etc.

Parents seek help most often through an online search or asking for help at school. Clearly throughout lockdown, searching for solutions has been more important, meaning evidenced based advice from credible organisations must be at the top of the rankings.

Once parents are engaged with advice it has to be easy to understand – and so we regularly poll parents on what they would think talk and do differently after engaging with our website. The charts below demonstrate that serving parents content that meets their requirements drives meaningful and measurable change.

These data points indicate that digital literacy amongst parents can and is influenced by good

quality resources – which equip them to have routine conversations with their children about their digital lives. Moreover our pages on parental controls consistently rank in the top 10 most popular pages.

Engagement with Internet Matters results in greater parental confidence and action

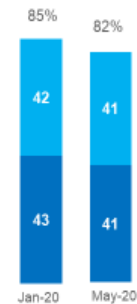
Interaction has a positive impact on parent confidence & knowledge

✓ Improvement in confidence	Confidence to find information needed to protect children online	36%
	After visiting internetmatters.org	77%
✓ Improvement in resolving	To know who to turn to for support in dealing with issues	33%
	After visiting internetmatters.org	79%
✓ Improvement in knowledge	Know a huge amount / a lot about online safety	42%
	After visiting internetmatters.org	76%

The majority of parents are likely to take action having visited the website



A significant majority are likely to recommend to family & friends



internetmatters.org

Source: Wave 10 Internet Matters Tracking May-20 with 2,000 parents with children aged 4-16

Question 20: What examples are there of measures which have fallen short of expectations regarding users' protection and why?

Please provide evidence to support your answer wherever possible.

Confidential? N

We have to conclude that moderation of livestreaming is not working currently and perhaps cannot work, abuse of platforms terms and conditions happens in real time. In the following two examples it's not simply terms and conditions that were abandoned, it was much more serious. The tragic recent suicide was circulated globally within seconds and although platforms took quick and decisive action too many people saw that harrowing content on mainstream apps, with little or no warning as to graphic content. As we all know, this wasn't the only example of livestreaming moderation failure, as the Christchurch shootings highlighted back in March 2019.

Clearly these are complex issues where someone deliberately sets out to devastate lives through their own actions and their decision to livestream it. Of course, the two examples are not comparable save in what we can learn from them and what a regulator could meaningfully do in these situations.

Perhaps it is in the very extreme and exceptional nature of this content than comfort can be found – in that in nearly every other circumstance this content is identified and isolated in the moments between uploading and sharing. Clearly these are split second decisions which are reliant on outstanding algorithms and qualified human moderators. Perhaps the role of the regulator in this situation is to work with platforms onto which such content can be or was uploaded and viewed and shared to understand and explore what went wrong and then agree concrete actions to ensure it cannot happen again. Perhaps those learnings could be shared by the regulator in a confidential way with other platforms, simply for the purpose of ensuring lessons are learnt as widely as possible – for the protection of the public, and where appropriate for the company to provide redress. For that to work the culture of the regulator and its approach has to be collaborative and engaging rather than remote and punitive.

Recommendations the Regulator may want to deploy could include (but not be limited to) requesting companies have established plans to work together to ensure notifications are shared immediately across platforms – as there is no commercial advantage in keeping this information within one platform.

The other issue that requires detailed consideration are comments under videos – be that toddlers in paddling pool, or teenagers lip-synching to music videos. Perhaps there are two separate issues here. For the accounts of young people between 13-16, unless and until anonymity on the internet no longer exists, 'platforms should be encouraged take a cautious approach to comments, removing anything that is reported and reinstating once comment has been validated.'

We would encourage the regulator to continue to work with platforms to identify videos that although innocent in nature, attract inappropriate comments and suspend the ability to comment publicly under them. Often account holders have no idea who the comments are being left by and context is

	<p>everything. A peer admiring a dance move or an item of clothing is materially different to comments from a stranger.</p> <p>For as long as sites are not required to verify the age of the users, livestreams will be both uploaded and watched by children. Children have as much right to emerging technology as anyone else – and have to be able to use it safely. So the challenge for the regulator becomes how to ensure children who are livestreaming can do so without inappropriate contact from strangers.</p> <p>Whilst many young people tell us they like and appreciate the validation they receive from comments, the solution isn't to retain the functionality. It's to stop it and invest the time and money in understand what is happening in the lives of our young people that the validation of strangers is so meaningful to them.</p> <p>For parents posting images of toddlers in paddling pools there are both technical and educational responses. There should be the ability for images to only be seen in private mode so that strangers are not able to comment. Secondly there should be an educational play to parents - which probably starts with conversations between the expectant mother and the mid-wife about how much of their child's infant life it is appropriate to post online for the world to see. The regulator could play a role in challenging the show-reel lifestyle that has rapidly become the norm.</p>
<p>Question 21: What indicators of potential harm should Ofcom be aware of as part of its ongoing monitoring and compliance activities on VSP services? Please provide evidence to support your answer wherever possible.</p>	
<p>Question 22: The AVMSD 2018 requires VSPs to take appropriate measures to protect minors from content which 'may impair their physical, mental or moral development'. Which types of content do you consider relevant under this? Which measures do you consider most appropriate to protect minors?</p>	<p>In addition to the self-harm and suicide content detailed in our answer to question 21, there are several other types of content that can impair children's physical, mental or moral development which includes (and isn't limited to)</p>

Please provide evidence to support your answer wherever possible, including any age-related considerations.

- Pornography and all of other adult and sexualised content that surround pornography. This also includes the impact this content has on children's perceptions of healthy relationships, consent and the role of women. Our report – [We need to talk about Pornography](#) details these issues in the context of parental support for age verification.
- Violence – the normalisation of violence and the implications of content around certain types of music and gang culture can be highly damaging.
- Criminal activity – from the use of VSP to recruit minors for county lines and the glorification of glamorous lifestyles there is a range of harmful content that encourages criminality.
- Gambling, smoking and alcohol, knives – children should not be able to gamble online – it's illegal offline and should be both illegal and impossible online. Likewise there are age restrictions on the sale of restricted items; tobacco, alcohol and weapons and this should mean it is impossible for children to review this content in the form of an advert that glamourises it or be presented with an opportunity to purchase it.
- Ideology / Radicalisation / Extremism - Whilst we would not seek to limit freedom of speech, children and young people merit special protections so that they are not subject to radical and extreme ideology and content.

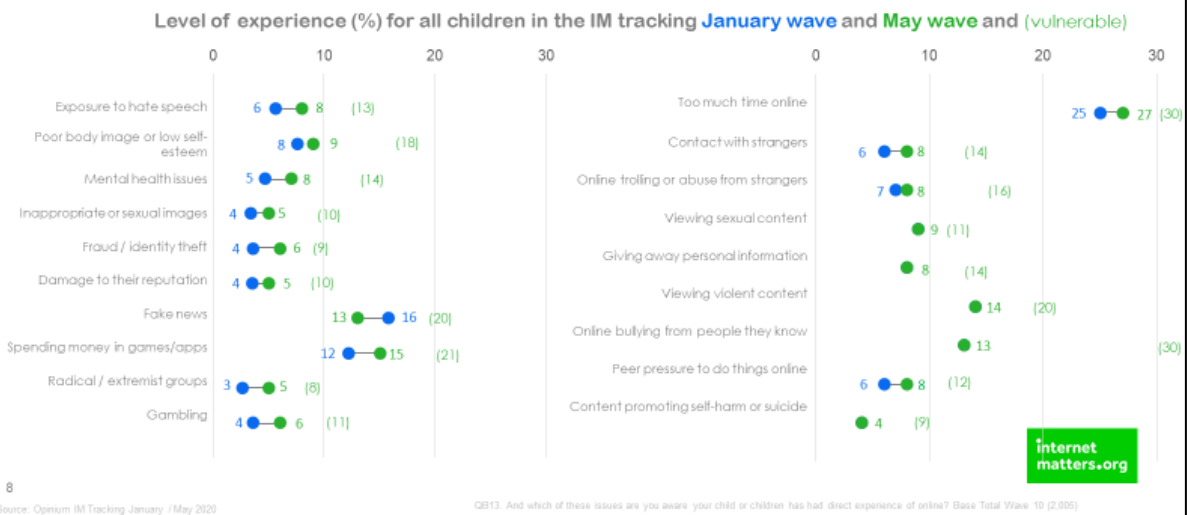
Perhaps the way to consider this is by reviewing and updating the content categories the Internet Service Providers use for blocking content through the parental control filters. All user-generated content should be subject to the same restrictions for children. What matters to the health and wellbeing of children is the content itself, not the whether the content was created by a mainstream broadcaster or someone down the road.

What measures are most appropriate to protect minors?

- Restricted, some content should just not be served to some audiences
- Greater use of splash screen warnings to identify legal but harmful content
- More draconian actions against users that create content that breaks a platform's terms and conditions
- Age verification for adult content and age assurance for users aged 13-16.

There is an urgency to this as our data shows that experiences of online harm have increased during lockdown.

Experience of online harm appears to have increased during CV19 lockdown



Question 23: What challenges might VSP providers face in the practical and proportionate adoption of measures that Ofcom should be aware of?

We would be particularly interested in your reasoning of the factors relevant to the assessment of practicality and proportionality.

It may be useful to draw a distinction here between illegal content, where there are very clear requirements and legal but harmful content, where there is a world of confusion

This is a serious and complex problem which will require significant work between the platforms and the regulator to resolve. Given the Government is minded to appoint Ofcom to be the Online Harms Regulator there will be as much interest in how this is done as in that it is done. Precedents will we set and expectations created.

Question 24: How should VSPs balance their users' rights to freedom of expression, and what metrics should they use to monitor this? What role do you see for a regulator?

- Clarity on community guidelines on what is appropriate and not and what will be acceptable / tolerated. Abuse it and you're off. Freedom of expression is not curtailed because you could find another platform to express those views – but they are not acceptable on this one.
- Metrics – prevalence, take downs and reporting
- Regulator role is to ensure community standards are being enforced, recognise that as with all rules people will push them and evade them, so an element of human moderation and common sense also required.
- Regulator needs to recognise that education is a key part of this too, so VSPs that invest in independent education programmes that enhance digital literacy should be encouraged/ looked on favourably/given a levy discount

Question 25: How should VSPs provide for an out of court redress mechanism for the impartial settlement of disputes between users and VSP providers? (see paragraph 2.32 and article 28(b)(7) in annex 5).

Please provide evidence or analysis to support your answer wherever possible, including consideration on how this requirement could be met in an effective and proportionate way.

Internet Matters has no opinion on this question.

Question 26: How might Ofcom best support VSPs to continue to innovate to keep users safe?

- Recognise off app investments and interventions in media / digital literacy that can demonstrate impact through robust evaluation
- Ensure they recognise that compliance is more than content removal - as in the Irish model, it has to include measures to minimise the spread and amplification of harmful content
- Be clear about the intention of the requirements – where, again as per the Irish model, there is a cycle of harm minimisation whereby the numbers of

	<p>people exposed to harmful content is meaningfully reduced over time as a direct result of the measures taken</p> <ul style="list-style-type: none"> • Make reporting of concerning content as easy as uploading content and keep reporters aware of processes and likely resolution timescales. This should include clearly published response times that meet a minimum standard and keep users informed. Additionally we suspect that some of the wording around reporting content is off-putting for children, so suggest some work is done to identify the most appropriate wording and process for young people so that they are more likely to flag this content. Additionally, there needs to be a sustained effort on the part of the platforms to restore confidence in their reporting mechanisms so that users of all ages believe that something will happen if they make a report. • Make reporting easy for minors – so test with them the most appropriate way to do that by platform. Is complex, specific language best for young people, or would softer language like “I don’t like this” or “this content makes me unhappy” be more effective? Additionally, prioritise their concerns and perhaps trial what happens if reports from minors are removed and then examined and reinstated if required. If we really wanted to make the internet a safe place for children we would focus on their needs – on the platforms they are likely frequent.
<p>Question 27: How can Ofcom best support businesses to comply with the new requirements?</p>	<ul style="list-style-type: none"> • Recognise the limitations in scope and timing of the requirements – and message them accordingly. If the regulations only apply to 6 or 8 organisations, don’t overclaim – they will not be world-leading. This is important so that parents are realistic about what changes the requirements will bring about and will not become less vigilant because they believe there is a regulated solution.

	<ul style="list-style-type: none"> • Recognise that size is not a pre-requisite for the existence of risk and harm, and that in every other consumer product domain businesses cannot put less safe or more risky products on the market because they are small. Micro-breweries have the same legal requirement to comply with all appropriate health and safety regulations as Coca-Cola. It's the same for toy manufacturers and film producers. The right to be safe, or in this case not be harmed is absolute and not dependent on the size of the organisation you are consuming a product or service from.
<p>Question 28: Do you have any views on the set of principles set out in paragraph 2.49 (protection and assurance, freedom of expression, adaptability over time, transparency, robust enforcement, independence and proportionality), and balancing the tensions that may sometimes occur between them?</p>	<ul style="list-style-type: none"> • Irish proposals recognise this is an iterative process, so welcome sentiments to be agile and innovative. Focus of regulation is compliance with codes, rather than personal behaviour – but still need a place to educate so that behaviour is addressed. The Law Commission's current consultation on online crimes is also an interesting intervention here as such changes to the law will create legal and therefore cultural clarity around what is acceptable and legal behaviour online. • Freedom of speech and expression concerns can be addressed through terms and conditions – so there maybe a place where your extreme views are welcome – but this isn't the appropriate platform for that. Not suggesting you can't express those views but simply stating you cannot do that on this platform. • Recognition of the challenges of age verification for minors and margins of error in age assurance and the inevitable limitations of those technologies.