

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>	N/A
<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>	N/A
<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.	N/A
<p>Question 4: How are your Ts&Cs (or community standards/ acceptable use policies) implemented?</p>	N/A

<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>	N/A
<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>	N/A
<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>	N/A
<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; 	N/A

<ul style="list-style-type: none"> • how users are made aware of reporting and flagging mechanisms; • 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>	N/A
<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. 	N/A

<p>Question 11: Does your service have any parental control mechanisms in place?</p> <p>In particular, please provide information explaining:</p> <ul style="list-style-type: none"> • 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. 	<p>N/A</p>
<p>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.</p> <p>In particular, please provide information explaining:</p> <ul style="list-style-type: none"> • 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. 	<p>N/A</p>
<p>Question 13: What media literacy tools and measures are available on your service?</p> <p>In particular, please provide any relevant information about:</p> <ul style="list-style-type: none"> • 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>N/A</p>

<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>N/A</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>N/A</p>
<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. 	<p>N/A</p>

<p>Question 17: Have you previously implemented any measures which have fallen short of expectations and what was your response to this?</p> <p>Please provide evidence to support your answer wherever possible.</p>	<p>N/A</p>
<p>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?)</p>	<p>N/A</p>

<p>Questions for all stakeholders</p>	<p>Your response</p>
<p>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?</p> <p>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.</p>	<p>The College cannot offer examples of good practice, though recognises some companies such as SuperAwesome are establishing good practice, and Yubo/Yoti are using innovative age-verification processes to prevent inappropriate use.</p> <p>What is perhaps more important, is that any examples of good practice are evaluated, and evaluated by those with an understanding of complex systems and impact, such as those that evaluate public health programmes. A focus on behaviour change, to demonstrate effectiveness is the key consideration.</p>
<p>Question 20: What examples are there of measures which have fallen short of expectations regarding users' protection and why?</p> <p>Please provide evidence to support your answer wherever possible.</p>	<p>There are obvious examples of how certain measures e.g. voluntarily submitting an age or date of birth without any verification, are failing to stop underage access to social media platforms.</p> <p>There are other processes, such as algorithmic recommendations that are pushed to users, without their explicit consent, and lack of content warnings, that may be inadvertently causing harm, e.g. suicide methods with graphic depictions.</p> <p>However, without some degree of reporting or data on any measures or processes, and thus their impact, it is currently impossible to know how successful or not any measure is. Without some system for data sharing with industry, we remain in the dark concerning effectiveness of</p>

	<p>measures. Data sharing within an ethical framework, as evidenced by sensitive investigations of critical incidents within health settings, allows for learning to occur in order to prevent future incidents.</p> <p>Sensitive reporting of key metrics, and some degree of evaluation should be applied to all measures, including media literacy content, where an education programme may appear to have a positive impact in terms of increased skills and knowledge, but has no impact in terms of behaviour change that enables users to better protect themselves.</p> <p>Evaluating the impact or outcomes of any implemented measure is a key issue.</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?</p> <p>Please provide evidence to support your answer wherever possible.</p>	<p>There is perhaps a present need to clarify or further develop a taxonomy of harms. Whilst there is a recommendation that there is a protection from harms for minors which ‘may impair...physical, mental or moral development’, with an implication that deviation from a previously established developmental trajectory would indicate sustained harm, there is a need to clarify and elaborate this further. For example, harms may be sustained in the following areas:</p> <ol style="list-style-type: none"> 1. Physical health: e.g. due to long viewing periods (as content is pushed via algorithms) and being sedentary/inactive; any associated unhealthy eating; reduced exposure to natural light (impact on Vitamin D; circadian rhythm); poor sleep; health misinformation leading to unhealthy behaviours; impact of being a creator/influencer, in the absence of performance regulations. 2. Development: e.g. identity development coloured by long exposure to influencers (could include radicalisation; pro-self-harm; pro-anorexia; possibly cybercrime etc); time away from other healthy activities e.g. education; peer relationships; algorithms that keep pushing similar content – reinforcing certain views. 3. Emotional/psychological harm: e.g. impact of distressing/traumatic content (e.g. videos of shootings/suicides/beheadings/animal cruelty); bullying and conflict; stress of being a creator/influencer, in the absence of performance regulations.

	<p>4. Commercial: e.g. subtle product placement by influencers; unboxing videos; gaming and e-sports related activities including gambling, financial support for tournaments/influencers.</p> <p>Harms also need to be evaluated in terms of likelihood and consequence; for example the loss of a large sum of money through gaming/loot boxes may have a much greater consequence than transient distress from viewing upsetting content. However, some content that is extreme and illegal could have a long term traumatic impact from one viewing e.g. viewing child abuse videos.</p> <p>In addition, the research on potential harms is evolving and needs to be reviewed regularly.</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>Please provide evidence to support your answer wherever possible, including any age-related considerations.</p>	<p>We welcome the awareness that minors still need to be protected online, and strongly encourage Ofcom to use the Children Act age range to support children and young up to the age of 18 years.</p> <p>There are two further considerations; firstly, the type of content which might cause harm, and secondly how it is presented (autoplay without choice or consent) and how frequently (algorithms that push similar content e.g. self-harm content).</p> <p>Many areas of content which could lead to harm are already established by the legislation, the BBFC and ASA, and are a good foundation for content moderation.</p> <p>EU Kids Online research established that young people often found hateful or aggressive content more distressing than sexual content, reporting animal cruelty a particular concern. The research also indicated that young people could find self-harm content and pro-eating disorder content distressing. In terms of an impact on mental health, the latter two areas are important concerns. At this time we would suggest the following areas of content are prioritised:</p> <p>Moderation of hateful content in any form should be a priority, especially when against minority or vulnerable groups (race, LGBTQ+, female users, disabilities, religious groups). Violent acts and mutilation should be included in this category of distressing content.</p>

	<p>Sexual content designed for adult consumption, especially involving sexual violence should also be a priority for moderation.</p> <p>Content that could influence a young person and worsen an emerging or established health disorder, including mental health disorders (e.g. graphic self-harm content; pro-anorexia content) is a complex, but important area for consideration and moderation.</p> <p>Disingenuous subtle product placements or disguised activities (e.g e-sports vlogs announcing new skins) that promote spending require further consideration.</p> <p>In addition, the manner in which content is presented needs consideration. Young people can manage better distressing content if they believe they have 'chosen' or consent to view it with clear content warning. Autoplay videos, without an option to choose not to see extreme content may cause more harm. Similarly, if having been curious about some potentially harmful content, an algorithm that continues to present similar content may cause more harm. Being able to opt out of algorithmic recommendations could be protective.</p> <p>A final consideration is that not all harmful content needs immediate moderation. Some moderation processes may lead to better outcomes, if the process of moderation includes some thought as to the motives for posting extreme content and moderating in a manner that could promote positive behaviour change.</p> <p>Signposting to appropriate organisations that may offer support should also be considered when content such as self-harm is viewed.</p>
<p>Question 23: What challenges might VSP providers face in the practical and proportionate adoption of measures that Ofcom should be aware of?</p> <p>We would be particularly interested in your reasoning of the factors relevant to the assessment of practicality and proportionality.</p>	<p>The College has extensive experience of assessing complex services and systems, and would be willing to contribute to the development of an audit tool that illuminated both good practice, and gaps in services, for both start-ups and larger VSPs. This might lead to an audit tool that could facilitate both a self-audit, and possibly peer review. Such an agile and iterative approach, may better respond to emerging areas of risk than specific suggestions at this time.</p> <p>However, in other sectors, there is an expectation that minimum standards are reached (e.g. motor vehicles are maintained to</p>

	<p>a certain standard) and subjected to an annual review. Such a model is also necessary with VSPs, whatever their size.</p> <p>Further consideration may also be given to those who invest and profit from a VSP, and how those stakeholders influence strategy; how can we engage with them to ensure the safety and well-being of users are priorities?</p>
<p>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?</p>	<p>For children and young people it is important to balance freedom of expression against children's rights to safety, which should be considered within existing safeguarding frameworks.</p>
<p>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).</p> <p>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.</p>	
<p>Question 26: How might Ofcom best support VSPs to continue to innovate to keep users safe?</p>	<p>The College has an extensive network of Psychiatrists who could be a useful resource for Ofcom in terms of identifying new harms, or evolving trends, that emerge in clinical practice. Further, psychiatrists, working in multi-disciplinary teams and across agencies may learn of harms from a much wider group of public sector professionals.</p> <p>VSPs will also identify risks and harms that if psychiatrists were aware of them, they could ask about them in clinical settings, as indicated. Whilst there has historically been a strong relationship between academic researchers and industry, the opportunities that might emerge from collaborations between industry and frontline health, education and care workers have largely been untapped. This is unfortunate, as many real-time risks and harms will be seen first within public services.</p> <p>Therefore, collaboration with the public sector workforce may contribute to greater online safety for all groups. The college has also called for companies to share data for research purposes so that potential benefits and harms</p>

	<p>can be investigated further; however, this also requires the establishment of an agreed ethical research framework and means of obtaining informed consent from users.</p>
<p>Question 27: How can Ofcom best support businesses to comply with the new requirements?</p>	
<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>	<p>The principles set out in paragraph 2.49 are comprehensive and appropriate to the task of regulation. The balance between protection, particularly of minors, and freedom of expression necessitates continuous monitoring to ensure both principles are fully supported. The more challenging is the principle of proportionality, as larger VSPs may have the greater resources to maintain compliance, whilst smaller start-ups may themselves be a target for those who wish to use them for harm (as seen with Justpaste.it, and terrorism). A culture of support for start-ups, alongside expectations that there are certain minimum standards may foster both innovation and safety especially for minors.</p>