Your response

Questions for industry	Your response
Question 1: Are you providing a UK-established service that is likely to meet the AVMSD definition of a VSP? **Please provide details of the service where relevant. The establishment criteria under the AVMSD are set out in annex 5.**	Confidential? – N We do not consider that Snapchat meets the definition of a VSP as set out in the AVMSD. Snapchat's core functionality is visual, private messaging: either 1:1 or in small groups. The app is primarily intended to enable communication with close friends and family and internal usage data confirms this. Plum Consulting's [2019 assessment](#) of VSPs under UK jurisdiction, cited by Ofcom in this call for evidence, found that Snapchat did not meet either of the first two of three criteria for identifying VSPs established under Article 1 of the AVMSD. The report added that Snapchat "may qualify as a VSP on the basis that video is an essential functionality, but it appears a relatively borderline case." Plum Consulting correctly identifies that shared video content on Discover, our platform for news and entertainment, is "primarily professionally produced by third-party publishers." The European Commission have recently published their [guidelines](#) on the "essential functionality" criterion of the definition of a VSP. The introduction to these guidelines includes a clarifying section on "social media," highlighting the risks of user-generated content which facilitates the "possibility for users to shape and influence the opinions of other users" as justification for the inclusion of "certain social media services" within scope of the new VSP rules. The Commission's guidelines explicitly highlight "the role played by user generated videos" in determining whether or not platforms are a VSP. Snapchat is not social media. The app's core functionality is private messaging. It has been designed as a closed and curated platform: we do not offer an open news feed where unvetted publishers or individuals have an opportunity to broadcast content. Snapchat's

content section, Discover, is curated and moderated. Content on Discover is provided either by our professional publishing partners who agree to abide by our Content Partner Terms and Content Guidelines, or by approved public profile accounts (usually VIPs or celebrities). These individuals are vetted before gaining an approved (star) account and their Snaps are pre-moderated for compliance with our Community Guidelines before appearing in Discover. Snap chooses which partners and shows are surfaced on Discover.

*To note, we are gradually rolling out an updated version of Snapchat with a new navigation bar and five tabs: Map, Chat, Camera, Stories and Discover. In this newer version, content formerly found only on Discover will be split across two tabs: Stories (for content produced by public profile accounts) and Discover (for publisher content). Public content in both tabs remains curated and moderated as set out above. For simplicity, we will refer to this section of the app as "Discover" throughout this response.

The latest guidelines from the Commission reinforce that the objectives of new VSP requirements in the AVMSD are to protect users from illegal and harmful content publicly created and/or broadcast by users. Through the curated and moderated nature of Discover, which restricts users' ability to publicly broadcast unmoderated user-generated content, Snapchat users are already largely protected from such content by design. As such we do not consider that Snapchat meets the AVMSD definition of a VSP.

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?	Confidential? – Y

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) **In particular, please provide information explaining:** • **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.**	Confidential? – N Snap prioritises providing a safe environment for our users to communicate with their real friends. We have zero tolerance of illegal and harmful content and activity on Snapchat, and clearly set out what is unacceptable in our [Community Guidelines](#) and [Terms of Service](#), both of which are publicly viewable online. Our Community Guidelines apply to all content on Snapchat. (Our Discover media partners agree to additional guidelines, including the requirement that their content is properly fact-checked and accurate). In order to use Snapchat, all users agree to abide by the Community Guidelines and Terms of Service. The high standards of these Guidelines form the basis for our action against harmful content and those attempting to post it. Our Community Guidelines clearly prohibit: • Sexually explicit content (includes child sexual exploitation and abuse) • Harassment and bullying • Threats, violence and harm • Impersonation and spam • Hate speech and false information • Illegal content • Terrorism These policies, and additional guidance, tips and resources to ensure users stay safe on Snapchat, are available in our online [Safety Centre](#), which is also easily accessible via Snapchat and via our website. Our Community Guidelines, Terms of Service and related policies are developed by Snap staff in our Trust and Safety, Public Policy and Legal teams, in collaboration with teams across Snap, and are subject to regular review and adaptation. This includes market research into user awareness of and engagement with our Community Guidelines. Our users are made aware of our Community Guidelines and Terms of Service during registration. Both our Community Guidelines and Terms of Service are drafted to be easy to read and understand. We provide in-app reporting tools, as well as a support site, for

	Snapchat users to easily report violations of our Community Guidelines and Terms of Service. Our Trust and Safety team is dedicated to reviewing such reports and taking prompt action as appropriate to consistently enforce our Community Guidelines and Terms of Service.
Question 4: How are your Ts&Cs (or community standards/ acceptable use policies) implemented? **In particular, please provide information explaining:** • **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.**	Confidential? – N Our approach to dealing with illegal and harmful content at Snapchat is broader than simply detecting or responding to reports of abuse. At Snap we take a holistic approach to user safety: prevention is the first, key pillar of this. Our Safety by Design approach anticipates and prevents the opportunity for abuse before it can happen. Snapchat does not offer an open news feed where unvetted publishers or individuals have an opportunity to broadcast hate or misinformation, and we don't offer comments or likes that may amplify harmful behavior. As set out above, content on Discover is curated and moderated. The ephemeral nature of content on Snapchat is another built-in safety feature, limiting how broadly content can be shared. We have built simple in-app reporting tools so that any user can quickly and easily notify us of concerns or safety issues. Our global, 24/7 Trust & Safety team reviews reports and takes appropriate action, within 24 hours (in practice, usually significantly faster). We also use technological tools to detect abuse before it can be viewed. For example, we use PhotoDNA technology to proactively identify and report the attempted uploading of known images featuring child exploitation to the National Centre for Missing and Exploited Children (NCMEC). While we use some machine learning technology to support our Trust & Safety team, the majority of our content moderation operations are carried out by humans. The success of our approach to ensuring that harmful content is not served to our users is demonstrated in our evaluation by partners

and independent third parties. For example, this summer the European Commission released the results of its fifth evaluation of its Code of Conduct on countering illegal hate speech online. Snapchat - while a signatory to the Code - did not feature in any of the report's statistics as the 39 participating NGOs received zero reports of hate speech on the Snapchat platform.

Our teams continually assess the effectiveness of our systems and work diligently to improve them to ensure the safety of our Snapchat community. For example, we track all reports received and actions taken, and we have teams dedicated to increasing proactive detection of abuse.

| **Question 5: Does your service have advertising rules?**

 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. | Confidential? – Y (Part confidential)

 In addition to needing to comply with Snapchat's Terms of Service and Community Guidelines, all advertisers on Snapchat agree to comply with our Advertising Policies. Advertisers are responsible for ensuring that their ads are suitable for users aged 13+ (or their selected audience above that age) in each geographic area where the ads will run. They're also responsible for ensuring that their ads comply with all applicable laws, statutes, ordinances, rules, public order rules, industry codes and regulations in each geographic area where the ads will run.

 Beyond compliance with our Community Guidelines - which as detailed above prohibit violent, threatening, sexually explicit and illegal content - advertisers are also prohibited from producing ads which contain any of the following:

 • Pornographic or sexually explicit content
 • Illegal activity: ads encouraging illegal activity or conduct; that promote the sale of illegal drugs, contraband, counterfeit goods, or weapons; or ads that encourage violence or depict hyper-realistic violence. |

- Hateful or discriminatory content: ads that demean, degrade, discriminate or show hate toward a particular race, ethnicity, culture, country, belief, national origin, age, sexual orientation, gender, gender identity or expression, disability or condition, or toward any member of a protected class.
- Content that misleads, deceives or offends, including ads that deceive users into providing personal information under false pretences.
- Harassment or bullying
- Profanity or obscene gestures
- Promotion of cigarettes (including e-cigarettes), cigars, vaping products, tobacco, nicotine or related products of any kind.

All ads on Snapchat are pre-moderated against our advertising policies.

Political ads on Snapchat must clearly identify who paid for the ad, and we publish a database of all political and advocacy ads to ensure transparency.

Users can also report ads using the flow set out below under question 8; our team promptly review user reports and action as appropriate.

| Question 6: How far is advertising that appears on your service under your direct control, i.e. marketed, sold or arranged by the platform?

Please provide details of how advertising is marketed, sold and arranged to illustrate your answer. | Confidential? – N

Advertisers agree to comply with our aforementioned Terms of Service, and our [Business Services Terms](#), which incorporate the Community Guidelines and Advertising Policies, when purchasing ads on Snapchat. Snap markets advertising products through direct sales, business-to-business (B2B) marketing efforts, and publicly available resources such as our [Business Help Centre](#). Ad products are sold by Snap's sales teams, through our self-serve Ads Manager platform, or through sales representatives.

Advertisers can choose where their ads run on Snapchat - only in curated Discover content from partners/publishers, in select partner/publisher content, or across all of Snapchat, or they can purchase national lenses and filters. Advertisers placing ads in Discover can select whether ads appear between different pieces of content or within one piece of content, and can also specify certain categories of content or certain publishers where they want their ads to appear. |
| 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? | Confidential? – Y (Part confidential)

As mentioned, Snapchat does not offer an open news feed where unvetted publishers or individuals have an opportunity to broadcast user-generated content. Our Discover platform for news and entertainment is controlled and moderated, rather than a space where regular users can publicly "broadcast" user-generated content like Snaps or Stories. Content on Discover is provided either by our professional publishing partners who agree to abide by our Content Partner Terms and Content Guidelines, or by public profile accounts who are vetted before gaining an approved (star) account; their Snaps are pre-moderated for compliance with our Community Guidelines before appearing in Discover. Therefore the ability for users to publicly broadcast user-generated content containing advertising on Snapchat is very limited. |

The paid promotion of products or services on Snapchat (other than through ads served by Snap) must comply with our aforementioned advertising policies. These include requiring all Snapchat users to comply with Snap's Community Guidelines and Terms of Service and to use Snapchat in compliance with all applicable laws and regulations in each geographic area where the ads will run, including ensuring that any required disclosures, disclaimers and warnings in ads are clear and conspicuous, and any advertisers are accurately and clearly identified in the ad.

Question 8: Does your service have any reporting or flagging mechanisms in place (human or automated)? **In particular, please provide information explaining:** • **what the mechanisms entail and how they are designed;** • **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);**	Confidential? – Y (Part confidential) As above, Snapchat does not offer an open news feed where unvetted publishers or individuals have an opportunity to broadcast user-generated content. Our Discover platform for news and entertainment is curated and moderated, rather than a space where regular users can publicly "broadcast" user-generated content like Snaps or Stories. However, Snapchat does provide easy-to-use in-app reporting tools where users can report content in Discover, whether produced by publishers or by vetted VIP/celebrity accounts ("Snap Stars"). Snapchat users can report content by taking these steps:

- **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.**

1. Press and hold on the content, or tap the three-dots icon in the upper right corner of the content.
2. Tap the reporting "flag" icon, or the "i" icon for lenses, advertisements and sponsored content ("Ads").
3. Submit a report using the reporting flow.

The "flag" or "i" icon leads to a reporting menu, which lists different categories of concerns. Various categories are available for nearly every type of content (private one-to-one and group Snaps, private Stories, Official and Popular Stories, Publisher Stories (including news publishers), Shows, Curated Stories, Ads). Most of our report menus also include an "Other" category. In many reporting flows, users can also detail and augment their report in a comment box.
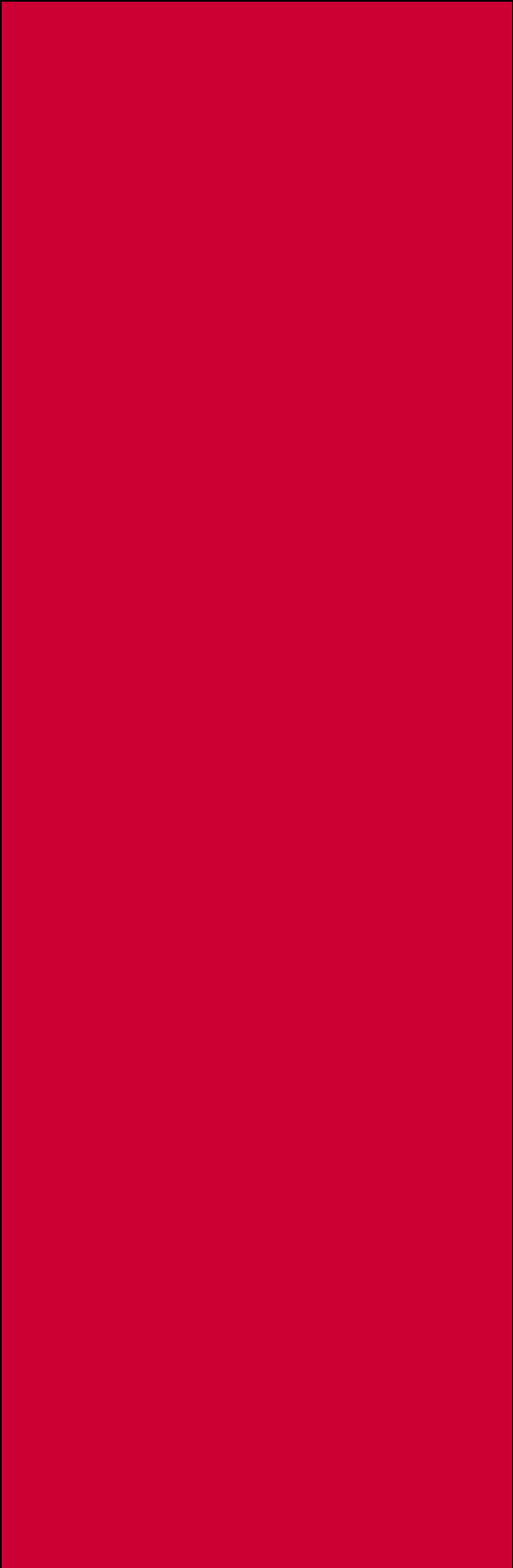
Our Trust and Safety team members promptly review user reports and make a determination on what action is appropriate. They have a range of options, including:

- Removing the content in question
- Issuing a reprimand to the violating account, and issuing a warning against future violations
- Deleting the violating account
- Blocking the device belonging to the account

Actions taken will depend on the severity of the harm and violation. If the team identify any instances of child sexual abuse material (CSAM) on Snapchat, they report them to the National Centre for Missing and Exploited Children (NCMEC), who will then review and coordinate with law enforcement.

Our Community Guidelines, which are publicly viewable online, form the basis for our action against harmful content and those attempting to post it. These are clear and transparent about which types of content and activity are prohibited on Snapchat. If any individual or publisher is found violating these guidelines, our Trust & Safety team will take appropriate action as articulated above.

	Our Trust & Safety team are currently developing a practical feedback loop to provide users with feedback on the outcome of their reports.
Question 9: Does your service allow users to rate different types of content on your platform? **Please provide details of any rating system and what happens as a result of viewer ratings.**	Confidential? – N Snapchat does not currently enable users to rate different types of content on the app. However, as set out above, we have built simple in-app reporting tools so that any user can quickly and easily notify us of concerns or safety issues relating to content in the app.
Question 10: Does your service use any age assurance or age verification tools or related technologies to verify the age of users? **In particular, please provide information explaining:** • **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.**	Confidential? – Y (Part confidential) Snapchat is designed to appeal to teen and adult audiences, and individuals under the age of 13 are not permitted to create Snapchat accounts. - Snap doesn't make any effort to market Snapchat to children. Snapchat is not available in the "Kids" or "Family" sections of any app store. Snapchat is rated 12+ in the Apple app store and rated Teen in the Google Play store. When registering an account, individuals are required to provide their date of birth and the registration process fails if a user is under the age of 13. We do not inform individuals that their registration failed due to their age. If we become aware that a user is under the age of 13, we will immediately terminate that user's account and delete the user's data.

We have also tailored elements of Snapchat to meet age-appropriate needs. For example, given that location data and location-sharing are sensitive for younger individuals, Snap took appropriate steps in the design of Snap Map to mitigate particular risks to younger users. During the development of Snap Map, Snap privacy lawyers and engineers considered the design of the user tutorial, the privacy related notifications that users would see, the name of the "off" location-sharing setting (Ghost Mode) and other such aspects of the product design. The default setting on Snap Map is Ghost Mode, i.e. location-sharing is off. This was to ensure that it would be understood by younger individuals, so they could make informed choices about whether to use Snap Map, whether to share their location and, if so, with whom to share it.

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.**	Confidential? – N Snapchat does not offer parental controls. The app is designed for teen and adult audiences.
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.**	Confidential? – N It is our experience that users' issues or concerns relating to the app fall into distinct categories: safety concerns (relating to potentially harmful or inappropriate content, or inappropriate activity by other users), privacy questions (for example if a user's account has been hacked, or questions relating to Snap's use of user data), or bugs or issues with the app's functionality. We have designed tools and resources to get users the information and support that they need quickly, easily and in a way that is scaled appropriately for large numbers of users. In relation to inappropriate content or activity, as described above Snapchat users can quickly and easily report this - whether relating to a user or to an ad, filter or lens - using our in-app reporting tools. Users with privacy questions, safety concerns, or other questions can access the "I Need Help," "I Have a Privacy Question," or "I Have a Safety Concern" pages of our Snapchat Support site, via the "Settings" screen on Snapchat. When necessary, this includes the option to send messages directly to the Snap team with more information about individual concerns or questions. The vast majority of users' questions or concerns can be addressed this way. Beyond this, our Terms of Service cover appropriate

	avenues for dispute resolution or those seeking legal redress.
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 in the user interfaces, flagging content and use of nudges.**	Confidential? – N Media literacy considerations are reflected in the design and build of Snapchat. A critical element of media literacy is providing credible and trusted information that allows users to assess and critically evaluate media in the knowledge that it is verified and accurate information. As previously described, Snapchat does not offer an open feed where users can broadcast unmoderated user generated content of any kind, including disinformation or "fake news". Our platform for news and entertainment is curated and pre-moderated; this curation provides our community with safe, trustworthy and accurate information from selected partners. We provide a range of online resources for our users through our Safety Centre and Privacy Centre, both of which are easy accessible in-app, and our external Snapchat Support website. These provide advice tailored for our users about navigating through Snapchat, as well as staying safe on the platform, and information about how user data and information is used. We have built simple in-app reporting tools so that any user can quickly and easily notify us of concerns or safety issues. Snapchat is designed to enhance user safety and protect users' privacy. A good example of our safety and privacy by design approach is demonstrated in Snap Map, which enables users to see what's happening in the world around them and what their friends are up to. Location-sharing is Snap Map is off by default. The first time someone uses Snap Map, a tutorial explains how to share one's location with specific friends or all friends, or remain hidden in "Ghost Mode" (i.e. location-sharing is off), which is the default setting. This setting

can be updated at any time right from the Settings gear on the Map. If users decide they would like to stop sharing their location for any reason, they can simply toggle Ghost Mode on and they disappear from the Map within seconds. If a user chooses to share their location with all of their friends on Snapchat, we remind them of that choice periodically to make sure they are still comfortable with this. There is no option for users to share their location with users who are not friends.

Question 14: Do you publish transparency reports with information about user safety metrics? **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.**	Confidential? –N Snap has voluntarily produced a bi-annual Transparency Report since November 2014. These reports, which are publicly viewable online, provide important insight into the volume and nature of governmental and law enforcement requests for users' account information and metadata, and other legal notifications received. We are building on our existing reporting to capture the most meaningful data from our Trust & Safety function, to illustrate the numbers of key categories of harmful online content or activity reported by our users, and actions taken against these. Future reports will include information on key categories of harm reported on Snapchat, including bullying and harassment, hate speech, child sexual exploitation and abuse, and violent content. We expect to provide meaningful contextualising information, such as the geographical region of the report, the type of report (user report / trusted flagger / law enforcement), the source of the report (in app, via first or third party tools), and what action was taken. An updated version of Snap's transparency report will be published later this year.

Question 15: What processes and procedures do you have in place to measure the impact and effectiveness of safety tools or protection measures?	Confidential? – Y (Part confidential)
If not already captured elsewhere in your response, please provide information relevant to all of the measures listed above explaining:	Our teams continually assess the effectiveness of our systems and work to improve them to ensure the safety of our Snapchat community. For example, we track all reports received and actions taken, and we have teams dedicated to increasing proactive detection of abuse.
• **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**	Policies are subject to continuous review, reflecting the constantly evolving nature of harmful and illegal activity online.
• **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.**	As set out above, we will publish an updated version of Snap's transparency report this year which will illustrate the numbers of key categories of harmful online content or activity reported by our users, and actions taken against these.

Question 16: How do you assess and mitigate the risk of inadvertent removal of legal or non-harmful content? **In particular, please provide any information on:** • **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.**	Confidential? – N The closed and curated nature of Discover guards against harmful or illegal content from appearing here. In general this moderation means there is little cause for removing violating content on Discover, which in itself mitigates the risk of inadvertent removal of legal or non-harmful content. Our policies, including our Community Guidelines, Terms of Service, Content Partner Terms and Content Guidelines, form the basis for our action against harmful or inappropriate content. The key assessment that teams will make when assessing content is whether it has violated these guidelines. As mentioned, our Trust & Safety team are currently developing a practical feedback loop to provide users with feedback on the outcome of their reports. While we deploy some automated technology to support our Trust & Safety team, we rely on human moderation for the majority of our operations.
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.**	Confidential? – N We are always working to improve our measures for the safety of our community.
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?)	Confidential? – Y

Questions for all stakeholders	Your response
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.**	Confidential? – N Our response to Part A of this questionnaire demonstrates the use and implementation of Snapchat's safety policies and processes, which operate practically, effectively and at scale for a platform with 238 million daily active users globally.
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? – Y / N --
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.**	Confidential? – N In addition to companies' transparency reports, which for some platforms detail harmful content or activity taking place on their services, and actions taken against these, external market evidence from credible third party stakeholders can provide a useful and credible indicator as to the success or otherwise of platforms in preventing harmful content from being served to their users. Examples of expert third party stakeholders who monitor activity in areas of harm relevant to the AVMSD include:

	- The European Commission, which recently released the results of its fifth evaluation of its Code of Conduct on countering illegal hate speech online. - The Freiwillige Selbstkontrolle Multimedia-diensteanbieter (FSM), which is the institution responsible for hate speech reporting in Germany. - The EU Internet Terrorist Content Forum (EUITF), which has previously played a role in monitoring and evaluating different platforms' responses to terrorist content.
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? **Please provide evidence to support your answer wherever possible, including any age-related considerations.**	Confidential? – N Sexually explicit or pornographic content, and content including violence, hate speech, terrorism, fake news / disinformation, and illegal activity, could all be reasonably considered as content which may impair the development of minors. Reputable online platforms should clearly prohibit such content from their services, and seek to prevent such content from being served to minors. From Snap's experience, while we take a holistic approach to user safety, perhaps the most effective way of protecting all users, including minors, from such content lies in our product design. Our Safety by Design approach anticipates and prevents the opportunity for abuse before it can happen. Discover is closed and curated: we do not offer an open news feed where unvetted publishers or individuals have an opportunity to broadcast content. By restricting users' ability to publicly broadcast content, and controlling which content appears in our content section, Snapchat users are largely protected from illegal or harmful content by design. Other measures which we found effective in protecting users - set out in more detail above - include: - Clear and transparent policies such as Snap's Community Guidelines Terms of

Service, making clear what content and activity is prohibited on Snapchat.

- Simple and easy-to-use in-app reporting tools, so users can quickly and easily notify us of concerns and safety issues.
- Effective Trust & Safety systems and teams to ensure that reports can be promptly reviewed and acted on as appropriate.

Ensuring that minors' personal data is not compromised, misused or shared without their express permission is another important element. At Snap we practice data minimisation: our products and features are designed to collect and store as little user data as possible. We consider the impact on user data when developing new products: a privacy lawyer and privacy engineer are involved in the development of every new product. As set out above, we have tailored elements of Snapchat to meet age-appropriate needs, including in relation to location-sharing in Snap Map.

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.**	Confidential? – N There is significant variety in the size, resources and service models of platforms which may find themselves within scope of new requirements following the UK's implementation of the AVMSD. While some companies will have well-established systems, tools and teams to prevent harmful content and activity from being served to their users, others may be at a much earlier stage in their development. In order to avoid penalising smaller challenger platforms and exacerbating identified structural problems of digital markets in the UK, Ofcom should not seek to impose prescriptive and granular requirements on VSPs, or require a "one size fits all" solution to problems that will vary significantly from platform to platform, by deploying specific processes, technologies or tools. This will enable platforms to develop and implement the solutions that will be most effective in keeping their users safe, in ways which are proportionate and practical.

| | We therefore welcome Ofcom's statement in this call to evidence that its guidance should "offer flexibility for VSPs to adopt the approaches and technologies that are most appropriate for their platform to protect their users," and that they will take a "principles-based approach to setting guidance." To ensure this is the case, Ofcom's guidance should focus on outcomes, setting out "what" objectives are to be achieved, without being too prescriptive on "how" companies should achieve these.

Ofcom may wish to set certain principles-based standards as a baseline for compliance - but should be cognisant that some smaller companies may take time to meet these standards. In such cases Ofcom could require companies to set out a "road map" to compliance, and could check in at regular points to assess progress. |
|---|---|
| **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?** | Confidential? – N

It is right that Ofcom should aim to ensure that its new regulatory requirements do not adversely affect freedom of expression. Beyond this, however, we do not consider there is a specific role for Ofcom as regulator for VSPs in promoting freedom of expression.

Article 10 of the European Convention on Human Rights - flagged by Ofcom in this call for evidence - protects against censorship by governments or public authorities. There is no obligation on online platforms to promote freedom of expression. At Snap, our Community Guidelines are very clear about what types of content or activity are prohibited on Snapchat. If any individual or publisher is found violating these Guidelines, which are publicly viewable online and which apply to all content on Snapchat, there is no "freedom of expression" argument that would prevent us from taking appropriate action against the offending account. We would argue that while Ofcom can justifiably expect platforms to have transparent terms and guidelines, fairly applied and enforced, it should not attempt to |

	influence the development of these or the types of (legal) content that is posted there.
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.**	Confidential? – N This is an area where Ofcom would best serve users and consumers by focusing on outcomes rather than mandating specific solutions: in this case, ensuring companies are able to continue designing processes and systems optimised for their services and users, rather than requiring specific measures which will not be at all relevant for many platforms. As set out above, we have designed tools and resources to address users' most common issues or concerns relating to Snapchat: safety concerns, privacy questions or bugs or issues with the app's functionality. The vast majority of users' questions or concerns can be addressed this way. Beyond this, our Terms of Service cover appropriate avenues for dispute resolution or those seeking legal redress. Applying "one size fits all" requirements for platforms to provide specific redress systems would be disruptive, disproportionate and burdensome. Instead, we recommend that Ofcom should simply set a requirement for VSPs to provide avenues for users to raise concerns and/or seek redress, in a way which is appropriate for their services and to users' needs.
Question 26: How might Ofcom best support VSPs to continue to innovate to keep users safe?	Confidential? – N Ofcom can support VSPs of different sizes, resources and service models to innovate and develop solutions which are best suited to their platforms and users' needs, by designing principles-based regulation which focuses on the outcomes which companies should achieve, rather than being too prescriptive on "how" companies should achieve these.

Question 27: How can Ofcom best support businesses to comply with the new requirements?	Confidential? – N Ofcom should be cognisant that some smaller companies may take time to meet the new standards. In such cases Ofcom could require companies to set out a "road map" to compliance, and could check in at regular points to assess progress. Ofcom should keep in mind that administratively burdensome compliance obligations will serve to make smaller companies less competitive in the marketplace, reducing choice for users and disincentivising service improvements and innovation.
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?	Confidential? – N We welcome Ofcom's commitment to pro-innovation, flexible and proportionate regulation, which will be vital in designing rules that have genuine impact for users' safety across a wide variety of different platforms and services, while allowing for innovation, and avoiding penalising smaller companies and challengers to the benefit of the most established players.

Please complete this form in full and return to VSPRegulation@ofcom.org.uk.