

Your response

Question	Your response
<p>Question 1: Do you have any comments on Section 3 of the draft guidance on harmful material and related definitions?</p>	<p>We are pleased to see the inclusion of strong guidelines on racism and xenophobia, including “publicly inciting violence or hatred directed against a group of persons or a member of such a group defined by reference to race, colour, religion, descent or national or ethnic origin”.</p> <p>Attacks based on “National origin” is something we have been seeing a lot of, particularly recently. We have seen people from Israel attacked online in a completely unacceptable fashion, based entirely on their country of origin.</p>
<p>Question 2: Do you have any comments on the draft guidance about measures which relate to terms and conditions, including how they can be implemented?</p>	
<p>Question 3: Regarding terms and conditions which prohibit relevant harmful material, do you have any comments on Ofcom’s view that effective protection of users is unlikely to be achieved without having this measure in place and it being implemented effectively?</p>	<p>We completely agree with Ofcom’s view on this point. We have held discussions with VSPs on harmful material, and their general view is that they have been abiding by the rules which have been in place – and they are extremely unwilling to go any further than said rules. Given that there are still significant issues on such platform, it is vital that such rules be tightened up and that VSPs be made to comply with stricter terms and conditions.</p>
<p>Question 4: Do you have any comments on Ofcom’s view that, where providers have terms and conditions requiring uploaders to notify them if a video contains restricted material, additional steps will need be taken in response to this notification to achieve effective protection of under-18s, such as applying a rating or restricting access?</p>	
<p>Question 5: Do you have any comments on the draft guidance about reporting or flagging mechanisms, including on Ofcom’s view that reports and flagging mechanisms are central to protecting users?</p>	<p>We firmly believe that VSP’s operating in the UK need to have UK-based teams to analyse content which has been flagged or reported. This is because we believe an in-country team will be more likely to have political, cultural and linguistic context for cases than a team based elsewhere. Additionally, we think it would likely improve accountability by the VSPs in question.</p>

Question 6: Do you have any comments on the draft guidance about systems for viewers to rate harmful material, or on other tagging or rating mechanisms?

While we agree that it is important for viewers to be able to rate harmful material, we would note that such rating or flagging mechanisms can be misused. We have seen examples of Jewish users targeted by people who organise a large number of accounts to report said Jewish users, resulting in the suspension or removal of said Jewish users' account due to the sheer volume of complaints which have been registered against it rather than because such an account has broken any rules.

Question 7: Do you have any comments on the draft guidance about age assurance and age verification, including Ofcom's interpretation of the VSP Framework that VSPs containing pornographic material and material unsuitable for classification must have robust age verification in place?

Question 8: Do you have any views on the practicalities or costs relating to the implementation of robust age verification systems to prevent under-18s from accessing pornographic material and material unsuitable for classification? Please provide evidence to support your answer wherever possible.

Question 9: Do you have any comments on the draft guidance about parental control systems?

Question 10: Do you have any comments on the draft guidance about the measure regarding complaints processes or on the regulatory requirement to provide for an impartial dispute resolution procedure?

We would note that we have come across numerous examples of people who feel that there is no point using a complaints process, due to the disappointing outcome of such processes (where they are either told that the content they are complaining about does not breach the VSPs guidelines, or the sanction meted out to users in breach of said VSPs guidelines are extremely mild). To restore trust, Ofcom and VSPs will need to work to make users aware that complaints processes have now been made much stronger (if they indeed have been).

We would note that it is very difficult to expect companies to provide their own impartial dispute resolution procedure.

<p>Question 11: Do you have any comments on the draft guidance about media literacy tools and information?</p>	<p>It is important that such media literacy tools and information are very easily accessible – there is no point hiding them where people won't notice them. Users should also receive regular reminders that such tools are available if they need them.</p>
<p>Question 12: Do you have any comments on the with the draft guidance provided about the practicable and proportionate criteria VSP providers must have regard to when determining which measures are appropriate to take to protect users from harm?</p>	<p>In our discussions with one of the world's largest VSP providers, we encountered something quite disturbing. We pointed to examples of antisemitic videos being uploaded by certain providers. We were told that an action which would be taken was that these videos would be de-monetised (ie, that no further revenue would be received by the maker/uploader for these particular videos). It spoke to a complete lack of understanding regarding the motivation of some of the people who post such content. Yes, there are undoubtedly people who post hateful content because its popular among a certain section of society and they can make an unsavoury living out of it. But for the "true believers", the money is beside the point. Their primary aim is to use the platform to spread their vile message of hatred to as many users as possible, and they don't care whether the video in question makes them money or not. VSPs need to understand that de-monetisation of hateful content is not enough of a deterrent.</p>
<p>Question 13: Do you have any comments on the draft guidance about assessing and managing risk?</p>	<p>We would note the following point. In July 2019, we saw an example of what we might term "platform-hopping". A prominent musician began posting antisemitic content on a social media platform. When he was (eventually) banned from that social media platform, he proceeded to post antisemitic content on another prominent social media platform.</p> <p>At the time, we went to a prominent VSP and said to them "this individual is doing this. He has been banned from one social media platform and he is very likely about to be banned from another. He already has an account on your platform with tens of thousands of followers. You have the opportunity to pre-empt him from using your platform to spread antisemitic bile."</p>

	<p>The response from this VSP was that they were not able to pre-emptively ban an individual based on their activities on another platform.</p> <p>There needs to be some sort of system in place so that if a user is banned from one platform for egregious behaviour, other platforms are able to ban said user as well.</p>
<p>Question 14: Do you have any comments on the impact assessment in Annex 1, including the potential impacts to VSPs outlined in tables 1 and 2, and any of the potential costs incurred (including any we have not identified)?</p>	
<p>Question 15: Do you have any comments on our provisional assessment that the potential costs for providers are proportionate to achieve the regulatory requirements of the regime?</p>	<p>While we understand that there are valid concerns that the potential costs to providers will naturally favour larger platforms (ie. smaller platforms will have fewer resources to spend on such regulatory requirements), we do not think that this, in and of itself, is enough of an excuse to void such requirements.</p> <p>For example, supermarkets should be required to abide by a basic standard of hygiene to protect customers. There may well be costs involved with keeping up such hygiene standards, but no one would seriously suggest that small supermarkets be allowed to skip such hygiene requirements because they have less money to spend. Customer safety should be paramount – as should user safety online.</p>
<p>Question 16: Do you have any comments on any other part of the draft guidance?</p>	<p>As per the Government’s view, articulated in the published Online Safety Bill, VSPs who do not comply with legislation should be required to pay significant fines.</p>

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